

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

MEETING DATE: Tuesday, April 2, 2013
TIME: 4:00 —6:00 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	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Executive Director of South Florida Water Management District			
1	Meeker, Melissa L. (Stuart)	Pleasure of the Board	Recommend Confirm Yeas 8 Nays 0
Governing Board of the Southwest Florida Water Management District			
2	Giesy-Griffin, Wendy (Lithia)	03/01/2016	Recommend Confirm Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 584 Hays (Identical H 901)	Purchase of Land by a Governmental Entity; Limiting the state, a county, or a municipality's ability to purchase land for conservation purposes, etc. EP 04/02/2013 Temporarily Postponed CA JU AP	Temporarily Postponed
4	SB 1074 Hays (Similar CS/H 1145)	State-owned or State-leased Space; Revising provisions relating to the update of an inventory of certain facilities needing repairs or innovation maintained by the Department of Management Services; revising provisions relating to decisions by the Board of Trustees of the Internal Improvement Trust Fund to surplus lands; prohibiting a state agency from leasing space in a private building under certain circumstances; specifying that a vendor for certain energy efficiency contracts must be selected in accordance with state procurement requirements, etc. GO 03/21/2013 Favorable EP 04/02/2013 Fav/CS AP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDAEnvironmental Preservation and Conservation
Tuesday, April 2, 2013, 4:00 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1190 Brandes (Similar CS/CS/H 203)	Agricultural Lands; Prohibiting a governmental entity from adopting or enforcing any prohibition, restriction, regulation, or other limitation or from charging a fee on a specific agricultural activity of a bona fide farm operation on land classified as agricultural land under certain circumstances, etc. AG 03/11/2013 Favorable EP 04/02/2013 Favorable AFT AP	Favorable Yeas 9 Nays 0
6	SB 1684 Altman (Identical CS/H 999, Compare CS/H 1063, H 7127, CS/S 948, S 1470)	Environmental Regulation; Providing that issuance of well permits is the sole responsibility of water management districts; requiring water management districts to coordinate and cooperate with the Department of Agriculture and Consumer Services for regional water supply planning; requiring the Department of Environmental Protection to establish general permits for special events; providing permit requirements; requiring the Department of Agriculture and Consumer Services to establish an agricultural water supply planning program, etc. EP 04/02/2013 Fav/CS AG AGG AP	Fav/CS Yeas 8 Nays 0
7	SB 1784 Military and Veterans Affairs, Space, and Domestic Security (Similar H 7101)	Military Installations; Authorizing the Board of Trustees of the Internal Improvement Trust Fund to acquire certain nonconservation lands to buffer a military installation against encroachment; authorizing the Department of Economic Opportunity to annually recommend nonconservation lands for acquisition through fee simple purchase or less-than-fee interest purchase to the board of trustees for the purpose of preventing the encroachment of military installations; requiring the board of trustees to also consider land acquisition recommendations of the Florida Defense Support Task Force, etc. EP 04/02/2013 Favorable CA	Favorable Yeas 8 Nays 0

Other related meeting documents

2440

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Melissa L. Meeker

is duly appointed

**Executive Director,
South Florida Water Management District**

for a term beginning on the
Twenty-Third day of April, A.D., 2012,
to serve at the pleasure of the District's Governing Board
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Third day of May, A.D., 2012.*

Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

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DEPARTMENT OF STATE

2012 APR 23 PM 2:48

DIVISION OF ELECTIONS
TALLAHASSEE, FL

April 23, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 373.073, Florida Statutes:

Ms. Melissa L. Meeker
3301 Gun Club Road
West Palm Beach, Florida 33406

as Executive Director of South Florida Water Management District, subject to confirmation by the Senate. This appointment is effective April 23, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/nj

100507

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate.

Please type or print in blue or black ink.

May 21, 2012

1. Name: Ms. Meeker Melissa Kaye/Lago
MR./MRS./MS. LAST FIRST MIDDLE/MAIDEN

2. Business Address: 3301 Gun Club Road West Palm Beach
STREET OFFICE # CITY
Florida 33406 561.682.6302
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: 6754 SW Cinnamon Court Stuart Martin
STREET CITY COUNTY
Florida 34997 772.285.9589
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business Residence Fax # 561.682.6200
 (optional)

4. A. List all your places of residence for the last five (5) years.

ADDRESS	CITY & STATE	FROM	TO
6754 SW Cinnamon Court	Stuart, FL	May 1996	Present
2000 Merchants Row Blvd., #921	Tallahassee, FL	March 2011	May 2011

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

ADDRESS	CITY & STATE	FROM	TO
N/A			

5. Date of Birth: 06.13.1969 Place of Birth: Tampa, FL

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain
Melissa Kaye Lago; Maiden name from June 1969 to July 1992

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 2012 MAY 22 AM 9:40
 DIVISION OF ELECTIONS
 TALLAHASSEE, FL

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: N/A

10. Since what year have you been a continuous resident of Florida? 1969

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Martin County B. Current Party Affiliation: Republican

12. Education

A. High School: HB Plant High School, Tampa, FL Year Graduated: 1987

(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

NAME & LOCATION DATES ATTENDED CERTIFICATES/DEGREES RECEIVED

Palm Beach Atlantic College, West Palm Beach, FL 1987 - 1992; BS, Biology

Florida Institute of Technology, Melbourne, FL 1994 - 1995; MS, Environmental Resource Management

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: N/A

B. Branch or Component: N/A

C. Date & type of discharge: N/A

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

DATE	PLACE	NATURE	DISPOSITION
<u>N/A</u>			

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
<u>South Florida Water Management District, 3301 Gun Club Road, WPB, FL 33406</u>	<u>Water Resources Management</u>	<u>Executive Director</u>	<u>June 2011 to Present</u>
<u>FL Dept. of Environmental Protection, 3900 Commonwealth, Blvd., Tallahassee, FL 32399</u>	<u>State Environmental Protection</u>	<u>Deputy Secretary of Water Policy</u>	<u>March 2011 to June 2011</u>
<u>Hesperides Group, 2678 SE Willoughby Boulevard, Stuart, FL</u>	<u>Environmental Consulting Firm</u>	<u>President</u>	<u>February 2007 to March 2011</u>
<u>Tetra Tech, EC 759 South US Highway 1, Stuart, FL</u>	<u>Environmental Engineering and Consulting Firm</u>	<u>Vice President</u>	<u>April 2003 to February 2007 (Also for a time in 2010)</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
<u>Executive Director</u>	<u>South Florida Water Management District</u>	<u>June 2011 to Present</u>
<u>Deputy Secretary</u>	<u>Florida Department of Environmental Protection</u>	<u>March 2011 to June 2011</u>
<u>SED Director</u>	<u>Florida Department of Environmental Protection</u>	<u>June 2000 to April 2003</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.
Extensive public and private sector experience working in water resources management. Advanced degree in resource management combined with twenty years of professional experience working in policy development and implementation.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

Bachelor of Science, Biology

Master of Science, Environmental Resource Management

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

2009 Natural Resources Leadership Institute Alumni Leadership Award

D. Identify all association memberships and association offices held by you that relate to this appointment:

Water Management Institute, Member

American Water Resources Association, Member

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

N/A

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT
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Governing Board Member, South Florida Water Management District	June 4, 2007 to March 1, 2009		State
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Environmental Regulation Commission	March 31, 2010 to July 1, 2011		State
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B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Monthly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE
20	2	Work requirement out of State

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION
N/A		

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: N/A C. Reason for suspension: N/A
 B. Date of suspension: N/A D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: South Florida Water Management District / Environmental Regulation Commission
 B. Term of Appointment: June 4, 2007 to March 1, 2009 / March 31, 2010 to July 1, 2011
 C. Confirmation results: Confirmed 2008 / Confirmed 2010

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

N/A

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE
N/A			

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY
Hesperides Group	President	Environmental Contractor

Contract requirements fulfilled prior to Executive Director appointment, no further contracts to be issued to SFWMD or any other state entity

- B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO YOU</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>
Hesperides Group	Husband	Vice-President	Environmental Contractor

Contract requirements fulfilled prior to Executive Director appointment, no further contracts to be issued to SFWMD or any other state entity

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>AGENCY LOBBIED</u>	<u>PRINCIPAL REPRESENTED</u>
Florida Legislature	South Florida Water Management District
Executive Branch	South Florida Water Management District

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>ZIP CODE</u>	<u>AREA CODE/PHONE NUMBER</u>
Ken Pruitt			
Eduardo Balbis			
Carolyn Ansay			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>OFFICE(S) HELD & TERM</u>	<u>DATE(S) OF MEMBERSHIP</u>
American Water Resources Association	PO Box 1626, Middleburg, VA 20118		2007 to Present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

N/A

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

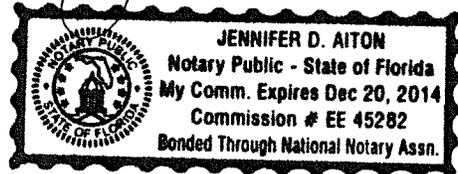
STATE OF FLORIDA, COUNTY OF Palm Beach

Before me, the undersigned Notary Public of Florida, personally appeared Melissa L. Meeker, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Melissa L. Meeker
Signature of Applicant-Affiant

Sworn to and subscribed before me
this 21 day of May, 2012

Jennifer D. Aiton
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 12/20/2014

Personally Known OR Produced Identification

Type of Identification Produced _____

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DEPARTMENT OF STATE
2012 MAY 22 AM 9:40
DIVISION OF ELECTIONS
TALLAHASSEE, FL

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

N/A

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

November 23, 2011

Nathaniel Jones, Analyst
Governor's Appointments Office
The Capitol Building, 7th Floor, Suite 705
Tallahassee FL 32399-0001

Dear Mr. Jones:

Subject: Appointment of Melissa L. Meeker, Executive Director, South Florida Water Management District

On May 12, 2011, the Governing Board of the South Florida Water Management District (District) took action to unanimously appoint Ms. Melissa L. Meeker as Executive Director of the agency.

Ms. Meeker brings to the Executive Director position a record of executive leadership, policy development, business management and government relations expertise. Over the past two decades she has served in a variety of key management roles in both the public and private sectors, as well as having achieved success at a major international environmental consulting firm and operating her own strategic consulting business. In her previous role as Deputy Secretary for Water Policy and Ecosystem Projects for the Department of Environmental Protection, Ms. Meeker began charting a new course for the implementation of statewide water policy aligning with the vision of Governor Rick Scott and the Florida Legislature.

Having served as a Governing Board Member at the District from 2007 through 2009, Ms. Meeker is familiar with the region's water management issues and challenges. Since her appointment to the position of Executive Director, Ms. Meeker has been successful in streamlining operations, reducing spending and focusing the agency on its core mission of flood protection, water supply and ecosystem restoration. Going forward as head of the state's largest regional water management agency, she will be accountable for ensuring that the District continues to deliver efficient and cost-effective water resource management.

Sincerely,

A handwritten signature in black ink that reads "Joe Collins".

Joe Collins
Governing Board Chairman
South Florida Water Management District

JC/dr/tb



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING MINUTES

March 15, 2012

9:00 AM

District Headquarters - B-1 Auditorium
3301 Gun Club Road, West Palm Beach, FL 33406

Attendee Name	Title	Status	Arrived
Sandy Batchelor		Present	
Joe Collins	Chair	Present	
Kevin Powers	Vice Chair	Present	
Glenn J. Waldman		Present	
Daniel DeLisi		Present	
Timothy Sargent		Present	
James Moran		Present	
Daniel O'Keefe		Present	
Juan Portuondo		Present	

1. Call to Order - Joe Collins, Chairman, Governing Board

Mr. Collins called the meeting to order at 9:02 AM.

2. Pledge of Allegiance - Joe Collins, Chairman, Governing Board

Ms. Batchelor led the Pledge of Allegiance.

3. Employee Recognitions - Melissa Meeker, Executive Director

Ms. Meeker presented the employee recognitions including: 25 Year Service Recognitions, Jayantha Obeysekera and Robert Boney; February Employee of the Month, Jennifer Krumlauf; February Team of the Month, The Miami Field Station Team; March Employee of the Month, Naiming Wang; March Team of the Month, The Latt Maxcy Permit Review Team; 2011 Employee of the Year: Alaa Ali; 2011 Team of the Year: Restoration Strategies Team and a Good Samaritan Award: Alex Lemus and Pedro Loveria.

Mr. Sargent asked if future plans include all applications to be required to be electronically submitted. Staff and the Governing Board look forward to electronic submittals but it is not a requirement at this time.

Mr. Strowd provided an update on Operations Maintenance and Capital Projects.

Ms. Meeker announced the next regulatory meeting will be held on March 21, 2012 at District headquarters.

45. Board Comment

There was no Board Comment.

46. Attorney Client Session United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. ATTENDEES: Governing Board Members S. Batchelor, J. Collins, D. DeLisi, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin.

There was no action required.

47. Adjourn

Motion To: **Adjourn**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Powers, Vice Chair
SECONDER:	Glenn J. Waldman
AYES:	Batchelor, Collins, Powers, Waldman, DeLisi, Sargent, Moran, O'Keefe, Portuondo

48. Governing Board Action Following 2012 Legislative Session (Heard After Agenda Item 6)

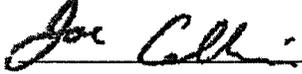
Heard After Agenda Item 6.

Mr. Powers made a motion to reappoint the Executive Director subject to the terms and conditions of the existing employment agreement, which shall remain in full force and effect.

Motion To: **Re-Appoint Executive Director of the South Florida Water Management District**

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Powers, Vice Chair
SECONDER: Daniel DeLisi
AYES: Batchelor, Collins, Powers, Waldman, DeLisi, Sargent, Moran,
O'Keefe, Portuondo

Mr. Collins adjourned the meeting at 4:23 PM.



Joe Collins, Chairman

Governing Board

South Florida Water Management District



Brenda Low

Deputy District Clerk

South Florida Water Management District



308 N. Monroe Street
Tallahassee, FL 32301
Tel. (850) 222-2473
fl.audubon.org
audubonoffloridanews.org

April 1, 2013

Senator Charlie Dean
Chair, Environmental Preservation and Conservation Committee
311 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

**Subject: Confirmation of South Florida Water Management District Executive Director
Melissa Meeker**

Dear Chairman Dean:

This is to convey support for confirmation of Melissa Meeker to continue as Executive Director of the South Florida Water Management District.

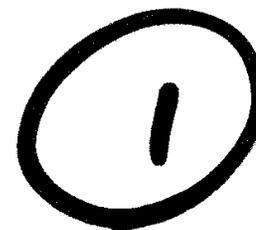
I have had the opportunity to work with Ms. Meeker over the course of her term as an Executive Director and previously as a member of the Governing Board as well as other capacities. Ms. Meeker's expertise in water management and environmental policy are complementary to her talent for consensus building. Audubon staff and volunteers have found her to be both committed to the mission of the South Florida Water Management District and open to the views of the public on water resource and management issues.

Ms. Meeker's solutions-oriented approach has helped the District stabilize through difficult times while advancing key goals, notably the Everglades Water Quality Plan and Central Everglades Planning Project. She is a dedicated public servant who has dutifully advanced Governor Scott's goals. I recommend approval for her confirmation.

Sincerely,

Eric Draper
Executive Director

THE FLORIDA SENATE
APPEARANCE RECORD



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

4/2/13

Meeting Date

Topic Confirmation

Bill Number _____
(if applicable)

Name Melissa Meeker

Amendment Barcode _____
(if applicable)

Job Title Executive Director SFWMD

Address 3301 Gun Club Dr.
Street

Phone 561 686 8800

West Palm Beach FL
City State Zip

E-mail mmeeker@sfwmd.gov

Speaking: For Against Information

Representing So. FL Water Mgmt District

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.

2460

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Wendy Giesy-Griffin

is duly appointed a member of the

**Governing Board,
Southwest Florida Water Management District**

for a term beginning on the
Sixth day of September, A.D., 2012,
until the First day of March, A.D., 2016
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourth day of February, A.D., 2013.*

Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2012 SEP 12 PM 2:42

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 7, 2012

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of section 373.073, Florida Statutes:

Mrs. Wendy J. Giesy-Griffin
11717 Doe Creek Drive
Lithia, Florida 33547

as a member of the Southwest Florida Water Management District Governing Board, succeeding Hugh M. Gramling, subject to confirmation by the Senate. This appointment is effective September 6, 2012, for a term ending March 1, 2016.

Sincerely,

A handwritten signature in black ink, appearing to be "Rick Scott".

Rick Scott
Governor

A handwritten signature in black ink, appearing to be "Kenneth W. Detzner".

RS/kb

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

Dec 14, 2012

Date Completed

1. Name: Mrs. Giesy-Griffin Wendy Jean
 Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 11717 Doe Creek Drive N/A Lithia
 Street Office # City
N/A Florida 33547 813 / 684-8786
 Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 11717 Doe Creek Drive Lithia Hillsborough
 Street City County
N/A Florida 33547 813 / 684-8786
 Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # None
 (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
11717 Doe Creek Drive	Lithia, Florida 33547	11/2006	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
None			

5. Date of Birth: 9/2/1951 Place of Birth: Columbus, Ohio

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

Wendy Jean Giesy - Maiden Name

9. Are you a United States citizen? Yes No If "No" explain:

N/A

If you are a naturalized citizen, date of naturalization: N/A

10. Since what year have you been a continuous resident of Florida? 1976

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Hillsborough

B. Current Party Affiliation: Republican

12. Education

A. High School: Central - Flint, Michigan

Year Graduated: 1969

(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Florida Atlantic University, Boca Raton, FL	1973 - 1976	M.S. Degree in Biology
Alma College, Alma Michigan	1969 - 1973	B.S. Degree in Biology

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: N/A

B. Branch or Component: N/A

C. Date & type of discharge: N/A

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
N/A			

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Metis Environmental Services, Inc.	Environmental Consulting	Consultant/Owner	1996 to Present

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
Environmental Administrator	Florida Dept. of Transportation	1979 - 1985
Env. Technician and Env. Specialist	Hillsborough County Environmental Protection Commission	1976 - 1979

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Please reference attached Page 4A

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

B.S. Degree in Biology

M.S. Degree in Biology with emphasis on aquatics

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

None

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

N/A

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	--	-----------------------	----------------------------

N/A

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: N/A

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
N/A		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
N/A		

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: N/A C. Reason for suspension: N/A

B. Date of suspension: N/A D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: N/A

B. Term of Appointment: N/A

C. Confirmation results: N/A

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

N/A

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
Occupational License #230300	1996	Hillsborough County	None
N/A			

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
N/A		

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
G2Services	Husband	Owner	Permittee or agent of Permittee

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
N/A	

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Jennifer Closshey			
Dr. Eric Harrison			
Rosanne Clementi			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
N/A			

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

N/A

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

RECEIVED
DEPARTMENT OF STATE

2013 FEB -4 AM 10:40

DIVISION OF ELECTIONS
TALLAHASSEE, FL

CERTIFICATION

STATE OF FLORIDA, COUNTY OF Hillsborough

Before me, the undersigned Notary Public of Florida, personally appeared Wendy Giesy-Griffin, who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Wendy Giesy-Griffin
Signature of Applicant-Affiant

Sworn to and subscribed before me
this 14th day of January, 2013.

Louise I. Kavouras
Signature of Notary Public - State of Florida
LOUISE I. KAOURAS
Notary Public - State of Florida
My Comm. Expires Nov 6, 2015
Commission # EE 122918
Bonded Through National Notary Assn.

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 11-6-2015

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

3

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-2-13

Meeting Date

Topic Land Mgmt

Bill Number 584
(if applicable)

Name Lane Stephens

Amendment Barcode _____
(if applicable)

Job Title _____

Address 201 S. Monroe St - Suite 300
Street
Tallahassee FL 01
City State Zip

Phone 513-0004

E-mail lane@scg800.com

Speaking: For Against Information

Representing Allied Sportsman's Associations of Fla

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

3

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

4-2-2013
Meeting Date

Topic purchase of land by government

Bill Number 584
(if applicable)

Name Eddy Labrador

Amendment Barcode _____
(if applicable)

Job Title Director, Intergovernmental Affairs & Prof. Standards

Address 115 S. Andrews Ave., Room 426

Phone (954) 357-7575

Fort Lauderdale, FL 33301
Street City State Zip

E-mail elabrador@broward.org

Speaking: For Against Information

Representing Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

3

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

4/2/13

Meeting Date

Topic PURCHASE OF LAND BY GOVT

Bill Number 584
(if applicable)

Name STEPHEN JAMES

Amendment Barcode _____
(if applicable)

Job Title _____

Address 100 S. MONROE

Phone 922-4300

Street

TALLAHASSEE, FL 32301

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing FLA. ASSOC. OF COUNTIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

3

4/2/13

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

Meeting Date

Land Purchase

Topic

Bill Number

584

(if applicable)

Name

Dan Peterson

Amendment Barcode

(if applicable)

Job Title

Exec. Director - Coalition for Property Rights

Address

2878 S Osceola Ave

Phone

407-481-2289

Street

City

Orlando

State

FL

Zip

32806

E-mail

dan.peterson@propwr.org

Speaking:

For

Against

Information

Representing

Coalition for Property Rights

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

3

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

4/2/13

Meeting Date

Topic Purchase of land

Bill Number 584
(if applicable)

Name DAVID CULLEN

Amendment Barcode _____
(if applicable)

Job Title _____

Address 1674 University Pkwy #296

Phone 941-323-2404

Street

Sarasota FL 34243

E-mail cullenassea@

City

State

Zip

aol.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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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

3

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

4/2/2013
Meeting Date

Topic _____ Bill Number 5384
(if applicable)

Name HENRY Kelley Amendment Barcode _____
(if applicable)

Job Title _____

Address 344 OAKLAND CIR Phone 850 371 0089
Street

FORT WALTON BCH FL 32548
City State Zip

E-mail _____

Speaking: For Against Information

Representing FORT WALTON BCH TEA PARTY

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

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

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THE FLORIDA SENATE
APPEARANCE RECORD

3

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

4-2-13

Meeting Date

Topic

Land Purchase

Bill Number

SB 584

(if applicable)

Name

Catherine Baez

Amendment Barcode

(if applicable)

Job Title

Chair ~~The Tea Party Network~~

Address

Street

Tallahassee

City

State

32308

Zip

Phone

E-mail

Speaking:

For

Against

Information

Representing

The Tea Party Network

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

3

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

4-2-13

Meeting Date

Topic Conservation Lands

Bill Number 584
(if applicable)

Name Eric Draper

Amendment Barcode _____
(if applicable)

Job Title _____

Address 308 N Monroe
Street

Phone 222 2773

Tallahassee FL 32301
City State Zip

E-mail edraper@
audubon.org

Speaking: For Against Information

Representing Audubon

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD



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

4-2-13

Meeting Date

Topic LAND CONSERVATION

Bill Number 584
(if applicable)

Name JOHN HALLMAN

Amendment Barcode _____
(if applicable)

Job Title LEGISLATIVE AFFAIRS

Address PO BOX 2349
Street

Phone 352-200-1513

BUSWELL FL 33513
City State Zip

E-mail JOHN.HALLMAN@FLSENATE.GOV

Speaking: For Against Information

Representing FLORIDA CAMPAIGN FOR LIBERTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

3

4-2-13

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

Meeting Date

Topic State Lands Bill Number 584
Name Preston Robertson Amendment Barcode _____ (if applicable)
Job Title VP / General Counsel (if applicable)
Address 2545 Blainston Pines Dr Phone 656-7113
Tall, FL 32301 E-mail prestonefwonline.org
City State Zip

Speaking: For Against Information

Representing Florida Wildlife Federation

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

3

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

April 2 2013
Meeting Date

Topic Purchase of Land By a Govt Entity Bill Number 584
(if applicable)

Name Janet Bowman Amendment Barcode _____
(if applicable)

Job Title Director of Legislative Policy & Strategies

Address 625 N Adams Street Phone 251-4406
Street

Tallahassee FL City State Zip

E-mail JANET-BOWMAN@TLC.ORG

Speaking: For Against Information

Representing The Nature Conservancy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 584

INTRODUCER: Senator Hays

SUBJECT: Purchase of Land by a Governmental Entity

DATE: April 1, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Uchino	Uchino	EP	Pre-meeting
2.			CA	
3.			JU	
4.				
5.				
6.				

I. Summary:

SB 584 creates three unnumbered sections of law to provide criteria for purchase of conservation lands by the state, counties, and municipalities. The bill requires the state, counties and municipalities to create an inventory of government-owned property, ensure there is enough funding for current and future maintenance needs, and sell an equal amount of nonconservation property before a conservation lands acquisition.

II. Present Situation:

Florida has a long history of land acquisition dating back to 1855, with the creation of the Board of Trustees of the Internal Improvement Trust Fund (BOT). Since 1963 there has been a series of land acquisition programs, including Outdoor Recreation and Conservation (1963), Environmentally Endangered Lands (EEL, 1972), Conservation and Recreation Lands (CARL, 1979), Save Our Rivers (SOR, 1981), Save Our Coast (SOC, 1981), Florida Communities Trust (FCT, 1989), Preservation 2000 (P2000, 1990), and Florida Forever.¹

In 1990, the Legislature established the P2000 program in an effort to protect Florida's water resources, wildlife habitat, recreational areas, wetlands, and forests from a rapidly growing population. During the ten-year, \$3 billion program, more than 1.7 million acres were acquired.² The Florida Forever Program was created by the Legislature in 1999 as a successor to P2000, and authorizes the issuance of bonds for land acquisition, water resource development projects,

¹ Section 259.105, F.S.

² Comm. on Environmental Preservation and Conservation, The Florida Senate, *Land Acquisition in Florida* (Report Number 2008-123) (Jan. 2008).

the preservation and restoration of open space and greenways, and for outdoor recreation purposes. Florida Forever is the largest public land acquisition program of its kind in the United States with approximately 9.9 million acres of land managed for conservation.³

All lands acquired under the Florida Forever program are managed for multiple-use purposes. Projects and acquisitions that receive funding must:⁴

- Enhance the coordination and completion of land acquisition projects;
- Increase the biodiversity of species, natural communities and landscape levels;
- Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems;
- Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state;
- Increase natural resource-based public, recreational, and educational opportunities;
- Preserve significant archaeological and historic sites;
- Increase the amount of forest land available for sustainable management of natural resources; and
- Increase the amount of open space in urban areas.

The Florida Forever Trust Fund serves as the depository of Florida Forever bond proceeds and is administered by DEP. The funds are distributed to various state agencies and programs for the purpose of acquiring and maintaining environmentally significant lands. Specifically, s. 259.105(3)(a-j), F.S., sets the distribution schedule for funds:

- The DEP receives 93.5 percent of the funds to distribute to the programs, including:
 - 35 percent to the DEP for acquisitions and projects;
 - 30 percent to the water management districts (WMDs) for acquisitions and projects;
 - 21 percent to the Florida Communities Trust for acquisition of urban and suburban parks and other green space;
 - 2.5 percent to protect working waterfronts;
 - 1.5 percent for the Florida Recreation Development Assistance Program;
 - 1.5 percent to the Office of Greenways and Trails; and
 - 1.5 percent for the purchase of inholdings and additions.
- The Department of Agriculture and Consumer Services receives 3.5 percent for acquisition of less-than-fee interests in agricultural lands;
- The Florida Fish and Wildlife Conservation Commission (FWC) receives 1.5 percent for the acquisition of inholdings and additions; and
- The Florida Forrest Service receives 1.5 percent for acquisition of inholdings and additions, reforestation and sustainable forest efforts, and capital projects.

Land Management Review Team

Pursuant to s. 259.036, F.S., the DEP conducts land management reviews of state-owned conservation lands by establishing teams of experts from state agencies and the general public to evaluate the management practices on state lands.

³ *Id.*

⁴ *Id.*

Each park, forest, or management area has a management plan describing the resources and recreational activities. Team members review each site plan to see if it adequately addresses management needs. The team also visits each site to evaluate whether the property is being managed for the purposes of the acquisition and in accordance with the approved management plan.⁵

According to the DEP's website, parks, forests, and management areas each have a management plan for the resources and recreational activities. These plans are reviewed to ensure the sites are being properly managed, and staff conduct site visits to make certain the purposes for acquisition and the management plan are being met. After conducting 388 reviews on over 147 sites, which encompass more than two million acres, the Land Management Review Team found that 98 percent of the sites reviewed were managed appropriately.⁶

Surplus of State Land

The BOT has the authority to surplus conservation land if it is determined that the land is no longer needed for conservation purposes. Section 253.034(6), F.S., outlines the surplus procedures for conservation and nonconservation lands as follows:

- The Acquisition and Restoration Council must first confirm that the request to surplus conservation land is consistent with the resource values and management objectives of the land;
- The Board of Trustees approves the surplus by a vote of at least three members;
- State agencies, colleges and universities are given priority to lease the surplus land;
- State, county, or local governments are offered second right of refusal to purchase the surplus land;
- If government agencies, colleges and universities opt out of purchasing surplus land, then the land is available for sale on the private market;
- The sale price is negotiated or competitively bid (determined by market value) pursuant to s. 253.034(6)(g), F.S., and Rule 18-2.020, F.A.C.; and
- Proceeds from the sale of surplus land are deposited into the fund from which the lands were acquired. If the trust fund from which the lands were acquired no longer exists, the funds are deposited into an appropriate account to be used for land management.

The WMDs may also sell and exchange land that is no longer needed for conservation purposes. Pursuant to s. 373.089, F.S., the WMDs must confirm by a two-thirds vote of the Governing Board that the lands purchased for conservation purposes are no longer needed for conservation.

Florida State-Owned Lands and Records Information System (FL-SOLARIS)

Chapter 2009-77, L.O.F., enacted in 2009, required the Department of Management Services (DMS) and the DEP to develop a database to record and maintain an inventory of real-estate properties that are owned, leased, rented or otherwise occupied by any state government entity. The Florida State Owned Lands and Records Information System (FL-SOLARIS) is designed

⁵ See s. 259.036, F.S.

⁶ DEP, *Stewardship*, <http://www.dep.state.fl.us/lands/stewardship.htm> (last visited Apr. 1, 2013).

with two main components: the Facility Information Tracking System (FITS) and the Lands Information Tracking System (LITS). The law requires state agencies, the judicial branch and WMDs to enter the required real property information into the tracking systems. The law also requires DEP, in coordination with DMS, to provide an annual report to the governor and Legislature on properties that are recommended for sale or other disposition actions.⁷

Local Governments and Municipalities

Florida has 477 local governments which includes the 67 counties and 410 local municipalities. The Florida Department of Economic Opportunity estimates that five to ten percent of the local governments have their own conservation land acquisition programs, while the majority of local governments rely on state and federal programs to cost-share in conservation land purchases. The Florida Communities Trust receives funds from the Florida Forever Trust Fund and partners with local governments to acquire land for parks, open space and greenways projects.⁸

III. Effect of Proposed Changes:

Sections 1-3 create three unnumbered sections of law that apply criteria for conservation land purchases to the state, counties and municipalities, respectively, before acquisition may proceed. Specifically, the bill requires the state, and each county and municipality to:

- Develop an accurate inventory, not more than one year old, of government-owned property to be made public;
- Ensure sufficient funds are available in their annual budgets for the maintenance of existing properties;
- Complete an analysis describing the annual cost of maintenance for the proposal land under consideration for purchase; and
- Sell an equal amount of public property not held in conservation to the private sector at fair market value.

Section 4 provides an effective date of July 1, 2013.

Other Potential Implications:

The bill could prohibit a large majority of conservation land purchases for the state, counties, and municipalities, regardless of available funding. The Florida Constitution requires that conservation lands be declared “no longer need for conservation purposes” before they may be disposed of;⁹ therefore, the ability to sell lands that were acquired specifically for conservation must comply with the BOT’s requirements to surplus such lands. The bill requires that an equal amount of public property that is not being held in conservation be returned or sold at fair market value to the private sector. The BOT owns approximately three million acres of conservation

⁷ DMS, *Senate Bill 584 Agency Analysis* (Feb. 11, 2013) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁸ Conversation with Mike McDaniel, Florida Department of Economic Opportunity (Mar. 29, 2013), and ss. 380.501-380.515, F.S.

⁹ FLA. CONST. art. X, s. 18.

lands and approximately 200,000 acres of nonconservation lands.¹⁰ For purchases of larger conservation lands, it may be difficult to find equal amount of nonconservation lands that are no longer needed because the state owns much more conservation land than nonconservation land. Additionally, if the conservation land is available for sale, there may not be a buyer for the land, which would further prevent the state or local governments from making necessary conservation land purchases.¹¹

Most local governments are not able to surplus conservation land because of limited capacities; therefore, the requirement that an equal amount of public property not held in conservation must be returned or sold at fair market value to the private sector would be difficult to comply with for the local governments.¹²

It is assumed that the WMDs are included in the definition of “state”; however, “state” is not defined in the bill and the WMDs are not specifically included. Pursuant to s. 373.139, F.S., the WMDs are authorized to purchase land for flood control, water storage, water management, conservation and protection of water resources, water supply development, and preservation of wetlands, streams, and lakes. The provisions of the bill would hinder the WMDs ability to purchase land and may cause a significant delay in acquiring property that is necessary for public health and welfare.¹³

The bill requires an analysis by a governmental entity describing the annual cost of maintenance of the proposed land purchase. For the state, this requirement could be satisfied by information that is included in the management proposals that are prepared for Florida Forever Projects when they are added to the Florida Forever Project List. However, these are estimates that encompass an entire project, and it is unclear if this information could be easily extrapolated to individual parcel acquisitions, or whether it would actually be sufficient. Local governments may also not have the resources in place to satisfy this requirement.¹⁴

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁰ DEP, *Florida's Lands and Water – Brief Facts*, available at http://www.dep.state.fl.us/lands/files/FloridaNumbers_031011.pdf (last visited Apr. 1, 2013).

¹¹ DEP, *Senate Bill 584 Agency Analysis* (Feb. 22, 2013) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹² *Supra* note 7.

¹³ See s. 373.193, F.S.

¹⁴ *Supra* note 11.

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

None.

B. Private Sector Impact:

Individuals may not be able to sell their land to a governmental entity, even if funding for acquisition is available. In addition, the time frame to complete the sale of offsetting nonconservation lands prior to acquisition of conservation lands, could create delays sufficient to discourage otherwise willing sellers of their lands.¹⁵

C. Government Sector Impact:

The state may be unable to expend appropriated funds or exercise authorized spending authority due to the additional criteria. If any funds are derived from tax-exempt bonds, their expenditure prior to the federally imposed deadlines may be in jeopardy, thus threatening their tax-exempt status and incurring tax penalties by the state.¹⁶

Local governments fund their conservation land acquisition programs through ballot initiatives that provide funding through ad valorem taxes, bond sales that are paid back through ad valorem taxes, or through a dedicated revenue source. Implementation of the constraints for conservation acquisition in the bill could render the local governments unable to spend funds over which there is no direct legislative authority. Lastly, local governments could incur substantial costs in preparing the required land inventory.¹⁷

VI. Technical Deficiencies:

“Sufficient funds” is not defined, and it is unclear how that determination would be made.¹⁸

“State” is not defined. It is unclear if “state” implies all state agencies and agencies of the state including the WMDs.

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.

¹⁵ DEP, *Senate Bill 584 Agency Analysis* (Feb. 22, 2013) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

B. Amendments:

None.

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



569946

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/02/2013	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. The state may purchase land outside an area of critical concern for conservation purposes only if:

(1) An accurate inventory, not more than 1 year old, of state-owned property is made public;

(2) Sufficient funds are approved in the state's annual budget for the restoration and maintenance of existing properties;

(3) A description of the current use of existing properties



569946

13 and an analysis of proposed future uses of existing properties
14 is made public; and

15 (4) An analysis by the state describing the annual cost of
16 restoration and maintenance of the proposed land purchase is
17 completed and made public, and funds sufficient to restore and
18 maintain the proposed land purchase in perpetuity are approved
19 and set aside. A purchase of land by the state is exempt from
20 this subsection if it is approved by referendum or if it is for
21 active public use.

22 Section 2. A county may purchase land outside an area of
23 critical concern for conservation purposes only if:

24 (1) An accurate inventory, not more than 1 year old, of
25 county-owned property is made public;

26 (2) Sufficient funds are approved in the county's annual
27 budget for the restoration and maintenance of existing
28 properties;

29 (3) A description of the current use of existing properties
30 and an analysis of proposed future uses of existing properties
31 is made public; and

32 (4) An analysis by the county describing the annual cost of
33 restoration and maintenance of the proposed land purchase is
34 completed and made public, and funds sufficient to restore and
35 maintain the proposed land purchase in perpetuity are approved
36 and set aside. A purchase of land by a county is exempt from
37 this subsection if it is approved by referendum or if it is for
38 active public use.

39 Section 3. A municipality may purchase land outside an area
40 of critical concern for conservation purposes only if:

41 (1) An accurate inventory, not more than 1 year old, of



569946

42 municipally-owned property is made public;

43 (2) Sufficient funds are approved in the municipality's
44 annual budget for the restoration and maintenance of existing
45 properties;

46 (3) A description of the current use of existing properties
47 and an analysis of proposed future uses of existing properties
48 is made public; and

49 (4) An analysis by the municipality describing the annual
50 cost of restoration and maintenance of the proposed land
51 purchase is completed and made public, and funds sufficient to
52 restore and maintain the proposed land purchase in perpetuity
53 are approved and set aside. A purchase of land by a municipality
54 is exempt from this subsection if it is approved by referendum
55 or if it is for active public use.

56 Section 4. This act shall take effect July 1, 2013.

57
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete everything before the enacting clause
61 and insert:

62 A bill to be entitled
63 An act relating to the purchase of land by a
64 governmental entity; limiting the state, a county, or
65 a municipality's ability to purchase land outside an
66 area of critical concern for conservation purposes;
67 providing criteria; providing an effective date.

By Senator Hays

11-00324A-13

2013584

1 A bill to be entitled
2 An act relating to the purchase of land by a
3 governmental entity; limiting the state, a county, or
4 a municipality's ability to purchase land for
5 conservation purposes; providing criteria; providing
6 an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. The state may purchase land for conservation
11 purposes only if:

12 (1) An accurate inventory, not more than 1 year old, of
13 government-owned property is made public;

14 (2) Sufficient funds are approved in the state's annual
15 budget for the maintenance of existing properties;

16 (3) An analysis by the state describing the annual cost of
17 maintenance of the proposed land purchase is completed; and

18 (4) An equal amount of public property not being held in
19 conservation is returned or sold at fair market value to the
20 private sector.

21 Section 2. A county may purchase land for conservation
22 purposes only if:

23 (1) An accurate inventory, not more than 1 year old, of
24 government-owned property is made public;

25 (2) Sufficient funds are approved in the county's annual
26 budget for the maintenance of existing properties;

27 (3) An analysis by the county describing the annual cost of
28 maintenance of the proposed land purchase is completed; and

29 (4) An equal amount of public property not being held in

11-00324A-13

2013584__

30 conservation is returned or sold at fair market value to the
31 private sector.

32 Section 3. A municipality may purchase land for
33 conservation purposes only if:

34 (1) An accurate inventory not more than 1 year old, of
35 government-owned property is made public;

36 (2) Sufficient funds are approved in the municipality's
37 annual budget for the maintenance of existing properties;

38 (3) An analysis by the municipality describing the annual
39 cost of maintenance of the proposed land purchase is completed;
40 and

41 (4) An equal amount of public property not being held in
42 conservation is returned or sold at fair market value to the
43 private sector.

44 Section 4. This act shall take effect July 1, 2013.

✓ (4)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/2/13

Meeting Date

Topic State lands

Bill Number 1074

Name Ryan Matthews

Amendment Barcode 665952
(if applicable)

Job Title Leg Advocate

Address PO Box 1757

Phone 222 9684

Street
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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

4

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

4-2-2013

Meeting Date

Topic State owned and leased space Bill Number 1074
Name Eddy Labrador Amendment Barcode 465952
Job Title Director, Intergovernmental Affairs & Prof. Standards (if applicable)
Address 115 S. Andrews Ave., Room 426 Phone (954) 357-7575
Foot Lauderdale FL 33301 E-mail elabrador@broward.org
Street City State Zip

Speaking: For Against Information

Representing Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

4

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

4/2/13
Meeting Date

Topic State-owned and Leased-space

Bill Number 1074
(if applicable)

Name Martene Williams

Amendment Barcode _____
(if applicable)

Job Title Legislative Affairs Director

Address 4050 Esplanade Way
Street

Phone 850-491-7438

Tallahassee, FL 32309
City State Zip

E-mail ~~Martene.Williams@~~ martene.williams@dmms.myfloridacms.com

Speaking: For Against Information

Representing Department of Management Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

4

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

4/2/13
Meeting Date

Topic Land SB 1074 Bill Number _____
(if applicable)

Name Tom Berger Amendment Barcode _____
(if applicable)

Job Title Director Division of Real Estate

Address 4050 Esplanade Way Phone 487-9921

Tallahassee FL 32399
City State Zip

E-mail tom.berger@dms.mflorida.gov

Speaking: For Against Information

Representing FL Dept of Management Services

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

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

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4

Meeting Date _____

Topic STATE OWNED & LEASED SPACE Bill Number 1074
Name STEPHEN JAMES Amendment Barcode 665952
(if applicable)
(if applicable)

Job Title _____
Address 100 S. MONROE Phone (850) 922-4300
Street

City _____ State _____ Zip _____

Speaking: For Against Information

Representing FL. ASSOCIATION OF COUNTIES

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

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

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

S-001 (10/20/11)

I 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 1074

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Hays

SUBJECT: State-owned or State-leased Space

DATE: April 3, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McKay	McVaney	GO	Favorable
2.	Gudeman	Uchino	EP	Fav/CS
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 1074 gives the Department of Management Services (DMS) more authority to coordinate and direct state agency use of state-owned and privately-leased office space, requires competitive solicitation for more agency leases, streamlines reports related to leasing activities, and increases reporting related to facility energy savings. The CS makes changes intended to facilitate the sale of non-conservation state lands determined to be surplus. Finally the CS establishes the Underused Property Maximization Program in order to facilitate efficient and cost-effective use of all facilities and properties that are owned, leased, rented, or occupied by governmental entities.

The CS amends sections 216.0152, 253.031, 253.034, 255.248, 255.249, 255.25, 255.252, 255.254, 255.257, 255.503, 110.171, and 985.682 of the Florida Statutes. It also creates s. 255.56 of the Florida Statutes.

II. Present Situation:

Leasing and DMS Authority

The DMS Facilities Program, also called the Division of Real Estate Development and Management, is responsible for the overall management of the 103 state-owned facilities in the Florida Facilities Pool, and other facilities and structures. One of the divisions in the program, the Bureau of Leasing, administers public and private leasing.

According to the DMS 2012 Master Leasing Report,¹ the state leases a total of 13.5 million square feet with an annual rent of \$237 million, of which 7.1 million square feet is in 765 private sector leases, with an annual rent of \$136 million.

Chapter 255, F.S., provides the statutory authority for the DMS to manage and operate the Florida Facilities Pool and specifies the oversight role DMS has in the leasing of privately owned space. The DMS has the authority to approve leases of greater than 5,000 square feet that cover more than one fiscal year by operation of s. 255.25(2)(a), F.S. Except as provided for emergency space needs,² no state agency may enter into a lease as lessee for the use of 5,000 square feet or more of space in a privately owned building except upon advertisement for, and receipt of, competitive solicitations, if such lease is, in the judgment of the DMS, in the best interests of the state.³

The approval of the DMS, except for technical sufficiency, need not be obtained for the lease of less than 5,000 square feet of space within a privately owned building, provided the agency head or the agency head's designated representative has certified that all criteria for leasing have been fully complied with,⁴ and has determined such lease to be in the best interest of the state.⁵

Section 255.249(4)(b), F.S., requires the DMS to promulgate rules to provide procedures for: soliciting and accepting competitive proposals for leased space of 5,000 square feet or more in privately owned buildings; evaluating the proposals received; exemption from competitive bidding requirements of any lease the purpose of which is the provision of care and living space for persons or emergency space needs as provided in s. 255.25(10), F.S.; and the securing of at least three documented quotes for a lease that is not required to be competitively bid.

In sum, while the DMS is responsible for prior approval of lease terms for leases over 5,000 square feet, the lease is executed between the landlord and the agency. For leases less than 5,000

¹ DMS, *Master Leasing Report*, available at http://www.dms.myflorida.com/business_operations/real_estate_development_management/facilities_management/lease_management (last visited Mar. 29, 2013).

² Section 255.25(10), F.S., provides that the DMS may approve emergency acquisition of space without competitive bids if existing state-owned or state-leased space is destroyed or rendered uninhabitable by an act of God, fire, malicious destruction, structural failure, or by legal action, if the chief administrator of the state agency or designated representative certifies that no other agency-controlled space is available to meet this emergency need, but in no case shall the lease for such space exceed 11 months.

³ The size at which a leased space must be competitively bid was raised in 1990 from 2,000 square feet to 3,000 square feet by ch. 90-224, s. 3, Laws of Fla., and raised in 1999 to 5,000 square feet by ch. 99-399, s. 22, Laws of Fla.

⁴ Pursuant to s. 255.249(4)(k), F.S.

⁵ Section 255.25(2)(b), F.S.

square feet, approval by the DMS is not necessary, except for technical sufficiency, so long as the agency head or his or her designee has certified compliance with applicable leasing criteria and has determined the lease is in the best interest of the state. Leases under 5,000 square feet need not be competitively bid. The terms “bids” and “proposals” are used throughout the leasing provisions of ch. 255, F.S.; the term “invitation to negotiate” does not appear in the chapter.

In 2007, the Legislature amended s. 255.249, F.S., to grant the DMS the authority to contract for a tenant broker or real estate consultant to assist with carrying out its responsibilities and to require the DMS to submit an annual master leasing report to the Legislature. The report must contain analyses and other information on the status of state-owned facilities and private sector leased space. To assist the DMS in preparing the report, state agencies are required to provide their projected requirements for leased space based on active and planned full-time employee data, lease-expiration schedules for each geographic region of the state, and opportunities for consolidating operations, as well as costs relating to occupancy and relocation. In September 2008, the DMS released the first required Master Leasing Report and Leasing Plan, in which the DMS advocated strongly for the centralization of leasing functions.

Legislative Direction on Leased Space

In 2009, the Legislature directed the DMS to compile a list of all state-owned surplus real property that has a value greater than \$1,000 in order to determine potential cost savings and revenue opportunities from the sale or lease of assets, identify current contracts for leased office space in which the leased space is not fully used or occupied, and include a plan for contract renegotiation or subletting unoccupied space.⁶ The DMS subsequently reported⁷ the following in regard to space leased by state agencies:

- 566 private leases with 1.3 million square feet in potential excess space.
- More than 500,000 square feet of potential excess space is in Leon County.
- 276 leases with potential excess space with terms of 24 months or less.
- 80 percent of the leases have less than 2,500 square feet of potential excess space.

The DMS planned to work with state agencies and a contracted tenant broker to renegotiate leases with over 1,500 square feet of excess space, and at least 18 months remaining on the lease term, to recognize potential cost savings.

The DMS was directed in 2011 to use the services of a tenant broker to renegotiate all leases over 150,000 square feet,⁸ and report to the Legislative Budget Commission the projected savings, implementation costs, and recommendations for leases to terminate.

In 2012, the DMS and other agencies were directed to use tenant broker services to renegotiate or reprocure all private lease agreements expiring between July 1, 2013, and June 30, 2015, in order to achieve a reduction in costs in future years.⁹ The DMS had to incorporate this initiative

⁶ Chapter 2009-15, Laws of Fla.

⁷ DMS, Senate Bill 44A, Interim Report to the Legislature, *State of Florida Surplus Real Estate and Private Lease Renegotiation Plan* (Mar. 3, 2009), available at <http://edocs.dlis.state.fl.us/fldocs/dms/redm/2009SB44Ainterim.pdf> (last visited Apr. 1, 2013).

⁸ Chapter 2011-47, s. 76, Laws of Fla.

⁹ Chapter 2012-119, s. 23, Laws of Fla.

into its 2012 Master Leasing Report and could use tenant broker services to explore the possibilities of co-location, to review the space needs of each agency, and to review the length and terms of potential renewals or renegotiations. The DMS was directed to provide a report by March 1, 2013, that lists each lease contract for private office or storage space, the status of renegotiations, and the savings achieved. According to the Lease Renegotiation Status Report released by the DMS,¹⁰ renegotiations since July 1, 2011, have resulted in a projected reduction in lease costs of \$25.1 million and a net reduction of 709,296 square feet for Fiscal Years 2011-12 and 2012-13.

Inventory of State-owned and State-leased Facilities

Pursuant to s. 216.0152, F.S., the DMS must develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state, the judicial branch, or the water management districts. The DMS must use this data for determining maintenance needs and conducting strategic analyses. For assessing needed repairs and renovations of facilities, the DMS must update its inventory with condition information for facilities of 3,000 square feet or more, and the inventories must record acquisitions of new facilities and significant changes in existing facilities as they occur. The DMS must provide each agency and the judicial branch with the most recent inventory applicable to that agency or to the judicial branch. Each agency and the judicial branch must report significant changes in the inventory as they occur. Items relating to the condition and life-cycle cost of a facility must be updated at least every five years. The DMS must publish a complete report detailing this inventory every three years, and must publish an annual update of the report.

Inventory of State-owned Real Property

In 2010, the Legislature mandated the creation of a database to identify surplus property and dispose of such property owned by the state that is unnecessary to achieving the state's responsibilities.¹¹ Pursuant to s. 216.0153, F.S., the Department of Environmental Protection (DEP) must create, administer, and maintain a comprehensive system for all state lands and real property leased, owned, rented, and otherwise occupied or maintained by any state agency, by the judicial branch, and by any water management district. The comprehensive state-owned real property system must contain a database that includes an accurate inventory of all real property that is leased, owned, rented, occupied, or managed by the state, the judicial branch, or the water management districts. The Division of State Lands in the DEP is the statewide custodian of the real property information and is accountable for its accuracy.

The Division of State Lands in the DEP must annually submit a report that lists the state-owned real property recommended for disposition, including a report by the DMS of surplus buildings recommended for disposition. The report must include specific information that documents the valuation and analysis process used to identify the specific state-owned real property recommended for disposition.

¹⁰ DMS, *Lease Management*, 2013 Lease Renegotiation Status Report, available at <http://www.dms.myflorida.com/content/download/89326/510593/version/1/file/Lease+Renegotiation+Status+Report.pdf> (last visited Apr. 1, 2013).

¹¹ Chapter 2010-280, Laws of Fla.

The DEP and DMS are now implementing the Florida State Owned Lands and Records Information System (FL-SOLARIS), designed with two main components:

- Facility Information Tracking System (FITS); and
- Lands Information Tracking System (LITS).

Both components are now operational and are designed to give agencies an online interface to record data on their state-owned facilities, as well as provide the mechanism for agencies' annual identification and reporting of properties that are candidates for disposition.¹²

Sale and Disposition of Surplus State-Owned Lands

Section 253.034(6), F.S., requires an appraisal for state lands estimated to be valued at over \$100,000 before they may be surplussed. At the discretion of the Division of State Lands in the DEP, a second appraisal may be required if the value is determined to be equal or greater than \$1 million. All property less than \$100,000 can be valued by comparable sales analysis or a broker's opinion of value.

Section 253.034(15), F.S., also provides that before a building or parcel of land is offered for lease, sublease, or sale to a local or federal unit of government or a private party, it must first be offered for lease to state agencies, state universities, and community colleges, with a priority consideration given to state universities and community colleges. Once a state agency, county, or local government has requested the use of surplus property, it has six months to secure the property under lease.

Energy Performance and Reporting

The "Florida Energy Conservation and Sustainable Buildings Act" in ss. 255.251 - 255.2575, F.S., creates duties for agencies and the DMS concerning energy efficiency in buildings leased and owned by the state.

Section 255.252(4), F.S., encourages agencies to consider shared savings financing of energy-efficiency and conservation projects, using contracts that split the resulting savings for a specified period of time between the state and the vendor. Such energy contracts may be funded from the operating budget.

Section 255.254, F.S., requires agencies to seek from the DMS an evaluation of life-cycle costs based on sustainable building ratings for all leased or newly constructed facilities. Agencies are required to perform an energy performance analysis for all leased facilities larger than 5,000 square feet. The energy performance analysis is required to project forward through the term of the proposed lease the annual energy consumption and cost of the major energy-consuming systems. The analysis is to be based on actual expenses. Potential leases may only be made where there is a showing that the energy costs incurred by the state are minimal compared to available like facilities. A lease agreement for any building leased by the state from a private

¹² DEP, Florida State Owned Lands and Records Information System (FL-SOLARIS), http://www.dep.state.fl.us/lands/fl_solaris.htm (last visited Apr. 1, 2013).

sector entity must include provisions for monthly energy use data to be collected and submitted monthly to the DMS by the owner of the building.

Section 255.257, F.S., requires all agencies to collect energy consumption and cost data for all state-owned and metered state-leased facilities of 5,000 square feet and larger, and report the data to the DMS.

Consultants' Competitive Negotiation Act

The Consultants' Competitive Negotiation Act (CCNA) in s. 287.055, F.S., is used by public entities for the acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services in construction, rehabilitation, or renovation activities. The CCNA must be used when professional services on a project, for which the basic cost of construction, as estimated by the agency, will exceed \$325,000, or for planning or study activity where compensation exceeds \$35,000. The CCNA process generally involves a competitive selection process, in which compensation is not considered, followed by a competitive negotiation process, during which compensation is determined.

III. Effect of Proposed Changes:

Section 1 amends s. 216.0152, F.S., to require the DMS and the DEP to publish a yearly inventory of all state-owned facilities, including the inventories of the Board of Governors of the State University System, the Department of Education. The transportation facilities of the state transportation system are excluded. The entity that submits the annual report is also required to submit an inventory to the DMS of all underused property that it owns, leases, rents, or occupies. The annual report of state-owned real property recommended for disposition required under s. 216.0153, F.S., must be included in this report.

The CS requires the DMS to undertake rulemaking to administer the section.

Section 2 amends s. 216.043, F.S., to include underused property, as identified in s. 255.46, F.S., in each legislative budget request for fixed capital outlay.

Section 3 amends s. 253.031, F.S., to provide that authorized agents of the Board of Trustees of the Internal Improvement Trust Fund have authority to sign deeds conveying land.

Section 4 amends a requirement in s. 253.034, F.S., relating to when the Division of State Lands (division) may use a comparable sales analysis or broker's opinion of value. Currently, the division, when determining the sale price of lands to be surplussed, must consider an appraisal, or, for lands estimated at a value of less than \$100,000, a comparable sales analysis or a broker's opinion of value. The CS allows the division to use a comparable sales analysis or a broker's opinion of value for lands estimated at a value of less than \$500,000.

The CS requires a competitive bidding process for parcels with a market value over \$500,000 when initially offered for sale. The division may use agents for this process. Any parcels unsuccessfully offered for sale by competitive bid, and parcels with a market value of \$500,000 or less, may be sold by any reasonable means, including procuring real estate services, open or

exclusive listings, competitive bid, auction, negotiated direct sales, or other appropriate services, to facilitate the sale.

The CS reduces from six months to 90 days the time period during which a state agency, county, or local government that has requested use of a property must secure the property under lease.

Before a building or parcel of land is offered for lease or sale, it must first be offered for lease to state agencies, state universities, and Florida College System institutions, contingent upon the submission of a business plan for the proposed use of the building or parcel. Within 60 days after the offer of a surplus building or parcel, a state agency, state university, Florida College System institution that requests the transfer of a surplus building or parcel must develop and submit a business plan for the proposed use. The business plan must include the proposed use, the cost of renovation, the replacement cost for a new building for the same proposed use, a capital improvement plan for the building, evidence that the building or parcel meets an existing need that cannot be otherwise met, and other criteria developed by rule by the Board of Trustees of the Internal Improvement Trust Fund (BOT). The BOT or its designee must compare the appraised value of the building or parcel to any submitted business plan for proposed use of the building or parcel to determine if the transfer or sale is in the best interest of the state. The CS changes this subsection to delete the priority consideration given to state universities and community colleges.

Section 5 amends s. 255.248, F.S., to add definitions of “managing agency” and “tenant broker” for s. 255.48 and ss. 255.249-255.25, F.S., which govern public property and publicly owned buildings.

Section 6 amends s. 255.249, F.S., to expand the duties of the DMS with regard to the Florida Facilities Pool, and the leasing of space in privately owned space.

The CS expands the DMS’ authority with regard to the Florida Facilities Pool, to include the operation, alteration, and modification of all facilities in the pool and adjacent grounds.

The CS requires that in order to lease a space in a private building the agency must receive prior approval from DMS of the architectural design and preliminary construction. In addition, an agency that intends to terminate a lease of privately owned space before the expiration of its base term must notify the DMS 90 days before the termination.

The DMS may direct a state agency to occupy, or relocate to, space in any state-owned office building, including all state-owned space identified in the Florida State-Owned Lands and Records Information System managed by the DEP.

If expressly authorized by the General Appropriations Act and, in the best interest of the state, the DMS may implement renovations or construction that more efficiently use state-owned buildings. Such use of tenant-improvement funds applies only to state-owned buildings, and all expenditures must be reported by the DMS in the master leasing report that the DMS annually publishes.

The CS requires that a required DMS-developed strategic leasing plan be included in the master leasing report, which must provide, in addition to existing requirements, recommendations for

using capital improvement funds to implement the consolidation of state agencies into state-owned office buildings.

The CS amends state agency duties to allow the agencies to use the services of a tenant broker in preparing the required yearly reporting information to the DMS. The title entity or managing agency must also report to the DMS any vacant or underutilized space for all state-owned office buildings, any restrictions that apply to any other agency occupying the vacant or underutilized space, and any significant changes to its occupancy for the coming fiscal year.

The CS mandates that the DMS adopt rules relating to:

- State agency use of space identified in the Florida State-Owned Lands and Records Information System;
- Procedures for the effective and efficient administration of s. 255.249, F.S.; and
- Procedures for competitive bidding of leased space of 2,000 square feet or more, instead of the current threshold of 5,000 square feet.

Section 7 amends s. 255.25, F.S., to require a state agency to notify the DMS at least 30 days before execution of a lease of less than 2,000 square feet (a change from 5,000 square feet), for the DMS to determine whether suitable space is available in state-owned or leased space in the same geographic region. If the DMS determines execution of the lease is not in the best interests of the state, the DMS must notify the agency, the Governor and the Legislature. Leases for 2,000 square feet or more (changed from 5,000 square feet) must be competitively solicited.

The DMS has the authority to approve leases or extensions of leases of 2,000 square feet or more (a change from 5,000 square feet). The CS deletes a provision that allows an agency to determine that it is in its best interest to remain in the space it currently occupies.

In leases of 2,000 square feet or more (a change from 5,000 square feet), agencies and lessors must agree to the cost of tenant improvements before the effective date of the lease.

The CS also requires state agencies to use tenant brokers with a “lease action,” except for leases between governmental entities. “Lease action” is not defined but presumably includes extensions and renewals. This is a change from the current provision which allows the state agency head to determine whether or not to use the services of a tenant broker. The CS deletes a requirement that agencies must use tenant brokers that are on contract with the DMS; however, the new definition of “tenant broker” created in s. 255.248, F.S., specifies that the tenant brokers to be used by agencies must be under contract with the DMS.

Section 8 amends s. 255.252, F.S., to allow, but not require, vendors for energy-saving contracts to be selected pursuant to the Consultants’ Competitive Negotiation Act in s. 287.055, F.S.

Section 9 amends s. 255.254, F.S., to require that an energy performance analysis must be performed prior to finalization on all leases of more than 2,000 square feet (change from 5,000 square feet).

Section 10 amends s. 255.257, F.S., to require that each state agency must collect data on energy consumption and costs for all state-owned and state-leased facilities. The requirement currently applies to state-leased facilities of 5,000 square feet or more.

Section 11 creates s. 255.46, F.S., to establish the “Underused Property Maximization Program.” The program is created in the DMS to facilitate efficient and cost-effective use of all facilities and properties that are owned, leased, rented, or occupied by governmental entities.

The CS defines “facility” as buildings, structures, and building systems, including ancillary plants, auxiliary facilities, educational facilities, and educational plants as defined in s. 1013.01, F.S., and schools as defined in s. 1003.01, F.S. The definition does not include transportation facilities of the state transportation system.

The CS defines “governmental entity” as a state agency as defined in s. 216.011, F.S., judicial branch, the water management districts, a state university, a Florida College System institution, a county, a county agency, a municipality, a municipal agency, a special district as defined in s. 189.043, F.S., a school district under s. 1001.30, F.S., the Florida Virtual School under s. 1000.04(4), F.S., and a charter school under s. 1002.33, F.S.

The CS defines “underused property” as any facility that is owned, leased, rented, occupied, or maintained by a governmental entity that is not being used to its fullest potential as currently designed or configured and includes entire facilities as well as underused square footage within a facility.

The CS requires each governmental entity to conduct and complete an inventory of all facilities and real properties that are owned or leased by the governmental entity by July 1, 2014. The department is to create, administer, and maintain a database to be used by each governmental entity.

The CS requires each governmental entity to input into the database specific information about the underused property by July 1, 2015. Information that is confidential or exempt from public disclosure under federal or state law is exempt. The database is to be updated quarterly and must include:

- location;
- occupying entity;
- ownership;
- a size and condition assessment;
- valuations and operating costs;
- maintenance record;
- age;
- parking and employee facilities,
- building uses;
- full-time equivalent occupancy;
- known restrictions or historic designations;
- leases or subleases; and
- associated venues.

The CS also requires the DMS and the DEP to publish a complete annual report detailing the inventory of the underused properties by October 1.

Governmental entities that wish to procure leased or owned facilities are required to consult the underused properties inventory to determine if an underused property could be leased or purchased. If it is determined that an underused property can be used, then the governmental entity must submit a business case to the governmental entity that owns or occupies the underused space. The CS requires the DMS to provide forms for governmental entities to use in preparing the business case. The business case must include:

- The proposed use of the space;
- The proposed renovation of the space;
- An explanation of how the underused property meets the needs of the governmental entity; and
- The proposed plan for purchasing or leasing the underused space.

In the case that multiple entities are interested in the same underused property, K-20 public educational uses are given preference.

The CS allows the disposition of an underused property to be made by sale, lease, or similar means as determined by the governmental entity that owns or occupies the property. The disposition of property other than sale must provide the greatest combination of benefits to the general public and avoid uses that are contrary to the public interest.

The CS requires disposition procedures for district school boards as defined in s. 1003.01, F.S., a board of trustees as described in ss. 1001.60(3), 1001.71, 1002.36(4), and 1002.37(2), F.S., a governing board of a charter school indentified under s. 1002.33(7), F.S., or the governing body, agency head, or other governing figure. Each board or other governing figure must hold a public hearing before deciding whether to dispose of a property and make the final decision on disposition of the property based on the business plans submitted for the property.

The CS provides that suitability, zoning or use conflicts, mission conflicts, compatibility issues, or the property not being conducive to the proposed use are all grounds for refusing to dispose of the underused property.

The Auditor General must include findings relating to a government entity's compliance with the procedures and requirements for underused properties.

Section 12 amends s. 255.503, F.S., to allow the DMS to charge fees directly to state employees for the use of parking facilities and to allow the DMS to use facility rentals or charges for improvement, maintenance, and repair of those facilities.

Sections 13 and 14 amend sections 110.171 and 985.682, F.S., to correct cross-references.

Section 15 creates an unnumbered section of law providing \$950,000 in non-recurring funds and \$50,000 in recurring funds for Fiscal Year 2013-2014 to be appropriated from the General Revenue Fund to the DEP for the implementation of the act.

Section 16 provides an effective date of July 1, 2013, unless otherwise provided in the act.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

To the extent this CS requires a local government to expend funds to comply with its term, the provision of s. 18(a) of Art. VII, State Constitution, may apply. If those provisions do apply, in order for the law to be binding upon the cities and counties, the Legislature must find that the law fulfills an important state interest (included in section 11 of the CS), and one of the following relevant exceptions must be met:

- Funds estimated at the time of enactment sufficient to fund such expenditures are appropriated;
- Counties and cities are authorized to enact a funding source not available for such local government on February 1, 1989, that can be used to generate the amount of funds necessary to fund the expenditures;
- The expenditure is required to comply with a law that applies to all persons similarly situated; or
- The law must be approved by two-thirds of the membership of each house of the Legislature.

Since the CS contains a statement of important state interest and applies to state and local government entities, estimated expenditures required by the CS are required by all persons similarly situated. Given this relevant exception and the statement of interest, it appears the mandate restrictions do not apply.

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:

Tenant brokers may obtain increased business from state agencies. Demand for private leases may be reduced with the requirement that certain governmental entities maximize current leases and prioritize government-owned spaces.

C. Government Sector Impact:

Greater coordination and efficiency of government entity leasing activities should result in an indeterminate cost savings.

According to the DMS, “[t]he bill would allow DMS, at the direction of the Legislature through the General Appropriations Act, to use fixed capital outlay funds to implement renovations or construction of fixed capital outlay projects to increase utilization and occupancy of state-owned office buildings. Because of the bond covenants in place for the Florida Facilities Pool, funds for non-pool facilities should not be comingled with facilities pool funds. Fixed capital outlay funds to renovate Florida Facilities Pool facilities are appropriated based upon annual Legislative Budget Requests and the Capital Improvement Plan. DMS frequently manages construction projects for other agencies or enters into client agency agreements for projects. Fixed capital outlay funds to renovate non-pool facilities are placed in the specific owner-agency’s General Appropriations Act line item with proviso to specify what the funds are to be used for and may specify DMS to manage the project.”

CS/SB 1074 provides \$950,000 in non-recurring funds and \$50,000 in recurring funds for Fiscal Year 2013-14 to be appropriated from the General Revenue Fund to the DEP for the implementation of the act.

There will be an indeterminate cost to local governments and municipalities to implement and maintain the Underused Property Maximization Program.

VI. Technical Deficiencies:

The term “community college”, on lines 115, 215-216, and 357-358, is obsolete. The current term is “Florida College System institution.”

The term “lease action” is used in the CS on line 856, but not defined. The Legislature may wish to define the term to avoid agency actions inconsistent with the intent of the CS.

VII. Related Issues:

None.

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

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

CS by Environmental Preservation and Conservation on April 2, 2013:

- Deletes the requirement for the Department of Transportation to submit an inventory of transportation facilities to the DMS and the DEP;
- Requires that governmental entities submit an inventory of all underused property that they own, lease, rent, or occupy and requires the DMS to adopt rules;

- Resolves a technical deficiency that provided rulemaking authority to the DMS instead of the BOT;
- Creates the Underused Property Maximization Program in order to identify underused property and provide specific inventory, procurement, and disposition procedures and requirements related to underused property by state and local governmental entities;
- Provides definitions for “facility,” “governmental entity,” and “underused property”; and
- Provides non-recurring and recurring funds for the implementation of the act.

B. Amendments:

None.



457772

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Environmental Preservation and Conservation
(Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 132 - 133
and insert:

(3) An entity that is required to submit a report under
this section must also submit an inventory of all underused
property it owns, leases, rents, or otherwise occupies or
maintains to the Department of Management Services pursuant to
s. 255.46.

(4) The Department of Management Services shall adopt rules
to administer this section.

Section 2. Paragraph (b) of subsection (3) of section



457772

13 216.043, Florida Statutes, is amended to read:

14 216.043 Budgets for fixed capital outlay.—

15 (3) Each legislative budget request for fixed capital
16 outlay submitted shall contain:

17 (b) A full explanation of the basis for each project,
18 including a description of the program which requires the
19 facility; an explanation of the inability of existing
20 facilities, or underused property as identified in s. 255.46, to
21 meet such requirements; historical background; alternatives; and
22 anticipated changes in operating costs, both initial and
23 continuing.

24

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

26 And the title is amended as follows:

27 Delete line 8

28 and insert:

29 of state-owned facilities; requiring specified
30 entities to submit an inventory of underused property;
31 requiring the department to adopt rules; amending s.
32 216.043, F.S.; requiring state agencies to explain why
33 available underused property is not sufficient to meet
34 their needs when requesting fixed capital outlay
35 projects; amending s. 253.031, F.S.;



729378

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Environmental Preservation and Conservation
(Simpson) recommended the following:

Senate Amendment

Delete line 336
and insert:
criteria developed by rule by the board of trustees with
priority



665952

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Environmental Preservation and Conservation
(Gardiner) recommended the following:

Senate Amendment (with title amendment)

Between lines 1067 and 1068
insert:

Section 10. Section 255.46, Florida Statutes, is created to
read:

255.46 Underused Property Maximization Program.-

(1) The Legislature finds that it is in the best interest
of the state to maximize the use of underused property by
identifying such property and concluding that such property
cannot be used by another governmental entity before procuring
facilities or real property for governmental use or disposing of



665952

13 underused property.

14 (2) The Underused Property Maximization Program is created
15 in the Department of Management Services to facilitate the
16 efficient and cost-effective use of all facilities and real
17 property owned, leased, rented, or occupied by governmental
18 entities. The Department shall coordinate with the Department of
19 Environmental Protection to use the systems and inventories
20 created pursuant to s. 216.0152 and this section in order to
21 comply with this section.

22 (3) As used in this section, the term:

23 (a) "Facility" means buildings, structures, and building
24 systems, and includes ancillary plants, auxiliary facilities,
25 educational facilities, and educational plants as defined in s.
26 1013.01, and schools as defined in s. 1003.01. The term does not
27 include transportation facilities of the state transportation
28 system.

29 (b) "Governmental entity" means a state agency as defined
30 in s. 216.011, the judicial branch, the water management
31 districts, a state university, a Florida College System
32 institution, a county, a county agency, a municipality, a
33 municipal agency, a special district as defined in s. 189.043, a
34 school district under s. 1001.30, the Florida School for the
35 Deaf and the Blind under s. 1000.04(3), the Florida Virtual
36 School under s. 1000.04(4), and a charter school under s.
37 1002.33.

38 (c) "Underused property" means any facility owned, leased,
39 rented, or otherwise occupied or maintained by a governmental
40 entity, which is not being used to its fullest potential as
41 currently designed or configured, and includes entire



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42 facilities, as well as underused square footage within a
43 facility.

44 (4) By July 1, 2014:

45 (a) Each governmental entity must conduct and complete an
46 inventory of all facilities and real property owned or leased by
47 the governmental entity.

48 (b) The department shall create, administer, and maintain a
49 database to be used by each governmental entity to provide and
50 access information about underused property.

51 (5) By July 1, 2015, each governmental entity shall input
52 into the database, in a format prescribed by the department, the
53 following information relating to its underused property: the
54 location, occupying entity, ownership, size, condition
55 assessment, valuations, operating costs, maintenance record,
56 age, parking and employee facilities, building uses, full-time
57 equivalent occupancy, known restrictions or historic
58 designations, leases or subleases, and associated revenues.
59 Information that is confidential or otherwise exempt from public
60 disclosure under federal or state law may not be included in the
61 database. The entity shall update the required information
62 quarterly.

63 (6) The Department of Management Services and the
64 Department of Environmental Protection shall, by October 1 of
65 each year, publish a complete report detailing the inventory of
66 underused properties of all governmental entities.

67 (7) When seeking to procure leased or owned facilities, a
68 governmental entity must first consult the inventory of
69 underused properties created under this section to determine if
70 an underused property of another governmental entity will



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71 satisfy its facility needs.

72 (a) If the governmental entity seeking space determines
73 that underused property can meet its needs, it shall submit a
74 business case to the governmental entity that owns or occupies
75 the underused property which provides, at a minimum, the
76 proposed use of the space, proposed renovation of the space, an
77 explanation of how the underused property meets the needs of the
78 governmental entity, and any proposed plan for purchasing or
79 leasing the underused property.

80 (b) The department shall provide suggested forms for
81 governmental entities to use in preparing a business case for
82 obtaining the underused property.

83 (c) If underused property has been identified and multiple
84 governmental entities are interested in obtaining such property,
85 preference shall be given to K-20 public educational uses over
86 other governmental or nonprofit uses.

87 (8) Disposition of underused property may be made by sale,
88 lease, or similar means as determined by the governmental entity
89 that owns or occupies the property.

90 (a) When evaluating disposition other than sale, the
91 evaluation must consider disposing of the property in a manner
92 that provides the greatest combination of benefits to the
93 general public and avoid uses that are contrary to the public
94 interest.

95 (b) A district school board as defined in s. 1003.01; a
96 board of trustees described in ss. 1001.60(3), 1001.71,
97 1002.36(4), and 1002.37(2); a governing board of a charter
98 school identified under s. 1002.33(7); or the governing body,
99 agency head, or other governing figure of each entity that owns



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100 property must:

101 1. Hold a public hearing before deciding whether to dispose
102 of the property; and

103 2. Make the final decision regarding whether to dispose of
104 the property based on received business plans.

105 (c) Grounds for refusing to dispose of underused property
106 include suitability, zoning or use conflicts, mission conflicts,
107 compatibility issues, or a determination that the property is
108 not conducive to the proposed use.

109 (9) The Auditor General shall include findings relating to
110 a governmental entity's compliance with this section in any
111 audits conducted pursuant to s. 11.45.

112 (10) The department shall adopt rules to administer this
113 section, including the procedures and requirements for
114 submitting and updating the information and documentation
115 relating to underused property.

116

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

118 And the title is amended as follows:

119 Delete line 47

120 and insert:

121 s. 255.257, F.S.; requiring all state-owned facilities
122 to report energy consumption and cost data; creating

123 s. 255.46, F.S.; creating the Underused Property

124 Maximization Program in the Department of Management

125 Services; providing legislative intent and

126 definitions; requiring governmental entities to submit

127 data and the department to establish an inventory of

128 underused property; requiring governmental entities to



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129 consult such inventory and, if suitable, submit a
130 business case to the entity that owns or occupies the
131 property; providing for the disposition of underused
132 property; requiring the Auditor General to include
133 findings relating to compliance with this section in
134 any audits; authorizing the department to adopt rules;
135 amending s.



286430

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Environmental Preservation and Conservation (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Between lines 1110 and 1111
insert:

Section 13. For the 2013-2014 fiscal year, the sums of \$950,000 in nonrecurring and \$50,000 in recurring funds are appropriated from the General Revenue Fund to the Department of Environmental Protection for the purpose of implementing this act.

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

And the title is amended as follows:



286430

13 Delete line 52
14 and insert:
15 conforming cross-references; providing an
16 appropriation; providing effective



274856

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Environmental Preservation and Conservation
(Simpson) recommended the following:

Senate Amendment

Delete lines 89 - 92
and insert:
transportation facilities of the state transportation system.
The Department of Transportation shall

By Senator Hays

11-00584B-13

20131074

1 A bill to be entitled
2 An act relating to state-owned or state-leased space;
3 amending s. 216.0152, F.S.; revising provisions
4 relating to the update of an inventory of certain
5 facilities needing repairs or innovation maintained by
6 the Department of Management Services; revising
7 provisions relating to a report detailing an inventory
8 of state-owned facilities; amending s. 253.031, F.S.;
9 clarifying that deeds may be signed by agents of the
10 Board of Trustees of the Internal Improvement Trust
11 Fund; amending s. 253.034, F.S.; revising provisions
12 relating to decisions by the board to surplus lands;
13 revising the valuation of lands that are subject to
14 certain requirements; requiring state entities to
15 submit a business plan if a building or parcel is
16 offered for use to the entity; amending s. 255.248,
17 F.S.; defining the terms "managing agency" and "tenant
18 broker"; amending s. 255.249, F.S.; revising the
19 responsibilities of the Department of Management
20 Services with respect to state-owned buildings;
21 prohibiting a state agency from leasing space in a
22 private building under certain circumstances;
23 requiring an agency to notify the department of an
24 early termination of a lease within a certain
25 timeframe; authorizing the department to direct state
26 agencies to occupy space in a state-owned building;
27 authorizing the department to implement renovations in
28 order to more efficiently use state-owned buildings;
29 revising the contents of the master leasing report;

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20131074

30 authorizing state agencies to use the services of a
31 tenant broker to provide certain information to the
32 department; requiring the title entity or managing
33 agency to report any vacant or underutilized space to
34 the department; authorizing the department to adopt
35 additional rules; amending s. 255.25, F.S.; reducing
36 the amount of square feet which an agency may lease
37 without department approval; deleting an exemption
38 that allows an agency to negotiate a replacement lease
39 under certain circumstances; requiring a state agency
40 to use a tenant broker to assist with lease actions;
41 amending s. 255.252, F.S.; specifying that a vendor
42 for certain energy efficiency contracts must be
43 selected in accordance with state procurement
44 requirements; amending s. 255.254, F.S.; revising
45 provisions relating to requirements for energy
46 performance analysis for certain buildings; amending
47 255.257, F.S.; requiring all state-owned facilities to
48 report energy consumption and cost data; amending s.
49 255.503, F.S.; authorizing the department to charge
50 state employees fees for the use of parking
51 facilities; amending ss. 110.171 and 985.682, F.S.;
52 conforming cross-references; providing effective
53 dates.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Section 216.0152, Florida Statutes, is amended
58 to read:

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20131074__

59 216.0152 Inventory of state-owned facilities or state-
60 occupied facilities.-

61 (1) The Department of Management Services shall develop and
62 maintain an automated inventory of all facilities owned, leased,
63 rented, or otherwise occupied or maintained by a state ~~any~~
64 ~~agency of the state~~, the judicial branch, or the water
65 management districts. The inventory data shall be provided
66 annually by July 1 by the owning or operating agency in a format
67 prescribed by the department and must ~~shall~~ include the
68 location, occupying agency, ownership, size, condition
69 assessment, valuations, operating costs, maintenance record,
70 age, parking and employee facilities, building uses, full-time
71 equivalent occupancy, known restrictions or historic
72 designations, leases or subleases, associated revenues, and
73 other information as required by ~~in a~~ rule adopted by the
74 department. The department shall use this data for determining
75 maintenance needs, conducting strategic analyses, including, but
76 not limited to, analyzing and identifying candidates for
77 surplus, valuation, and disposition, and life-cycle cost
78 evaluations of the facility. ~~Inventory data shall be provided to~~
79 ~~the department on or before July 1 of each year by the owning or~~
80 ~~operating agency in a format prescribed by the department.~~ The
81 inventory need not include a condition assessment or maintenance
82 record of facilities not owned by a state agency, the judicial
83 branch, or a water management district. The term "facility," as
84 used in this section, means buildings, structures, and building
85 systems, but does not include transportation facilities of the
86 state transportation system.

87 (a) For reporting purposes, the Department of

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20131074

88 Transportation shall develop and maintain an inventory of the
89 transportation facilities of the state transportation system
90 and, by July 1 of each year, provide this inventory to the
91 Department of Management Services and the Department of
92 Environmental Protection. The Department of Transportation shall
93 also identify and dispose of surplus property pursuant to ss.
94 337.25 and 339.04.

95 (b) The Board of Governors of the State University System
96 and the Department of Education, respectively, shall develop and
97 maintain an inventory, in the manner prescribed by the
98 Department of Management Services, of all state university and
99 community college facilities and, by July 1 of each year,
100 provide this inventory ~~shall make the data available in a format~~
101 ~~acceptable to the Department of Management Services. By March~~
102 ~~15, 2011, the department shall adopt rules pursuant to ss.~~
103 ~~120.536 and 120.54 to administer this section.~~

104 ~~(2) For the purpose of assessing needed repairs and~~
105 ~~renovations of facilities, the Department of Management Services~~
106 ~~shall update its inventory with condition information for~~
107 ~~facilities of 3,000 square feet or more and cause to be updated~~
108 ~~the other inventories required by subsection (1) at least once~~
109 ~~every 5 years, but the inventories shall record acquisitions of~~
110 ~~new facilities and significant changes in existing facilities as~~
111 ~~they occur. The Department of Management Services shall provide~~
112 ~~each agency and the judicial branch with the most recent~~
113 ~~inventory applicable to that agency or to the judicial branch.~~
114 ~~Each agency and the judicial branch shall, in the manner~~
115 ~~prescribed by the Department of Management Services, report~~
116 ~~significant changes in the inventory as they occur. Items~~

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117 ~~relating to the condition and life cycle cost of a facility~~
118 ~~shall be updated at least every 5 years.~~

119 (2)~~(3)~~ The Department of Management Services and the
120 Department of Environmental Protection shall, by October 1 of
121 each year, every 3 years, publish a complete report detailing
122 the this inventory of all state-owned facilities, including the
123 inventories of the Board of Governors of the State University
124 System, the Department of Education, and the Department of
125 Transportation, excluding the transportation facilities of the
126 state transportation system. The annual report of state-owned
127 real property recommended for disposition required under s.
128 216.0153 must be included in this report and shall publish an
129 annual update of the report. The department shall furnish the
130 updated report to the Executive Office of the Governor and the
131 Legislature no later than September 15 of each year.

132 (3) The Department of Management Services shall adopt rules
133 to administer this section.

134 Section 2. Subsection (8) of section 253.031, Florida
135 Statutes, is amended to read:

136 253.031 Land office; custody of documents concerning land;
137 moneys; plats.—

138 (8) The board shall keep a suitable seal of office. An
139 impression of this seal shall be made upon the deeds conveying
140 lands sold by the state, by the Board of Education, and by the
141 Board of Trustees of the Internal Improvement Trust Fund of this
142 state; and all such deeds shall be ~~personally~~ signed by the
143 ~~officers or trustees~~ or their agents as authorized under s.
144 253.431, making the same and impressed with the said seal and
145 are shall be operative and valid without witnesses to the

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146 execution thereof; and the impression of such seal on any such
147 deeds entitles ~~shall entitle~~ the same to record and to be
148 received in evidence in all courts.

149 Section 3. Subsection (6) and subsection (15) of section
150 253.034, Florida Statutes, are amended to read:

151 253.034 State-owned lands; uses.—

152 (6) The Board of Trustees of the Internal Improvement Trust
153 Fund shall determine which lands, the title to which is vested
154 in the board, may be surplus. For conservation lands, the
155 board shall determine whether ~~make a determination that~~ the
156 lands are no longer needed for conservation purposes and may
157 dispose of them by an affirmative vote of at least three
158 members. In the case of a land exchange involving the
159 disposition of conservation lands, the board must determine by
160 an affirmative vote of at least three members that the exchange
161 will result in a net positive conservation benefit. For all
162 other lands, the board shall determine whether ~~make a~~
163 ~~determination that~~ the lands are no longer needed and may
164 dispose of them by an affirmative vote of at least three
165 members.

166 (a) For the purposes of this subsection, all lands acquired
167 by the state before ~~prior to~~ July 1, 1999, using proceeds from
168 ~~the~~ Preservation 2000 bonds, the Conservation and Recreation
169 Lands Trust Fund, the Water Management Lands Trust Fund,
170 Environmentally Endangered Lands Program, and the Save Our Coast
171 Program and titled to the board, ~~which lands~~ are identified as
172 core parcels or within original project boundaries are, ~~shall be~~
173 deemed to have been acquired for conservation purposes.

174 (b) For any lands purchased by the state on or after July

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175 1, 1999, before ~~a determination shall be made by the board prior~~
176 ~~to~~ acquisition, the board must determine which ~~as to those~~
177 parcels must ~~that shall~~ be designated as having been acquired
178 for conservation purposes. ~~No~~ Lands acquired for use by the
179 Department of Corrections, the Department of Management Services
180 for use as state offices, the Department of Transportation,
181 except those specifically managed for conservation or recreation
182 purposes, or the State University System or the Florida
183 Community College System may not ~~shall~~ be designated as having
184 been purchased for conservation purposes.

185 (c) At least every 10 years, as a component of each land
186 management plan or land use plan and in a form and manner
187 prescribed by rule by the board, each manager shall evaluate and
188 indicate to the board those lands that are not being used for
189 the purpose for which they were originally leased. For
190 conservation lands, the council shall review and ~~shall~~ recommend
191 to the board whether such lands should be retained in public
192 ownership or disposed of by the board. For nonconservation
193 lands, the division shall review such lands and ~~shall~~ recommend
194 to the board whether such lands should be retained in public
195 ownership or disposed of by the board.

196 (d) Lands owned by the board which are not actively managed
197 by any state agency or for which a land management plan has not
198 been completed pursuant to subsection (5) must ~~shall~~ be reviewed
199 by the council or its successor for its recommendation as to
200 whether such lands should be disposed of by the board.

201 (e) Before ~~Prior to~~ any decision by the board to surplus
202 lands, the Acquisition and Restoration Council shall review and
203 make recommendations to the board concerning the request for

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204 surplus. The council shall determine whether the request for
205 surplus is compatible with the resource values of and
206 management objectives for such lands.

207 (f) In reviewing lands owned by the board, the council
208 shall consider whether such lands would be more appropriately
209 owned or managed by the county or other unit of local government
210 in which the land is located. The council shall recommend to the
211 board whether a sale, lease, or other conveyance to a local
212 government would be in the best interests of the state and local
213 government. The provisions of this paragraph in no way limit the
214 provisions of ss. 253.111 and 253.115. Such lands shall be
215 offered to the state, county, or local government for a period
216 of 45 days. Permittable uses for such surplus lands may include
217 public schools; public libraries; fire or law enforcement
218 substations; governmental, judicial, or recreational centers;
219 and affordable housing meeting the criteria of s. 420.0004(3).
220 County or local government requests for surplus lands shall be
221 expedited throughout the surplus process. If the county or
222 local government does not elect to purchase such lands in
223 accordance with s. 253.111, ~~then~~ any surplus determination
224 involving other governmental agencies shall be made when ~~upon~~
225 the board decides ~~deciding~~ the best public use of the lands.
226 Surplus properties in which governmental agencies have expressed
227 no interest must ~~shall~~ then be available for sale on the private
228 market.

229 (g) ~~1-~~ The sale price of lands determined to be surplus
230 pursuant to this subsection and s. 253.82 shall be determined by
231 the division, which shall consider ~~and shall take into~~
232 ~~consideration~~ an appraisal of the property, or, if ~~when~~ the

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233 estimated value of the land is \$500,000 or less ~~than \$100,000~~, a
234 comparable sales analysis or a broker's opinion of value. ~~If the~~
235 ~~appraisal referenced in this paragraph yields a value equal to~~
236 ~~or greater than \$1 million,~~ The division, ~~in its sole~~
237 ~~discretion,~~ may require a second appraisal. The individual or
238 entity that requests ~~requesting~~ to purchase the surplus parcel
239 shall pay all ~~appraisal~~ costs associated with determining the
240 property's value, if any.

241 1.2.a. A written valuation of land determined to be surplus
242 pursuant to this subsection and s. 253.82, and related documents
243 used to form the valuation or which pertain to the valuation,
244 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
245 I of the State Constitution.

246 a.b. The exemption expires 2 weeks before the contract or
247 agreement regarding the purchase, exchange, or disposal of the
248 surplus land is first considered for approval by the board.

249 b.c. ~~Before~~ Prior to expiration of the exemption, the
250 division may disclose confidential and exempt appraisals,
251 valuations, or valuation information regarding surplus land:

252 (I) During negotiations for the sale or exchange of the
253 land.

254 (II) During the marketing effort or bidding process
255 associated with the sale, disposal, or exchange of the land to
256 facilitate closure of such effort or process.

257 (III) When the passage of time has made the conclusions of
258 value invalid.

259 (IV) When negotiations or marketing efforts concerning the
260 land are concluded.

261 2.3. A unit of government that acquires title to lands

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262 hereunder for less than appraised value may not sell or transfer
263 title to all or any portion of the lands to any private owner
264 for ~~a period of~~ 10 years. Any unit of government seeking to
265 transfer or sell lands pursuant to this paragraph must ~~shall~~
266 first allow the board of trustees to reacquire such lands for
267 the price at which the board sold such lands.

268 (h) Parcels with a market value over \$500,000 must be
269 initially offered for sale by competitive bid. The division may
270 use agents, as authorized by s. 253.431, for this process. Any
271 parcels unsuccessfully offered for sale by competitive bid, and
272 parcels with a market value of \$500,000 or less, may be sold by
273 any reasonable means, including procuring real estate services,
274 open or exclusive listings, competitive bid, auction, negotiated
275 direct sales, or other appropriate services, to facilitate the
276 sale.

277 (i) ~~(h)~~ After reviewing the recommendations of the council,
278 the board shall determine whether lands identified for surplus
279 are to be held for other public purposes or ~~whether such lands~~
280 are no longer needed. The board may require an agency to release
281 its interest in such lands. A state ~~For an~~ agency, county, or
282 local government that has requested the use of a property that
283 was to be declared as surplus, ~~said agency~~ must secure ~~have~~ the
284 property under lease within 90 days after being notified that it
285 may use such property ~~6 months of the date of expiration of the~~
286 ~~notice provisions required under this subsection and s. 253.111.~~

287 (j) ~~(i)~~ Requests for surplus may be made by any public or
288 private entity or person. All requests shall be submitted to the
289 lead managing agency for review and recommendation to the
290 council or its successor. Lead managing agencies ~~shall~~ have 90

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291 days to review such requests and make recommendations. Any
292 surplus requests that have not been acted upon within the 90-
293 day time period shall be immediately scheduled for hearing at
294 the next regularly scheduled meeting of the council or its
295 successor. Requests for surplus pursuant to this paragraph
296 are ~~shall~~ not be required to be offered to local or state
297 governments as provided in paragraph (f).

298 (k) ~~(j)~~ Proceeds from any sale of surplus lands pursuant to
299 this subsection shall be deposited into the fund from which such
300 lands were acquired. However, if the fund from which the lands
301 were originally acquired no longer exists, such proceeds shall
302 be deposited into an appropriate account to be used for land
303 management by the lead managing agency assigned the lands before
304 ~~prior to~~ the lands were ~~being~~ declared surplus. Funds received
305 from the sale of surplus nonconservation lands, or lands that
306 were acquired by gift, by donation, or for no consideration,
307 shall be deposited into the Internal Improvement Trust Fund.

308 (l) ~~(k)~~ Notwithstanding ~~the provisions of~~ this subsection,
309 ~~no~~ such disposition of land may not ~~shall~~ be made if it ~~such~~
310 ~~disposition~~ would have the effect of causing all or any portion
311 of the interest on any revenue bonds issued to lose the
312 exclusion from gross income for federal income tax purposes.

313 (m) ~~(l)~~ The sale of filled, formerly submerged land that
314 does not exceed 5 acres in area is not subject to review by the
315 council or its successor.

316 (n) ~~(m)~~ The board may adopt rules to administer ~~implement~~
317 ~~the provisions of~~ this section, which may include procedures for
318 administering surplus land requests and criteria for when the
319 division may approve requests to surplus nonconservation lands

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320 on behalf of the board.

321 (15) Before a building or parcel of land is offered for
322 lease, sublease, or sale to a local or federal unit of
323 government or a private party, it must ~~shall~~ first be offered
324 for lease to state agencies, state universities, and community
325 colleges, contingent upon the submission of a business plan for
326 the proposed use of the building or parcel. Within 60 days after
327 the offer of a surplus building or parcel, a state agency, state
328 university, or Florida College System institution that requests
329 the transfer of a surplus building or parcel must develop and
330 submit a business plan for the proposed use of the building or
331 parcel. The business plan must, at a minimum, include the
332 proposed use, the cost of renovation, the replacement cost for a
333 new building for the same proposed use, a capital improvement
334 plan for the building, evidence that the building or parcel
335 meets an existing need that cannot be otherwise met, and other
336 criteria developed by rule by the department ~~with priority~~
337 ~~consideration given to state universities and community~~
338 ~~colleges.~~ A state agency, university, or Florida College System
339 institution shall ~~community college~~ must submit its business a
340 plan for review and approval by the Board of Trustees of the
341 Internal Improvement Trust Fund or its designee regarding the
342 intended use of the building or parcel of land before approval
343 of a lease. The board or its designee shall compare the
344 appraised value of the building or parcel to any submitted
345 business plan for proposed use of the building or parcel to
346 determine if the transfer or sale is in the best interest of the
347 state.

348 Section 4. Section 255.248, Florida Statutes, is amended to

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349 read:

350 255.248 Definitions; ~~ss. 255.249 and 255.25.~~ As used in
 351 this section and ss. 255.249-255.25 ~~255.249 and 255.25~~, the
 352 term:

353 (1) "Best leasing value" means the highest overall value to
 354 the state based on objective factors that include, but are not
 355 limited to, rental rate, renewal rate, operational and
 356 maintenance costs, tenant-improvement allowance, location, lease
 357 term, condition of facility, landlord responsibility, amenities,
 358 and parking.

359 (2) "Competitive solicitation" means an invitation to bid,
 360 a request for proposals, or an invitation to negotiate.

361 (3) "Department" means the Department of Management
 362 Services.

363 (4) "Managing agency" means an agency that serves as the
 364 title entity or that leases property from the Board of Trustees
 365 of the Internal Improvement Trust Fund for the operation and
 366 maintenance of a state-owned office building.

367 ~~(5)-(4)~~ "Privately owned building" means any building not
 368 owned by a governmental agency.

369 ~~(6)-(5)~~ "Responsible lessor" means a lessor that ~~who~~ has the
 370 capability in all respects to fully perform the contract
 371 requirements and the integrity and reliability that will assure
 372 good faith performance.

373 ~~(7)-(6)~~ "Responsive bid," "responsive proposal," or
 374 "responsive reply" means a bid or proposal, or reply submitted
 375 by a responsive and responsible lessor, which conforms in all
 376 material respects to the solicitation.

377 ~~(8)-(7)~~ "Responsive lessor" means a lessor that has

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378 submitted a bid, proposal, or reply that conforms in all
379 material respects to the solicitation.

380 (9)~~(8)~~ "State-owned office building" means any building
381 whose title to which is vested in the state and which is used by
382 one or more executive agencies predominantly for administrative
383 direction and support functions. The ~~This~~ term excludes:

384 (a) District or area offices established for field
385 operations where law enforcement, military, inspections, road
386 operations, or tourist welcoming functions are performed.

387 (b) All educational facilities and institutions under the
388 supervision of the Department of Education.

389 (c) All custodial facilities and institutions used
390 primarily for the care, custody, or treatment of wards of the
391 state.

392 (d) Buildings or spaces used for legislative activities.

393 (e) Buildings purchased or constructed from agricultural or
394 citrus trust funds.

395 (10) "Tenant broker" means a private real estate broker or
396 brokerage firm licensed to do business in this state and under
397 contract with the department to provide real estate transaction,
398 portfolio management, and strategic planning services for state
399 agencies.

400 Section 5. Section 255.249, Florida Statutes, is amended to
401 read:

402 255.249 Department of Management Services; responsibility;
403 department rules.-

404 (1) The department shall have responsibility and authority
405 for the operation, custodial care, ~~and~~ preventive maintenance,
406 repair, alteration, modification, and allocation of space for ~~of~~

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407 all buildings in the Florida Facilities Pool and adjacent ~~the~~
408 grounds ~~located adjacent thereto~~.

409 (2) A state agency may not lease space in a private
410 building that is to be constructed for state use without first
411 obtaining prior approval of the architectural design and
412 preliminary construction from the department.

413 (3)~~(2)~~ The department shall require a ~~any~~ state agency
414 planning to terminate a lease for the purpose of occupying space
415 in a new state-owned office building, ~~the funds for which are~~
416 ~~appropriated after June 30, 2000,~~ to state why the proposed
417 relocation is in the best interest of the state.

418 (4)~~(3)~~~~(a)~~ An agency that intends to terminate a lease of
419 privately owned space before the expiration of its base term,
420 must notify the department 90 days before the termination. The
421 department shall, to the extent feasible, coordinate the
422 vacation of privately owned leased space with the expiration of
423 the lease on that space and, when a lease is terminated before
424 expiration of its base term, will make a reasonable effort to
425 place another state agency in the space vacated. A ~~Any~~ state
426 agency may lease the space in any building that was subject to a
427 lease terminated by a state agency for a period of time equal to
428 the remainder of the base term without ~~the requirement of~~
429 competitive solicitation.

430 (5) The department may direct a state agency to occupy, or
431 relocate to, space in any state-owned office building, including
432 all state-owned space identified in the Florida State-Owned
433 Lands and Records Information System managed by the Department
434 of Environmental Protection.

435 (6) If expressly authorized by the General Appropriations

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436 Act and, in the best interest of the state, the department may
437 implement renovations or construction that more efficiently use
438 state-owned buildings. Such use of tenant-improvement funds
439 applies only to state-owned buildings, and all expenditures must
440 be reported by the department in the master leasing report
441 identified in subsection (8).

442 (7)~~(b)~~ The department shall develop and implement a
443 strategic leasing plan. The strategic leasing plan must ~~shall~~
444 forecast space needs for all state agencies and identify
445 opportunities for reducing costs through consolidation,
446 relocation, reconfiguration, capital investment, and the
447 renovation, building, or acquisition of state-owned space.

448 (8)~~(e)~~ The department shall annually publish a master
449 leasing report that includes the strategic leasing plan created
450 under subsection (7). The department shall annually submit
451 ~~furnish~~ the ~~master~~ leasing report to the Executive Office of the
452 Governor and the Legislature by October 1. The report must
453 provide September 15 of each year which provides the following
454 information:

455 (a)~~1.~~ A list, by agency and by geographic market, of all
456 leases that are due to expire within 24 months.

457 (b)~~2.~~ Details of each lease, including location, size, cost
458 per leased square foot, lease-expiration date, and a
459 determination of whether sufficient state-owned office space
460 will be available at the expiration of the lease to accommodate
461 affected employees.

462 (c)~~3.~~ A list of amendments and supplements to and waivers
463 of terms and conditions in lease agreements that have been
464 approved pursuant to s. 255.25(2)~~(a)~~ during the previous 12

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465 months and an associated comprehensive analysis, including
466 financial implications, showing that any amendment, supplement,
467 or waiver is in the state's long-term best interest.

468 (d)4. Financial impacts to the Florida Facilities Pool
469 rental rate due to the sale, removal, acquisition, or
470 construction of pool facilities.

471 (e)5. Changes in occupancy rate, maintenance costs, and
472 efficiency costs of leases in the state portfolio. Changes to
473 occupancy costs in leased space by market and changes to space
474 consumption by agency and by market.

475 (f)6. An analysis of portfolio supply and demand.

476 (g)7. Cost-benefit analyses of acquisition, build, and
477 consolidation opportunities, recommendations for strategic
478 consolidation, and strategic recommendations for disposition,
479 acquisition, and building.

480 (h) Recommendations for using capital improvement funds to
481 implement the consolidation of state agencies into state-owned
482 office buildings.

483 (i)8. The updated plan required by s. 255.25(4)(c).

484 (9)(d) Annually, by June 30; ~~of each year,~~

485 (a) Each state agency shall ~~annually~~ provide to the
486 department all information regarding agency programs affecting
487 the need for or use of space by that agency, reviews of lease-
488 expiration schedules for each geographic area, active and
489 planned full-time equivalent data, business case analyses
490 related to consolidation plans by an agency, a telework program
491 under s. 110.171, and current occupancy and relocation costs,
492 inclusive of furnishings, fixtures and equipment, data, and
493 communications. State agencies may use the services of a tenant

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494 broker in preparing this information.

495 (b) The title entity or managing agency shall report to the
496 department any vacant or underutilized space for all state-owned
497 office buildings and any restrictions that apply to any other
498 agency occupying the vacant or underutilized space. The title
499 entity or managing agency shall also notify the department of
500 any significant changes to its occupancy for the coming fiscal
501 year.

502 (10) ~~(4)~~ The department shall adopt rules ~~pursuant to~~
503 ~~chapter 120~~ providing:

504 (a) Methods for accomplishing the duties outlined in
505 subsection (1).

506 (b) Procedures for soliciting and accepting competitive
507 solicitations for leased space of 2,000 ~~5,000~~ square feet or
508 more in privately owned buildings, for evaluating ~~the~~ proposals
509 received, for exemption from competitive solicitations
510 requirements of any lease for ~~the purpose of which is~~ the
511 provision of care and living space for persons or emergency
512 space needs as provided in s. 255.25(10), and for ~~the~~ securing
513 ~~of~~ at least three documented quotes for a lease that is not
514 required to be competitively solicited.

515 (c) A standard method for determining square footage or any
516 other measurement used as the basis for lease payments or other
517 charges.

518 (d) Methods of allocating space in both state-owned office
519 buildings and privately owned buildings leased by the state
520 based on use, personnel, and office equipment.

521 ~~(e)~~ 1. Acceptable terms and conditions for inclusion in
522 lease agreements.

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523 ~~2.~~ At a minimum, such terms and conditions must ~~shall~~
524 include, ~~at a minimum~~, the following clauses, which may not be
525 amended, supplemented, or waived:

526 ~~1.a.~~ As provided in s. 255.2502, "The State of Florida's
527 performance and obligation to pay under this contract is
528 contingent upon an annual appropriation by the Legislature."

529 ~~2.b.~~ "The lessee has ~~shall have~~ the right to terminate this
530 lease, without penalty, if this lease in the event a state-owned
531 building becomes available to the lessee for occupancy and the
532 lessee has given ~~upon giving~~ 6 months' advance written notice to
533 the lessor by certified mail, return receipt requested."

534 (f) State agency use of space identified in the Florida
535 State-Owned Lands and Records Information System under
536 subsection (5) Maximum rental rates, by geographic areas or by
537 county, for leasing privately owned space.

538 (g) A standard method for the assessment of rent to state
539 agencies and other authorized occupants of state-owned office
540 space, notwithstanding the source of funds.

541 (h) For full disclosure of the names and the extent of
542 interest of the owners holding a 4-percent or more interest in
543 ~~any~~ privately owned property leased to the state or in the
544 entity holding title to the property, for exemption from such
545 disclosure of any beneficial interest that ~~which~~ is represented
546 by stock in a ~~any~~ corporation registered with the Securities and
547 Exchange Commission or registered pursuant to chapter 517, which
548 ~~stock~~ is for sale to the general public, and for exemption from
549 such disclosure of any leasehold interest in property located
550 outside the territorial boundaries of the United States.

551 (i) For full disclosure of the names of all public

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552 officials, agents, or employees holding any interest in any
553 privately owned property leased to the state or in the entity
554 holding title to the property, and the nature and extent of
555 their interest, for exemption from such disclosure of any
556 beneficial interest that ~~which~~ is represented by stock in any
557 corporation registered with the Securities and Exchange
558 Commission or registered pursuant to chapter 517, which ~~stock~~ is
559 for sale to the general public, and for exemption from such
560 disclosure of any leasehold interest in property located outside
561 the territorial boundaries of the United States.

562 (j) A method for reporting leases for nominal or no
563 consideration.

564 (k) For a lease of less than 2,000 ~~5,000~~ square feet, a
565 method for certification by the agency head or the agency head's
566 designated representative that all criteria for leasing have
567 been fully complied with and for ~~the~~ filing ~~of~~ a copy of such
568 lease and all supporting documents with the department for its
569 review and approval as to technical sufficiency and whether it
570 is in the best interests of the state.

571 (l) A standardized format for state agency reporting of the
572 information required by paragraph (9) (a) ~~(3) (d)~~.

573 (m) Procedures for the effective and efficient
574 administration of this section.

575 (11) (5) ~~The~~ department shall prepare a form listing all
576 conditions and requirements adopted pursuant to this chapter
577 which must be met by any state agency leasing any building or
578 part thereof. Before executing any lease, this form must ~~shall~~
579 be certified by the agency head or the agency head's designated
580 representative and submitted to the department.

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581 (12)~~(6)~~ The department may contract for real estate
582 consulting or tenant brokerage services in order to carry out
583 its duties relating to the strategic leasing plan under
584 subsection (7). The contract must ~~shall~~ be procured pursuant to
585 s. 287.057. The vendor ~~vendor that is~~ awarded the contract shall
586 be compensated ~~by the department~~, subject to the provisions of
587 the contract, and such compensation is subject to appropriation
588 by the Legislature. A ~~The~~ real estate consultant or tenant
589 broker may not receive compensation directly from a lessor for
590 services that are rendered pursuant to the contract. Moneys paid
591 by a lessor to the department under a facility-leasing
592 arrangement are not subject to the charges imposed under s.
593 215.20.

594 Section 6. Section 255.25, Florida Statutes, is amended to
595 read:

596 255.25 Approval required before ~~prior to~~ construction or
597 lease of buildings.—

598 ~~(1)(a) A state agency may not lease space in a private
599 building that is to be constructed for state use unless prior
600 approval of the architectural design and preliminary
601 construction plans is first obtained from the department.~~

602 ~~(b)~~ During the term of existing leases, each agency shall
603 consult with the department regarding opportunities for
604 consolidation, use of state-owned space, build-to-suit space,
605 and potential acquisitions; shall monitor market conditions; and
606 shall initiate a competitive solicitation or, if appropriate,
607 lease-renewal negotiations for each lease held in the private
608 sector to effect the best overall lease terms reasonably
609 available to that agency.

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610 (a) Amendments to leases may be permitted to modify any
 611 lease provisions or ~~any~~ other terms or conditions unless, ~~except~~
 612 ~~to the extent~~ specifically prohibited under ~~by~~ this chapter.

613 (b) The department shall serve as a mediator in lease-
 614 renewal negotiations if the agency and the lessor are unable to
 615 reach a compromise within 6 months after renegotiation and if
 616 ~~either~~ the agency or lessor requests intervention by the
 617 department.

618 (c) ~~If When specifically~~ authorized by the General
 619 Appropriations Act, and in accordance with s. 255.2501, if
 620 applicable, the department may approve a lease-purchase, sale-
 621 leaseback, or tax-exempt leveraged lease contract or other
 622 financing technique for the acquisition, renovation, or
 623 construction of a state fixed capital outlay project if ~~when~~ it
 624 is in the best interest of the state.

625 (2) ~~(a)~~ Except as provided in ss. 255.249 and s. 255.2501, a
 626 state agency may not lease a building or any part thereof unless
 627 prior approval of the lease conditions and of the need for the
 628 lease therefor is first obtained from the department. An ~~Any~~
 629 approved lease may include an option to purchase or an option to
 630 renew the lease, or both, upon such terms and conditions as are
 631 established by the department, subject to final approval by the
 632 head of the department ~~of Management Services~~ and s. 255.2502.

633 (a) ~~(b)~~ For the lease of less than 2,000 ~~5,000~~ square feet
 634 of space, including space leased for nominal or no
 635 consideration, a state agency must notify the department at
 636 least 90 ~~30~~ days before the execution of the lease. The
 637 department shall review the lease and determine whether suitable
 638 space is available in a state-owned or state-leased building

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639 located in the same geographic region. If the department
640 determines that space is not available, the department shall
641 determine whether the state agency lease is in the best
642 interests of the state. If the department determines that the
643 execution of the lease is not in the best interests of the
644 state, the department shall notify the agency proposing the
645 lease, the Governor, the President of the Senate, and the
646 Speaker of the House of Representatives ~~and the presiding~~
647 ~~officers of each house of the Legislature~~ of such finding in
648 writing. A lease that is for a term extending beyond the end of
649 a fiscal year is subject to ~~the provisions of~~ ss. 216.311,
650 255.2502, and 255.2503.

651 (b)(e) The department shall adopt ~~as a rule~~ uniform leasing
652 procedures by rule for use by each state agency ~~other than the~~
653 ~~Department of Transportation~~. Each state agency shall ensure
654 that the leasing practices of that agency are in substantial
655 compliance with the uniform leasing rules adopted under this
656 section and ss. 255.249, 255.2502, and 255.2503.

657 (c)(d) ~~Notwithstanding paragraph (a) and except as provided~~
658 ~~in ss. 255.249 and 255.2501, a state agency may not lease a~~
659 ~~building or any part thereof unless prior approval of the lease~~
660 ~~terms and conditions and of the need therefor is first obtained~~
661 ~~from the department~~. The department may not approve any term or
662 condition in a lease agreement which has been amended,
663 supplemented, or waived unless a comprehensive analysis,
664 including financial implications, demonstrates that such
665 amendment, supplement, or waiver is in the state's long-term
666 best interest. An ~~Any~~ approved lease may include an option to
667 purchase or an option to renew the lease, or both, upon such

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668 terms and conditions as are established by the department,
669 subject to final approval by the head of the department, ~~of~~
670 ~~Management Services~~ and the provisions of s. 255.2502.

671 (3) (a) Except as provided in subsection (10), a state
672 agency may not enter into a lease as lessee for the use of 2,000
673 ~~5,000~~ square feet or more of space in a privately owned building
674 except upon advertisement for and receipt of competitive
675 solicitations.

676 1.a. An invitation to bid must ~~shall~~ be made available
677 simultaneously to all lessors and ~~must~~ include a detailed
678 description of the space sought; the time and date for the
679 receipt of bids and of the public opening; and all contractual
680 terms and conditions applicable to the procurement, including
681 the criteria to be used in determining the acceptability of the
682 bid. If the agency contemplates renewing ~~renewal of~~ the
683 contract, that fact must be stated in the invitation to bid. The
684 bid must include the price for each year for which the contract
685 may be renewed. Evaluation of bids must ~~shall~~ include
686 consideration of the total cost for each year as submitted by
687 the lessor. Criteria that were not set forth in the invitation
688 to bid may not be used in determining the acceptability of the
689 bid.

690 b. The contract shall be awarded with reasonable promptness
691 by written notice to the responsible and responsive lessor that
692 submits the lowest responsive bid. The contract file must
693 contain a written determination that the bid meets ~~This bid must~~
694 ~~be determined in writing to meet~~ the requirements and criteria
695 set forth in the invitation to bid.

696 2.a. If an agency determines in writing that the use of an

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697 invitation to bid is not practicable, leased space shall be
698 procured by competitive sealed proposals. A request for
699 proposals shall be made available simultaneously to all lessors
700 and must include a statement of the space sought; the time and
701 date for the receipt of proposals and of the public opening; and
702 all contractual terms and conditions applicable to the
703 procurement, including the criteria, which must include, but
704 need not be limited to, price, to be used in determining the
705 acceptability of the proposal. The relative importance of price
706 and other evaluation criteria must ~~shall~~ be indicated. If the
707 agency contemplates renewing ~~renewal~~ of the contract, that fact
708 must be stated in the request for proposals. The proposal must
709 include the price for each year for which the contract may be
710 renewed. Evaluation of proposals must ~~shall~~ include
711 consideration of the total cost for each year as submitted by
712 the lessor.

713 b. The contract shall be awarded to the responsible and
714 responsive lessor whose proposal is determined in writing to be
715 the most advantageous to the state, taking into consideration
716 the price and the other criteria set forth in the request for
717 proposals. The contract file must contain documentation
718 supporting the basis on which the award is made.

719 3.a. If the agency determines in writing that the use of an
720 invitation to bid or a request for proposals will not result in
721 the best leasing value to the state, the agency may procure
722 leased space by competitive sealed replies. The agency's written
723 determination must specify reasons ~~that explain~~ why negotiation
724 may be necessary in order for the state to achieve the best
725 leasing value and must be approved in writing by the agency head

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726 or his or her designee before ~~prior to the~~ advertisement of an
727 invitation to negotiate. Cost savings related to the agency
728 procurement process are not sufficient justification for using
729 an invitation to negotiate. An invitation to negotiate shall be
730 made available to all lessors simultaneously and must include a
731 statement of the space sought; the time and date for the receipt
732 of replies and of the public opening; and all terms and
733 conditions applicable to the procurement, including the criteria
734 to be used in determining the acceptability of the reply. If the
735 agency contemplates renewing ~~renewal of~~ the contract, that fact
736 must be stated in the invitation to negotiate. The reply must
737 include the price for each year for which the contract may be
738 renewed.

739 b. The agency shall evaluate and rank responsive replies
740 against all evaluation criteria set forth in the invitation to
741 negotiate and ~~shall~~ select, based on the ranking, one or more
742 lessors with which to commence negotiations. After negotiations
743 are conducted, the agency shall award the contract to the
744 responsible and responsive lessor that the agency determines
745 will provide the best leasing value to the state. The contract
746 file must contain a short, plain statement that explains the
747 basis for lessor selection and sets forth the lessor's
748 deliverables and price pursuant to the contract, and an
749 explanation of how these deliverables and price provide the best
750 leasing value to the state.

751 (b) The department ~~of Management Services~~ shall have the
752 authority to approve a lease for 2,000 ~~5,000~~ square feet or more
753 of space which ~~that~~ covers more than 12 consecutive months ~~±~~
754 ~~fiscal year~~, subject to the provisions of ss. 216.311, 255.2501,

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755 255.2502, and 255.2503, if such lease is, in the judgment of the
756 department, in the best interests of the state. In determining
757 best interest, the department shall consider availability of
758 state-owned space and analyses of build-to-suit and acquisition
759 opportunities. This paragraph does not apply to buildings or
760 facilities of any size leased for the purpose of providing care
761 and living space to individuals ~~for persons~~.

762 (c) The department may approve extensions of an existing
763 lease of 2,000 ~~5,000~~ square feet or more of space if such
764 extensions are determined to be in the best interests of the
765 state; however, ~~but in no case shall~~ the total of such
766 extensions may not exceed 11 months. If at the end of the 11th
767 month an agency still needs that space, it must ~~shall~~ be
768 procured by competitive bid in accordance with s. 255.249(10)(b)
769 ~~255.249(4)(b)~~. ~~However, an agency that determines that it is in~~
770 ~~its best interest to remain in the space it currently occupies~~
771 ~~may negotiate a replacement lease with the lessor if an~~
772 ~~independent comparative market analysis demonstrates that the~~
773 ~~rates offered are within market rates for the space and the cost~~
774 ~~of the new lease does not exceed the cost of a comparable lease~~
775 ~~plus documented moving costs. A present-value analysis and the~~
776 ~~consumer price index shall be used in the calculation of lease~~
777 ~~costs. The term of the replacement lease may not exceed the base~~
778 ~~term of the expiring lease.~~

779 (d) Any person who files an action protesting a decision or
780 intended decision pertaining to a competitive solicitation for
781 space to be leased by the agency pursuant to s. 120.57(3)(b)
782 shall post with the state agency at the time of filing the
783 formal written protest a bond payable to the agency in an amount

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784 equal to 1 percent of the estimated total rental of the basic
785 lease period or \$5,000, whichever is greater, which bond is
786 ~~shall be~~ conditioned on ~~upon~~ the payment of all costs that may
787 be adjudged against him or her in the administrative hearing in
788 which the action is brought and in any subsequent appellate
789 court proceeding. If the agency prevails after completion of the
790 administrative hearing process and any appellate court
791 proceedings, it shall recover all costs and charges, which must
792 ~~shall~~ be included in the final order or judgment, excluding
793 attorney ~~attorney's~~ fees. Upon payment of such costs and charges
794 by the person protesting the award, the bond shall be returned
795 to him or her. If the person protesting the award prevails, the
796 bond shall be returned to that person and he or she shall
797 recover from the agency all costs and charges, which must ~~shall~~
798 be included in the final order of judgment, excluding attorney
799 ~~attorney's~~ fees.

800 (e) The agency and the lessor, when entering into a lease
801 for 2,000 ~~5,000~~ or more square feet of a privately owned
802 building, shall, before the effective date of the lease, agree
803 upon and separately state the cost of tenant improvements which
804 may qualify for reimbursement if the lease is terminated before
805 the expiration of its base term. The department shall serve as
806 mediator if the agency and the lessor are unable to agree. The
807 amount agreed upon and stated shall, if appropriated, be
808 amortized over the original base term of the lease on a
809 straight-line basis.

810 (f) The unamortized portion of tenant improvements, if
811 appropriated, shall be paid in equal monthly installments over
812 the remaining term of the lease. If any portion of the original

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813 leased premises is occupied after termination but during the
814 original term by a tenant who ~~that~~ does not require material
815 changes to the premises, the repayment of the cost of tenant
816 improvements applicable to the occupied but unchanged portion
817 shall be abated during occupancy. The portion of the repayment
818 to be abated must ~~shall~~ be based on the ratio of leased space to
819 unleased space.

820 (g) Notwithstanding s. 287.056(1), a state agency shall
821 ~~may, at the sole discretion of the agency head or his or her~~
822 ~~designee,~~ use the services of a tenant broker under a state term
823 contract to assist with a lease action ~~a competitive~~
824 ~~solicitation~~ undertaken by the agency, with the exception of
825 leases between governmental entities. If using ~~In making its~~
826 ~~determination whether to use a tenant broker, a state agency~~
827 ~~shall consult with the department. A state agency may not use~~
828 ~~the services of a tenant broker unless the tenant broker is~~
829 ~~under a term contract with the state which complies with~~
830 ~~paragraph (h). If a state agency uses the services of a tenant~~
831 ~~broker with respect to a transaction, the agency may not enter~~
832 ~~into a lease with a any landlord for whom to which the tenant~~
833 ~~broker is providing brokerage services for that transaction.~~

834 (h) ~~The Department of Management Services may,~~ Pursuant to
835 s. 287.042(2) (a), the department shall procure ~~a term~~ contracts
836 ~~contract~~ for tenant broker ~~real estate consulting and brokerage~~
837 ~~services.~~ A state agency may not purchase services from the
838 contract unless the contract has been procured under s.
839 287.057(1) ~~after March 1, 2007,~~ and contains the following
840 provisions or requirements:

841 1. Awarded tenant brokers must maintain an office or

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842 presence in the market served. In awarding the contract,
843 preference must be given to brokers who ~~that~~ are licensed in
844 this state under chapter 475 and who ~~that~~ have 3 or more years
845 of experience in the market served. The contract may be made
846 with multiple ~~up to three~~ tenant brokers in order to serve the
847 marketplace ~~in the north, central, and south areas of the state.~~

848 2. Each contracted tenant broker works ~~shall work~~ under the
849 direction, supervision, and authority of the state agency,
850 subject to the rules governing lease procurements.

851 3. The department shall provide training for the awarded
852 tenant brokers concerning the rules governing the procurement of
853 leases.

854 4. Tenant brokers must comply with all applicable
855 provisions of s. 475.278.

856 5. Real estate consultants and tenant brokers shall be
857 compensated by the state agency, subject to the provisions of
858 the term contract, and such compensation is subject to
859 appropriation by the Legislature. A real estate consultant or
860 tenant broker may not receive compensation directly from a
861 lessor for services that are rendered under the term contract.
862 Moneys paid by a lessor to the state agency under a facility
863 leasing arrangement are not subject to the charges imposed under
864 s. 215.20. All terms relating to the compensation of the real
865 estate consultant or tenant broker must ~~shall~~ be specified in
866 the term contract and may not be supplemented or modified by the
867 state agency using the contract.

868 6. The department shall conduct periodic customer-
869 satisfaction surveys.

870 7. Each state agency shall report the following information

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871 to the department:

872 a. The number of leases that adhere to the goal of the
873 workspace-management initiative of 180 square feet per full-time
874 employee FTE.

875 b. The quality of space leased and the adequacy of tenant-
876 improvement funds.

877 c. The timeliness of lease procurement, measured from the
878 date of the agency's request to the finalization of the lease.

879 d. Whether cost-benefit analyses were performed before
880 execution of the lease in order to ensure that the lease is in
881 the best interest of the state.

882 e. The lease costs compared to market rates for similar
883 types and classifications of space according to the official
884 classifications of the Building Owners and Managers Association.

885 (4) (a) The department may ~~shall~~ not authorize any state
886 agency to enter into a lease agreement for space in a privately
887 owned building if ~~when~~ suitable space is available in a state-
888 owned building located in the same geographic region, except
889 upon presentation to the department of sufficient written
890 justification, acceptable to the department, that a separate
891 space is required in order to fulfill the statutory duties of
892 the agency making the ~~such~~ request. The term "state-owned
893 building" as used in this subsection means any state-owned
894 facility regardless of use or control.

895 (b) State agencies shall cooperate with local governmental
896 units by using suitable, existing publicly owned facilities,
897 subject to ~~the provisions of~~ ss. 255.2501, 255.2502, and
898 255.2503. Agencies may use ~~utilize~~ unexpended funds appropriated
899 for lease payments to:

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900 1. Pay their proportion of operating costs.

901 2. Renovate applicable spaces.

902 (c) Because the state has a substantial financial
903 investment in state-owned buildings, it is legislative policy
904 and intent that if ~~when~~ state-owned buildings meet the needs of
905 state agencies, agencies must fully use such buildings before
906 leasing privately owned buildings. ~~By September 15, 2006,~~ The
907 department ~~of Management Services~~ shall create a 5-year plan for
908 implementing this policy. The department shall update this plan
909 annually, detailing proposed departmental actions to meet the
910 plan's goals, and include ~~shall furnish~~ this plan annually as
911 part of the master leasing report.

912 (5) Before construction or renovation of any state-owned
913 building or state-leased space is commenced, the department ~~of~~
914 ~~Management Services~~ shall determine ~~ascertain~~, through the ~~by~~
915 submission of proposed plans to the Division of State Fire
916 Marshal for review, whether ~~that~~ the proposed construction or
917 renovation plan complies with the uniform firesafety standards
918 required by the division ~~of State Fire Marshal~~. The review of
919 construction or renovation plans for state-leased space must
920 ~~shall~~ be completed within 10 calendar days after ~~of~~ receipt of
921 the plans by the division ~~of State Fire Marshal~~. The review of
922 construction or renovation plans for a state-owned building must
923 ~~shall~~ be completed within 30 calendar days after ~~of~~ receipt of
924 the plans by the division ~~of State Fire Marshal~~. The
925 responsibility for submission and retrieval of the plans may
926 ~~called for in this subsection shall~~ not be imposed on the design
927 architect or engineer, but is ~~shall be~~ the responsibility of the
928 two agencies. If ~~Whenever~~ the division ~~of State Fire Marshal~~

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929 determines that a construction or renovation plan is not in
930 compliance with ~~such~~ uniform firesafety standards, the division
931 ~~of State Fire Marshal~~ may issue an order to cease all
932 construction or renovation activities until compliance is
933 obtained, except those activities required to achieve ~~such~~
934 compliance. The lessor shall provide the department with ~~of~~
935 ~~Management Services~~ documentation certifying that the facility
936 meets all of ~~shall withhold approval of any proposed lease until~~
937 ~~the construction or renovation plan complies with~~ the uniform
938 firesafety standards ~~of the Division of State Fire Marshal~~. The
939 cost of all modifications or renovations made for the purpose of
940 bringing leased property into compliance with the uniform
941 firesafety standards are ~~shall be~~ borne by the lessor. The state
942 may not take occupancy without the division's final approval.

943 (6) Before construction or substantial improvement of any
944 state-owned building is commenced, the department ~~of Management~~
945 ~~Services~~ must determine ~~ascertain~~ that the proposed construction
946 or substantial improvement complies with the flood plain
947 management criteria for mitigation of flood hazards, as
948 prescribed in the October 1, 1986, rules and regulations of the
949 Federal Emergency Management Agency, and the department shall
950 monitor the project to assure compliance with the criteria. ~~In~~
951 ~~accordance with chapter 120,~~ The department ~~of Management~~
952 ~~Services~~ shall adopt rules ~~any necessary rules~~ to ensure that
953 all ~~such~~ proposed state construction and substantial improvement
954 of state buildings in designated flood-prone areas complies with
955 the flood plain management criteria. If ~~Whenever~~ the department
956 determines that a construction or substantial improvement
957 project is not in compliance with such ~~with the established~~

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958 ~~flood plain management~~ criteria, the department may issue an
959 order to cease all construction or improvement activities until
960 compliance is obtained, except those activities required to
961 achieve such compliance.

962 (7) This section does not apply to any lease having a term
963 of less than 120 consecutive days for the purpose of securing
964 the one-time special use of the leased property. ~~This section
965 does not apply to any lease for nominal or no consideration.~~

966 (8) An agency may not enter into more than one lease for
967 space in the same privately owned facility or complex within any
968 12-month period except upon competitive solicitation.

969 (9) Specialized educational facilities, excluding
970 classrooms, are ~~shall be~~ exempt from the competitive bid
971 requirements for leasing pursuant to this section if the
972 executive head of a ~~any~~ state agency certifies in writing that
973 the said facility is available from a single source and that the
974 competitive bid requirements would be detrimental to the state.
975 Such certification must ~~shall~~ include documentation of evidence
976 of steps taken to determine sole-source status.

977 (10) The department ~~of Management Services~~ may approve
978 emergency acquisition of space without competitive bids if
979 existing state-owned or state-leased space is destroyed or
980 rendered uninhabitable by an act of God, fire, malicious
981 destruction, or structural failure, or by legal action, or if
982 the agency head certifies in writing that there is an immediate
983 danger to the public health, safety, or welfare, or if other
984 substantial loss to the state requires emergency action and ~~if~~
985 the chief administrator of the state agency or the chief
986 administrator's designated representative certifies in writing

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987 that no other agency-controlled space is available to meet this
988 emergency need; however, ~~but in no case shall~~ the lease for such
989 space may not exceed 11 months. If the lessor elects not to
990 replace or renovate the destroyed or uninhabitable facility, the
991 agency shall procure the needed space by competitive bid in
992 accordance with s. 255.249(10)(b) ~~255.249(4)(b)~~. If the lessor
993 elects to replace or renovate the destroyed or uninhabitable
994 facility and the construction or renovations will not be
995 complete at the end of the 11-month lease, the agency may modify
996 the lease to extend it on a month-to-month basis for up to an
997 ~~additional~~ 6 months to allow completion of such construction or
998 renovations.

999 (11) In any leasing of space which occurs ~~that is~~
1000 ~~accomplished~~ without competition, the individuals taking part in
1001 the development or selection of criteria for evaluation, in the
1002 evaluation, and in the award processes must ~~shall~~ attest in
1003 writing that they are independent of, and have no conflict of
1004 interest in, the entities evaluated and selected.

1005 Section 7. Subsection (4) of section 255.252, Florida
1006 Statutes, is amended to read:

1007 255.252 Findings and intent.—

1008 (4) In addition to designing and constructing new buildings
1009 to be energy-efficient, it is the policy of the state to operate
1010 and maintain state facilities in a manner that minimizes energy
1011 consumption and maximizes building sustainability and to operate
1012 facilities leased by the state so as to minimize energy use. It
1013 is further the policy of the state that the renovation of
1014 existing state facilities be in accordance with a sustainable
1015 building rating or a national model green building code. State

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1016 agencies are encouraged to consider shared savings financing of
1017 energy-efficiency and conservation projects, using contracts
1018 that split the resulting savings for a specified period of time
1019 between the state agency and the private firm or cogeneration
1020 contracts and that otherwise permit the state to lower its net
1021 energy costs. Such energy contracts may be funded from the
1022 operating budget. The vendor for such energy contracts may be
1023 selected in accordance with s. 287.055.

1024 Section 8. Effective July 1, 2014, subsection (1) of
1025 section 255.254, Florida Statutes, is amended to read:

1026 255.254 No facility constructed or leased without life-
1027 cycle costs.-

1028 (1) A ~~No~~ state agency may not ~~shall~~ lease, construct, or
1029 have constructed, within limits prescribed in this section, a
1030 facility without having secured from the department an
1031 evaluation of life-cycle costs based on sustainable building
1032 ratings. ~~Furthermore,~~ Construction shall proceed only upon
1033 disclosing to the department, for the facility chosen, the life-
1034 cycle costs as determined in s. 255.255, the facility's
1035 sustainable building rating goal, and the capitalization of the
1036 initial construction costs of the building. The life-cycle costs
1037 and the sustainable building rating goal shall be primary
1038 considerations in the selection of a building design. For leased
1039 facilities larger ~~buildings more than~~ 2,000 ~~5,000~~ square feet in
1040 area within a given building boundary, an energy performance
1041 analysis that calculates ~~consisting of a projection of the total~~
1042 annual energy consumption and energy costs in dollars per square
1043 ~~foot of major energy-consuming equipment and systems based on~~
1044 ~~actual expenses from the last 3 years and projected forward for~~

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1045 ~~the term of the proposed lease shall be performed. The analysis~~
1046 ~~must also compare the energy performance of the proposed lease~~
1047 ~~to lease shall only be made where there is a showing that the~~
1048 ~~energy costs incurred by the state are minimal compared to~~
1049 ~~available like facilities. A lease may not be finalized until~~
1050 ~~the energy performance analysis has been approved by the~~
1051 ~~department. A lease agreement for any building leased by the~~
1052 ~~state from a private sector entity shall include provisions for~~
1053 ~~monthly energy use data to be collected and submitted monthly to~~
1054 ~~the department by the owner of the building.~~

1055 Section 9. Effective July 1, 2014, subsection (1) of
1056 section 255.257, Florida Statutes, is amended to read:

1057 255.257 Energy management; buildings occupied by state
1058 agencies.—

1059 (1) ENERGY CONSUMPTION AND COST DATA.— Each state agency
1060 shall collect data on energy consumption and cost for all.~~The~~
1061 ~~data gathered shall be on state-owned facilities and metered~~
1062 ~~state-leased facilities of 5,000 net square feet or more.~~ These
1063 data will be used in the computation of the effectiveness of the
1064 state energy management plan and the effectiveness of the energy
1065 management program of each of the state agencies. Collected data
1066 shall be reported annually to the department in a format
1067 prescribed by the department.

1068 Section 10. Subsection (4) of section 255.503, Florida
1069 Statutes, is amended to read:

1070 255.503 Powers of the Department of Management Services.—
1071 The Department of Management Services shall have all the
1072 authority necessary to carry out and effectuate the purposes and
1073 provisions of this act, including, but not limited to, the

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1074 authority to:

1075 (4) Operate existing state-owned facilities in the pool,
1076 including charging fees directly to state employees for the use
1077 of parking facilities, and to pledge rentals or charges for such
1078 facilities for the improvement, repair, maintenance, and
1079 operation of such facilities, or to finance the acquisition of
1080 facilities pursuant to the provisions of this act.

1081 Section 11. Subsection (7) of section 110.171, Florida
1082 Statutes, is amended to read:

1083 110.171 State employee telework program.—

1084 (7) Agencies that have a telework program shall establish
1085 and track performance measures that support telework program
1086 analysis and report data annually to the department in
1087 accordance with s. 255.249(9) ~~255.249(3)(d)~~. Such measures must
1088 include, but need not be limited to, those that quantify
1089 financial impacts associated with changes in office space
1090 requirements resulting from the telework program. Agencies
1091 operating in office space owned or managed by the department
1092 shall consult the department to ensure consistency with the
1093 strategic leasing plan required under s. 255.249(7)
1094 ~~255.249(3)(b)~~.

1095 Section 12. Paragraph (b) of subsection (15) of section
1096 985.682, Florida Statutes, is amended to read:

1097 985.682 Siting of facilities; study; criteria.—

1098 (15)

1099 (b) Notwithstanding s. 255.25(1) ~~(b)~~, the department may
1100 enter into lease-purchase agreements to provide juvenile justice
1101 facilities for ~~the~~ housing of committed youths, contingent upon
1102 available funds. The facilities provided through such agreements

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1103 must ~~shall~~ meet the program plan and specifications of the
1104 department. The department may enter into such lease agreements
1105 with private corporations and other governmental entities.
1106 However, notwithstanding ~~the provisions of~~ s. 255.25(3)(a), a ne
1107 ~~such~~ lease agreement may not be entered into except upon
1108 advertisement for the receipt of competitive bids and award to
1109 the lowest and best bidder except if ~~when~~ contracting with other
1110 governmental entities.

1111 Section 13. Except as otherwise expressly provided in this
1112 act, this act shall take effect July 1, 2013.

5

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/2

Meeting Date

Topic _____

Bill Number 1190
(if applicable)

Name SIM SPRATT

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 10011

Phone 850-228-1296

TAMU, FL 32302
City State Zip

E-mail sim@magnoliastrategiesllc.com

Speaking: For Against Information

Representing Florida Nursery, Growers & Landscape Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

5

THE FLORIDA SENATE
APPEARANCE RECORD

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

4-2-13

Meeting Date

Topic Ag. Land

Bill Number SB 1190
(if applicable)

Name DOUG MANN

Amendment Barcode _____
(if applicable)

Job Title _____

Address 310 W. College Ave.

Phone 222-7535

Street

Palmdale

FL

32301

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing AIF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

5

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/2/13
Meeting Date

Topic Ag lands

Bill Number 1190
(if applicable)

Name Ryan Matthews

Amendment Barcode _____
(if applicable)

Job Title Legislative Advocate

Address Po Box 1157

Phone 222 9684

Street 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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

5

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

4/2/13

Meeting Date

Topic Ag lands Bill Number 1190
Name Chuck Littlejohn (if applicable)
Job Title Consultant Amendment Barcode _____ (if applicable)

Address 310 W. College Ave Phone 222-7535
Tallahassee FL 3230 (E-mail cllr0e@gmail.com)
Street City State Zip

Speaking: For Against Information

Representing FLA LAWYERS 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.

S-001 (10/20/11)

SB584

Florida Natural Areas Inventory									Taxes in 2011
ACRES OF CONSERVATION LANDS BY COUNTY						Jul-12			
County	Local	State	Federal	Private	Total	County area	%conserva	ICLEI	Property
Alachua	16,120	86,840	0	2,220	105,180	559,360	19%		
Baker	2,510	38,400	124,320	0	165,230	374,400	44%		
Bay	40	31,680	29,800	140	61,660	488,960	13%		
Bradford	140	7,240	20	10,790	18,190	187,520	10%		
Brevard	17,800	148,220	92,110	0	258,130	651,520	40%		
Broward	5,210	477,280	10	30	482,530	773,760	62%	Yes	
Calhoun	0	5,060	910	30	6,000	362,880	2%		
Charlotte	4,520	103,010	20	67,700	175,250	444,160	39%		
Citrus	10	122,040	9,300	10	131,360	373,760	35%		
Clay	1,040	122,930	0	400	124,370	384,640	32%		
Collier	4,480	213,230	648,210	11,070	876,990	1,296,640	68%	Yes	2,318.89
Columbia	790	28,830	110,640	0	140,260	510,080	27%		
DeSoto	220	40,230	0	0	40,450	407,680	10%		
Dixie	0	79,960	27,530	0	107,490	450,560	24%		
Duval	22,170	29,390	35,470	7,370	94,400	495,360	19%		
Escambia	3,330	28,550	12,680	2,420	46,980	424,960	11%		
Flagler	6,680	29,960	0	0	36,640	310,400	12%		
Franklin	50	242,980	33,820	1,540	278,390	341,760	81%		1,984.92
Gadsden	230	16,370	0	3,500	20,100	330,240	6%		
Gilchrist	270	7,780	0	0	8,050	223,360	4%		
Glades	290	71,440	0	25,390	97,120	495,360	20%		
Gulf	110	53,940	860	0	54,910	361,600	15%		
Hamilton	0	24,100	410	0	24,510	329,600	7%		
Hardee	0	3,170	0	0	3,170	407,680	1%		
Hendry	0	112,030	2,500	0	114,530	737,920	16%		
Hernando	600	80,410	9,500	280	90,790	305,920	30%		
Highlands	1,340	49,610	56,010	13,130	120,090	657,920	18%		
Hillsborough	62,630	36,730	5,490	40	104,890	672,640	16%		
Holmes	0	13,150	0	0	13,150	308,480	4%		
Indian River	4,630	78,980	1,250	40	84,900	321,920	26%		1,733.19
Jackson	880	18,570	0	460	19,910	586,240	3%		
Jefferson	30	67,040	8,150	36,200	111,420	347,520	32%		
Lafayette	0	60,210	0	0	60,210	348,880	17%		
Lake	9,430	108,380	84,330	950	203,090	609,920	33%		
Lee	25,560	51,660	5,300	9,280	91,800	514,560	18%	Yes	1,646.49
Leon	4,120	14,860	104,980	28,810	152,770	426,880	36%	Yes	
Levy	3,670	141,530	24,420	10	169,630	715,520	24%		
Liberty	0	58,980	272,990	7,830	339,800	535,040	64%		
Madison	0	14,980	0	360	15,340	442,880	3%		
Manatee	25,440	30,820	20	1,300	57,580	474,240	12%		
Marion	1,310	78,870	272,050	0	352,230	1,010,560	35%		
Martin	2,690	83,910	980	1,120	88,700	355,840	25%		2,044.28
Miami-Dade	10,310	280,600	544,710	100	835,720	1,244,800	67%	Yes	1,705.17
Monroe	290	13,830	602,290	890	617,300	638,080	97%	Yes	2,842.28
Nassau	320	22,210	20	1,380	23,930	417,280	6%		
Okaloosa	310	71,640	245,280	0	317,230	599,040	53%		
Okeechobee	0	80,890	0	2,550	83,440	495,360	17%		
Orange	8,630	84,900	0	350	93,880	581,120	16%	Yes	
Osceola	5,440	160,310	0	5,110	170,860	846,080	20%		
Palm Beach	46,950	280,860	140,840	110	468,760	1,301,760	36%	Yes	2,046.84
Pasco	15,140	93,070	0	50	108,260	476,800	23%		
Pinellas	16,240	1,570	150	0	17,960	179,200	10%		
Polk	17,050	190,760	53,880	18,420	280,110	1,200,000	23%		

Putnam	1,450	85,460	26,270	70	113,250	462,080	25%	
Santa Rosa	140	178,550	73,070	0	251,760	650,240	39%	
Sarasota	47,690	60,390	0	410	108,490	366,080	30%	1,664.11
Seminole	6,990	29,320	490	660	37,460	197,120	19%	Yes
St. Johns	4,230	60,050	300	100	64,680	389,760	17%	
St. Lucie	9,620	20,150	0	2,510	32,280	366,080	9%	
Sumter	0	112,520	0	0	112,520	349,440	32%	
Suwannee	80	21,030	0	100	21,210	440,320	5%	
Taylor	0	91,250	1,260	20	92,530	666,880	14%	
Union	0	200	0	7,010	7,210	153,600	5%	
Volusia	49,720	125,860	33,200	130	208,910	707,840	30%	
Wakulla	350	12,310	229,820	730	243,210	388,480	63%	
Walton	210	71,310	154,830	4,580	230,930	677,120	34%	2,045.00
Washington	0	50,940	0	680	51,620	371,200	14%	
Total	469,500	5,313,330	4,080,490	278,380	9,816,670	34,524,880	28%	

ICLEI Cities/Counties

Boynton Beach	Palm Be
Broward County	br
Coconut Creek	br
Collier County	
Cutler Bay	
Davie	br
Delray Beach	
Fort Lauderdale	br
Fort Myers	
Gainesville	
Key West	mo
Lake Worth	pb
Lee County	
Leon County	
Maitland	
Marathon	mo
Miami	md
Miami-Dade County	md
Miami Gardens	md
Monroe County	mo
North Miami	md
North Port	
Orange County	o
Orlando	o
Palm Bay	pb
Palm Beach County	pb
Pinecrest	
Seminole County	
South Daytona	v
South Miami	md
Tallahassee	leon
Tamarac	br
West Palm Beach	pb
Winter Park, FL	o

Conservation Lands are Categorized by Lead Managing Agency

Conservation lands include public and some privately owned lands managed for conservation of natural resources; public lands that are not managed for conservation (e.g., schools and prisons) are not considered conservation lands and are not included in this data set.

Conservation lands acreages are tabulated by county from the FNAI FLMA GIS data layer. These totals do not include open water on FLMA boundaries.

Additional acres of managed areas, tracked in FNAI's database with no GIS boundaries, are added for the final total.

FNAI tracks some additional managed areas without definitive acreage-by-county information.

Those acreages are not reflected in this table

Recent acquisitions may not yet be reflected in acreage totals.

County areas are derived from the National Association of Counties.

State includes lands managed by state agencies and water management districts.

Florida has more than 5.5 million acres of *public hunting lands*, giving us one of the largest wildlife management area systems in the nation.

To find out about hunting opportunities on public lands visit

<http://myfwc.com/hunting> or go to <http://myfwc.com/hunting/wma-brochures>.

There, you will find a link to WMA brochures (containing maps) and a statewide map that shows all the WMAs.

Approximately 1.7 million acres of Florida's remaining natural areas have been invaded by nonindigenous plant species, which have degraded and diminished our ecosystem.

<http://fcit.usf.edu/florida/lessons/land/land.htm>

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 1190

INTRODUCER: Senator Brandes

SUBJECT: Agricultural Lands

DATE: April 1, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhvein</u>	<u>Halley</u>	<u>AG</u>	Favorable
2.	<u>Hinton</u>	<u>Uchino</u>	<u>EP</u>	Favorable
3.	_____	_____	<u>AFT</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1190 amends the Agricultural Lands and Practices Act (act), which prohibits counties from adopting any duplicative ordinance, resolution, regulation, rule, or policy that limits activity of a bona fide farm or farm operation on agricultural land if such activity is already regulated by a state or federal agency. The bill expands the prohibition to include not just counties, but any “governmental entity,” as defined in law, from adopting or enforcing any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate or otherwise limit an activity of a bona fide farm operation on land classified as agricultural, if the activity is already regulated by certain state or federal agencies.

SB 1190 also provides that a governmental entity may not charge a fee upon bona fide farm operations on agricultural land.

This bill amends s. 163.3162 of the Florida Statutes.

II. Present Situation:

In 2003 the Legislature created the Agricultural Lands and Practices Act which sets forth legislative findings that emphasize the importance of agriculture to the health, safety, and welfare of the people of the state. The intent of the act is to protect reasonable agricultural activities conducted on farm lands from duplicative regulation. Prior to the passage of this legislation, some counties enacted measures to regulate various agricultural operations in the state that were duplicative and in some cases more restrictive than those already implemented through best management practices or an existing governmental regulatory program.

In 2010, s. 163.3162, F.S., was further amended because while the act banned the adoption of future county restrictive measures, it did not explicitly prohibit the enforcement of existing county measures. Therefore, legislation was passed to prohibit the enforcement of existing county measures.¹

Currently, this prohibition applies only to counties. However, some agricultural associations have reported that municipalities are now starting to adopt ordinances and regulations that are duplicative in nature to existing regulatory requirements.²

III. Effect of Proposed Changes:

Section 1 amends s. 163.3162, F.S., to amend the definition of “governmental entity” to exclude water management districts (WMDs).³ It prohibits any “governmental entity,” instead of only counties, from adopting or enforcing any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activity of a bona fide farm operation on land classified as agricultural, if such activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under ch. 120, F.S., by:

- The Florida Department of Environmental Protection (DEP);
- The Florida Department of Agriculture and Consumer Services (DACS);
- A WMD as part of a statewide or regional program; or
- The United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.⁴

The bill also prohibits governmental entities from charging a fee on bona fide agricultural activities that are regulated through the implementation of best management practices; interim measures; rules adopted by the DEP, DACS, or a WMD as part of a statewide or regional program; or if the agricultural activity is expressly regulated by the U.S. Department of Agriculture, the U.S. Army Corps of Engineers, or the U.S. Environmental Protection Agency.

Section 2 provides that this act shall take effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill prohibits governmental entities from charging fees on certain agricultural activities occurring on agricultural lands. This could have a negative, but indeterminate, fiscal impact on local government revenues and, therefore, may implicate the mandate provision of Article VII, section 18 of the Florida Constitution. The March 1, 2013, Revenue Estimating Conference (REC) estimated that the provisions of this bill would

¹ CS/HB 7103, ch. 2011-7, Laws of Fla. (CS/HB 7103 was vetoed by the Governor but the veto was overridden during the 2011 Legislative Session).

² Conversation with Cindy Littlejohn, Chair of the Florida Agricultural Association (Apr. 1, 2013).

³ Section 163.3162(2)(d), F.S.

⁴ Section 163.3162(3)(a), F.S.

result in a negative but insignificant impact on local governments.⁵ Because it is estimated to have an insignificant fiscal impact, though, it is exempted from the local mandate requirements.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill prohibits governmental entities from charging a fee on bona fide agricultural activities which are regulated by certain agencies of the state or federal government.

B. Private Sector Impact:

Certain agricultural producers would be spared the expense associated with adhering to duplicative regulations or paying certain fees imposed by governmental entities in the state.

C. Government Sector Impact:

The bill prohibits governmental entities from charging fees on certain agricultural activities occurring on agricultural lands, which appears to have an insignificant negative impact on local government revenues.

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.

⁵ Office of Economic & Demographic Research, *Revenue Estimating Conference Impact Conference: 2013 Session Conference Table*, <http://edr.state.fl.us/Content/conferences/revenueimpact/2013RevenueImpactSummary.xls> (last visited Mar. 31, 2013).

B. Amendments:

None.

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

By Senator Brandes

22-01221A-13

20131190__

1 A bill to be entitled
 2 An act relating to agricultural lands; amending s.
 3 163.3162, F.S.; revising a definition; prohibiting a
 4 governmental entity from adopting or enforcing any
 5 prohibition, restriction, regulation, or other
 6 limitation or from charging a fee on a specific
 7 agricultural activity of a bona fide farm operation on
 8 land classified as agricultural land under certain
 9 circumstances; providing an effective date.

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

12
 13 Section 1. Paragraphs (b) through (j) of subsection (3) of
 14 section 163.3162, Florida Statutes, are redesignated as
 15 paragraphs (c) through (k), respectively, paragraph (d) of
 16 subsection (2) and paragraph (a) of subsection (3) are amended,
 17 and a new paragraph (b) is added to subsection (3) of that
 18 section, to read:

19 163.3162 Agricultural Lands and Practices.—

20 (2) DEFINITIONS.—As used in this section, the term:

21 (d) "Governmental entity" has the same meaning as provided
 22 in s. 164.1031. The term does not include a water management
 23 district, a water control district established under chapter
 24 298, or a special district created by special act for water
 25 management purposes.

26 (3) DUPLICATION OF REGULATION.—Except as otherwise provided
 27 in this section and s. 487.051(2), and notwithstanding any other
 28 law, including any provision of chapter 125 or this chapter:

29 (a) A governmental entity ~~county~~ may not exercise any of

22-01221A-13

20131190__

30 its powers to adopt or enforce any ordinance, resolution,
31 regulation, rule, or policy to prohibit, restrict, regulate, or
32 otherwise limit an activity of a bona fide farm operation on
33 land classified as agricultural land pursuant to s. 193.461, if
34 such activity is regulated through implemented best management
35 practices, interim measures, or regulations adopted as rules
36 under chapter 120 by the Department of Environmental Protection,
37 the Department of Agriculture and Consumer Services, or a water
38 management district as part of a statewide or regional program;
39 or if such activity is expressly regulated by the United States
40 Department of Agriculture, the United States Army Corps of
41 Engineers, or the United States Environmental Protection Agency.

42 (b) A governmental entity may not charge a fee on a
43 specific agricultural activity of a bona fide farm operation on
44 land classified as agricultural land pursuant to s. 193.461, if
45 such agricultural activity is regulated through implemented best
46 management practices, interim measures, or rules adopted under
47 chapter 120 by the Department of Environmental Protection, the
48 Department of Agriculture and Consumer Services, or a water
49 management district as part of a statewide or regional program
50 or if such agricultural activity is expressly regulated by the
51 United States Department of Agriculture, the United States Army
52 Corps of Engineers, or the United States Environmental
53 Protection Agency.

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

THE FLORIDA SENATE
APPEARANCE RECORD

6

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

4/2/13
Meeting Date

Topic Environmental Regulation Bill Number SB 1684
Name Suzanne Goss * Amendment Barcode 598244 (if applicable)
Job Title Government Relations Specialist (if applicable)

Address 21 W. Church St. Phone 904-665-8331
Street
Jacksonville FL 32202 E-mail gossSE@jea.com
City State Zip

Speaking: For Against Information

Representing JEA

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

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

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



THE FLORIDA SENATE

APPEARANCE RECORD

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

4/2/13
Meeting Date

Topic Environmental Regulation

Bill Number SB 1684
(if applicable)

Name Egon G. Fernandez

Amendment Barcode 598244
(if applicable)

Job Title Governmental Affairs Asst.

Address 3071 SW 38 Ave Rm 535
Street

Phone 786 552-8983

Miami FL 33146
City State Zip

E-mail egf@miamidade.gov

Speaking: For Against Information

Representing MIAMI DADE WATER & SEWER DEPT

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

6

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

4/2/13
Meeting Date

Topic Environmental Regulation

Bill Number SB 1684
(if applicable)

Name Frank Bernardino

Amendment Barcode 598244
(if applicable)

Job Title _____

Address 324 E. Virginia St.

Phone 561/718-2345

Street

Tallahassee

FL

32301

City

State

Zip

E-mail FrankcanfieldFlorida.com

Speaking: For Against Information

Representing Fla. Section American Water Works 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.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

6

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

4-2-13
Meeting Date

Topic PERMIT STREAMLING

Bill Number 1684
(if applicable)

Name KURT SPITZER

Amendment Barcode 903260
(if applicable)

Job Title EXEC. DIRECTOR

Address 719 E. PARK
Street

Phone 561 0904

T 32301
City State Zip

E-mail _____

Speaking: For Against Information

Representing FLA. STORMWATER 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.

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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)

4/2/13

Meeting Date

Topic ENV. REG REFORM

Bill Number 1684 (if applicable)

Name FRANK MATTHEWS

Amendment Barcode 903260 (if applicable)

Job Title ATTY

Address PO BOX 4526 Street

Phone 850 222 7500

City TLH State FLA Zip 32301

E-mail frankm@hgslaw.com

Speaking: [X] For [] Against [] Information

Representing FLORIDA ELECTRIC POWER COOR. GROUP

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] 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

6

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

4-2-13
Meeting Date

Topic Environmental Regulation

Bill Number 1684
(if applicable)

Name Missy Timmins

Amendment Barcode _____
(if applicable)

Job Title _____

Address 2910 Kerry Forest Pkwy D4-368
Street

Phone 668-8000

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Marine Industry Association 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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6

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/2/13

Meeting Date

Topic _____

Bill Number 1684
(if applicable)

Name Pierre Schwessler

Amendment Barcode 598244
(if applicable)

Job Title Legislative Affairs Director

Address 3900 Commonwealth Ave

Phone 245-2140

Street

Tallahassee

FL

32399

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing DEP

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)

6

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/2/13
Meeting Date

Topic Environmental Regulation

Bill Number 1684
(if applicable)

Name David Cullen

Amendment Barcode _____
(if applicable)

Job Title _____

Address 1674 University Pkwy #236
Street
Sarasota FL 34243
City State Zip

Phone 941.323.2404

E-mail cullenass@aol.com

Speaking: For Against Information

Representing TIERRA 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.

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



THE FLORIDA SENATE
APPEARANCE RECORD

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

April 2 2013

Meeting Date

Topic Environmental Regulatory Reform

Bill Number 1684
(if applicable)

Name David Childs

Amendment Barcode _____
(if applicable)

Job Title Cancel

Address 119 S. Monroe St.

Phone 850 222 7500

Street

Tallahassee FL 32311

City

State

Zip

E-mail DAVIDDC@H6SLAW.COM

Speaking: For Against Information

Representing National Marine Manufacturers 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

u

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

4/2/13

Meeting Date

Topic ENVIRONMENTAL REGULATIONS

Bill Number SB 1684
(if applicable)

Name KEYNA CORY

Amendment Barcode _____
(if applicable)

Job Title _____

Address 110 E. COLLEGE AVE

Phone 350 681-1065

Street
TAWANHASSEE FL 32301

E-mail keynacory@pacconsultants.com

City State Zip

Speaking: For Against Information

Representing NATIONAL SOLID WASTES MANAGEMENT ASSN - FL CHAPTER

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

6

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

4-2-13

Meeting Date

Topic Env. Reg's

Bill Number SB 1684
(if applicable)

Name Doug Mann

Amendment Barcode _____
(if applicable)

Job Title _____

Address 310 W. College Ave.
Street

Phone _____

Palmdale FL 32301
City State Zip

E-mail _____

Speaking: For Against Information

Representing AIF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD



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

4/21

Meeting Date

Topic Environmental Permitting

Bill Number 1684
(if applicable)

Name Phil Heary

Amendment Barcode _____
(if applicable)

Job Title Lobbyist

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Ground Water Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
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 1684

INTRODUCER: Environmental Preservation and Conservation Committee; and Senators Altman and Abruzzo

SUBJECT: Environmental Regulation

DATE: April 4, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	Fav/CS
2.	_____	_____	AG	_____
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____
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 1684 makes changes to statutes related to environmental regulation and permitting. The CS:

- Provides that the Department of Environmental Protection (DEP) may adopt rules for the electronic submission of forms, documents, fees or reports;
- Provides that when reviewing an application for a development permit, counties and municipalities cannot request additional information from an applicant more than three times, unless the applicant waives the limitation in writing. It also provides that prior to the third request, the permittee should be offered a meeting to resolve outstanding issues. Lastly, it allows the permittee to request the application be finalized if he or she believes the request for additional information is not supported by any legal authority;
- Provides for an expansion of the definition of “phosphate-related expenses”;
- Provides that the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) is authorized to issue leases or consents of use to special event promoters and boat show owners to allow for the installation of temporary structures. The lease or consent of use must include appropriate lease fees and must be for a period not to exceed 45 days and for a duration not to exceed 10 consecutive years;

- Authorizes the DEP to establish general permits for special events relating to boat shows;
- Defines “first-come, first-served basis” as it relates to marinas; provides requirements for the calculation of lease fees for certain marinas; and provides conditions for the discount and waiver of lease fees for certain marinas, boatyards and marine retailers;
- Provides for the waiver of lease fees for private residential docks and piers over sovereignty submerged lands;
- Provides general permits for local governments to construct certain mooring fields and places a limit on the size of mooring fields;
- Provides that when there are competing consumptive use permit (CUP) applications, a water management district (WMD) or the DEP must have also issued an affirmative proposed agency action for each application before the DEP or WMD has the right to approve or modify the application that best serves the public interest;
- Provides that permitted water allocations may not be changed under certain circumstances with respect to seawater desalination plants and other drought resistant water sources;
- Provides that the issuance of well permits is the sole responsibility of the WMDs and prohibits government entities from imposing requirements and fees associated with the installation and abandonment of a groundwater well;
- Provides that licensure of water well contractors by a WMD must be the only water well construction license required for the construction, repair or abandonment of water wells in the state or any political subdivision;
- Exempts certain ponds, ditches and wetlands from regulatory requirements;
- Provides a statement of policy for working on water supply issues cooperatively;
- Provides that “self-suppliers” are to be included in the planning process to meet future water supply needs and defining “self-suppliers”;
- Requires the WMDs to coordinate and cooperate with the Department of Agriculture and Consumer Services (DACCS) in its regional water supply planning process;
- Provides that a person can bring a cause of action for damages resulting from a discharge of certain types of pollution if not regulated or authorized pursuant to ch. 403, F.S.;
- Defines “beneficiary” as it relates to the entities a local government may collect stormwater fees from;
- Extends the payment deadline of permit fees for major sources of air pollution and directs that fees must be based on actual emissions and not permitted emissions;
- Provides that localities may not compete with recovered materials dealers while an application for engaging in business is pending with the locality and provides a time limit of 90 days for processing the application;
- Provides for expedited permitting of interstate natural gas pipelines; and
- Provides that a permit is not required for the restoration of seawalls at their previous locations or upland of their previous locations, or within 18 inches, instead of 12 inches, waterward of their previous locations.

This CS substantially amends the following sections of the Florida Statutes: 20.255, 125.022, 166.033, 211.3103, 253.0345, 253.0347, 373.118, 373.233, 373.236, 373.308, 373.323, 373.406, 373.701, 373.703, 373.709, 376.313, 403.031, 403.061, 403.0872, 403.7046, 403.813, 403.973, 570.076, and 570.085. The CS creates sections 253.0346 and 403.8141 of the Florida Statutes.

II. Present Situation:

The statutes affected by this CS are diverse. The present situation of each area affected by the CS will be addressed in Section III – Effect of Proposed Changes.

III. Effect of Proposed Changes:

Sections 1 and 19 amend ss. 20.255 and 403.061, F.S., relating to the electronic submission of forms to the EP.

Present Situation

Section 20.255, F.S., creates the DEP and provides for the organizational structure of the DEP. Section 403.061, F.S., authorizes the DEP to have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it.

The DEP currently accepts certain types of permit applications on-line. In addition, Florida's five WMDs have developed a shared permitting portal. This portal is designed to direct the user to the appropriate WMD's website for obtaining information regarding the WMD's permitting programs, applying for permits and submitting permit compliance information. The WMDs issue several types of permits. The three most common deal with how much water is used (consumptive use permitting), the construction of wells (well construction permitting), and how new development affects water resources (environmental resource permitting).

Effect of Proposed Changes

The CS amends ss. 20.255 and 403.061, F.S., authorizing the DEP to adopt rules requiring or incentivizing electronic submission of any form, document or fee required for an application for a permit under ch. 161, F.S., (relating to beach and shore preservation), ch. 253, F.S., (relating to state lands), ch. 373, F.S., (relating to water resources), ch. 376, F.S., (relating to pollutant discharge prevention and removal), or ch. 403, F.S., (relating to environmental control).

Sections 2 and 3 amend ss. 125.022 and 163.033, F.S., respectively, relating to development permits.

Present Situation

A development permit is any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance or any other official action of local government having the effect of permitting the development of land.¹ Pursuant to ss. 125.022 and 166.033, F.S., when a county or municipality denies an application for a development permit, the county or municipality must give written notice to the applicant. The notice must include a citation to the applicable portions of ordinance, rule, statute or other legal authority for the denial of the permit.

For any development permit application filed with a county or municipality after July 1, 2012, that county or municipality is prohibited from requiring, as a condition of processing or issuing a

¹ Section 163.3164(16), F.S.

development permit, that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county or municipality action on the local development permit. The issuance of a development permit by a county or municipality does not create any rights on the part of the county or municipality for issuance of the permit if the applicant fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county or municipality can attach such a disclaimer to the issuance of a development permit and can include a permit condition that all other applicable state or federal permits be obtained prior to commencement of the development. This does not prohibit a county or municipality from providing information to an applicant regarding what other state or federal permits may apply.

Effect of Proposed Changes

The CS amends ss. 125.022 and 163.033, F.S., providing that when reviewing an application for a development permit, counties and municipalities cannot request additional information from an applicant more than three times, unless the applicant waives the limitation in writing. Prior to the third request for information, the county (CS section 2) or the municipality (CS section 3) is directed to offer a meeting to try to resolve outstanding issues. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute or other legal authority, the county or municipality, at the applicant's request, must proceed with processing the application.

Section 4 amends s. 211.3103, F.S., expanding activities qualifying as “phosphate-related expenses.”

Present Situation

Pursuant to s. 211.3103, F.S., an excise tax is levied upon each person engaging in the business of severing phosphate rock from the soils or waters of this state for commercial use. The tax rate is \$1.61 per ton severed, except for the time period from January 1, 2015 until December 21, 2022, where it is set at \$1.80 per ton severed.

The proceeds of all taxes, interest and penalties imposed under this section of law are paid into the State Treasury as follows:

- To the credit of the Conservation and Recreation Lands Trust Fund: 25.5 percent.
- To the credit of the General Revenue Fund of the state: 35.7 percent.
- For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary: 12.8 percent.
- For payment to counties that have been designated as a rural area of critical economic concern in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary: 10 percent.

Any such proceeds received by a county must be used only for phosphate-related expenses.

Section 211.3103(6)(c), F.S., defines “phosphate-related expenses” as those expenses that provide for infrastructure or services in support of the phosphate industry, reclamation or

restoration of phosphate lands, community infrastructure on such reclaimed lands, and similar expenses directly related to support of the industry.

Effect of Proposed Changes

The CS amends s. 211.3103, F.S., to expand the activities that qualify as “phosphate-related expenses” to include environmental education, maintenance and restoration of reclaimed lands and county-owned environmental lands which were formerly phosphate lands, and community infrastructure on county owned environmental lands that were formerly phosphate lands.

Sections 5 and 23 amend s. 253.0345, F.S., and create s. 403.8141, F.S., respectively, relating to special events on sovereignty submerged lands.

Present Situation

The Board of Trustees may authorize the use of sovereignty submerged lands for special events. The Board of Trustees is authorized to issue “consents of use” or leases to riparian landowners and event promoters to allow the installation of temporary structures, including docks, moorings, pilings and access walkways on sovereignty submerged lands solely for the purpose of facilitating boat shows and displays in, or adjacent to, established marinas or government owned upland property. Riparian owners of adjacent uplands who are not seeking a lease or consent of use must be notified by certified mail of any request for such a lease or consent of use prior to approval by the Board of Trustees. The Board of Trustees must balance the interests of any objecting riparian owners with the economic interests of the public and the state as a factor in determining whether a lease or consent of use should be executed over the objection of adjacent riparian owners. This does not apply to structures for viewing motorboat racing, high-speed motorboat contests or high-speed displays in waters that manatees are known to frequent.²

The Board of Trustees’ rules contain three classifications for special events:

- Class II Special Events are events of 30 days or less involving the construction of structures that are not revenue-generating and either preempt 1,000 square feet or less of sovereignty submerged lands or preempt no more than 10 square feet of sovereignty submerged land for each linear foot of the applicant’s contiguous shoreline along the affected sovereignty submerged land. These activities require a letter of consent from the DEP but no lease.³
- Class III Special Events are single events involving the construction of 50 or fewer new slips or a preempted area of 50,000 square feet or less. A lease is required and the term of the lease is limited to 30 days or less.⁴
- Class IV Special Events are events that do not qualify as Class III events or are events authorized to be conducted more than once during the lease term. A lease is required and the term of the lease may be up to five years.⁵

² See s. 253.0345, F.S. See also Rule 18-21.0082, F.A.C., for information required on applications for leases or consents of use and for provisions concerning limitations on consents of use and leases, depending on the type of event.

³ Rule 18-21.005(1)(c)17., F.A.C.

⁴ Rule 18-21.005(1)(d)10., F.A.C.

⁵ Rule 18-21.005(1)(d)11., F.A.C.

Any special event must be for 30 days or less. The lease or consent of use may also contain appropriate requirements for removal of the temporary structures, including the posting of sufficient surety to guarantee appropriate funds for removal of the structures should both the promoter or riparian owner fail to do so within the time specified in the agreement.⁶

Effect of Proposed Changes

Section 5 of the CS amends s. 253.0345, F.S., to provide that the Board of Trustees is authorized to issue leases or consents of use to special event promoters and boat show owners to allow the installation of temporary structures, including docks, moorings, pilings and access walkways, on sovereignty submerged lands solely for the purpose of facilitating boat shows and displays in, or adjacent to, established marinas or government-owned upland property. A lease or consent of use for a special event under this section must include an exemption from lease fees and must be for a period of 45 days or less and for a duration of 10 consecutive years or less.

Section 23 of the CS creates s. 403.8141, F.S., directing the DEP to issue permits for special events as defined in s. 253.0345, F.S. The permits must be for a period that runs concurrently with the letter of consent or lease issued and must allow for the movement of temporary structures within the footprint of the lease area.

Sections 6 and 7 creates s. 253.0346, F.S., relating to the lease of sovereignty submerged lands for marinas, boatyards and marine retailers and amend s. 253.0347, F.S., relating to regarding the lease of sovereignty submerged lands for private residences, respectively.

Present Situation

The Board of Trustees is responsible for the administration and disposition of the state's sovereignty submerged lands.⁷ It has the authority to adopt rules and regulations pertaining to anchoring, mooring or otherwise attaching to the bottom. Waterfront landowners must receive the Board of Trustees' authorization to build docks and related structures on sovereignty submerged lands. The DEP administers all staff functions on the Board of Trustees' behalf.

Florida recognizes riparian rights for landowners with waterfront property bordering navigable waters, which include the rights of ingress, egress, boating, bathing, fishing and others as defined by law.⁸ Riparian landowners must obtain the Board of Trustees' authorization for installation and maintenance of docks, piers and boat ramps on sovereignty submerged land.⁹ Under the Board of Trustees' rules, "dock" generally means a fixed or floating structure, including moorings and access walkways, used for the purpose of mooring and accessing vessels.¹⁰ Authorization may be by rule, letter of consent or lease.¹¹ All leases authorizing activities on

⁶ Rule 18-21.0082(2)(c), F.A.C.

⁷ Section 253.03(8)(b), F.S., defines submerged lands as publicly owned lands below the ordinary high-water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state.

⁸ See s. 253.141(1), F.S.

⁹ Rule 18-21.005(1)(d), F.A.C.

¹⁰ See Rules 18-20.003(2) and (19), F.A.C.

¹¹ Rule 18-21.005(1), F.A.C.

sovereignty submerged lands must include provisions for lease fee adjustments and annual payments.¹²

The Board of Trustees has promulgated detailed rules regulating the design of docks and related structures, including determining whether a lease is required and setting the amount of lease fees.¹³ The DEP determines whether a lease is required for a person to build a dock or related structure on sovereignty submerged lands based on a number of factors including:

- Location within or outside of an aquatic preserve;
- Area of sovereignty submerged land preempted;
- Number of wet slips or the number of boats the structure is designed to moor;
- Whether the dock is for a single-family residence or a multi-unit dwelling;
- Whether the dock generates revenue; and
- Whether the dock is for “private residential” or other uses.

A property owner who is required to obtain a lease to build a dock or related structure must follow the lease terms and pay applicable fees. Currently, the standard lease term is five years, and sites under lease must be inspected once every five years. Annual lease fees for standard term leases are calculated through a formula based on annual income, square footage or a minimum annual fee. Extended term leases are available, under limited conditions, for up to 25 years. Annual lease fees for extended term leases are calculated like standard lease fees but with a multiplier for the term in years. Site inspections are conducted at least once every five years by the DEP or a WMD to determine compliance with lease conditions.¹⁴

When determining whether to approve or deny uses for sovereignty submerged land leases, the Board of Trustees must consider whether such uses pass a public interest test. “Public interest” is defined as:

[T]he demonstrable environmental, social and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social and economic costs of the proposed action. In determining the public interest in a request for use, sale, lease, or transfer of interest in sovereignty lands, or severance of materials from sovereignty lands, the Board of Trustees must consider the ultimate project and purpose to be served by said use, sale, lease or transfer of lands or materials.¹⁵

There are currently three categories of leases identified in Rule 18-21.008, F.A.C.:

- Standard leases are for terms of five years with the exception of leases for marinas where at least 90 percent of the slips are maintained for rent to the public on a first-come, first-served basis, which are for ten years.
- Extended Term leases are those with terms in excess of standard leases and are available for up to 25 years. Such leases are for activities that will have an expected life equal to or greater than the requested lease term. Those leases include:

¹² Rule 18-21.008(1)(b)(2), F.A.C.

¹³ See Rules 18-20 and 18-21, F.A.C.

¹⁴ Rule 18-21.008(1)(b)4., F.A.C.

¹⁵ Rule 18-21.003(51), F.A.C.

- Facilities or activities that provide public access;
- Facilities constructed, operated or maintained by government or funded by government secured bonds; and
- Facilities that have other unique operational characteristics as determined by the Board of Trustees.
- Oil and Gas leases are those leases issued on a competitive bid basis for terms as determined by the Board of Trustees. However, no such leases have been issued as s. 377.242, F.S., prohibits the drilling for oil, gas or other petroleum products on any sovereignty submerged land.

Florida Clean Marina Program

The Florida Clean Marina Program is a voluntary designation program. Participants receive assistance in implementing best management practices through on-site and distance technical assistance, mentoring by other Clean Marinas and continuing education. To become designated as a Clean Marina, facilities must implement a set of environmental measures designed to protect Florida's waterways. These measures address critical environmental issues such as sensitive habitat, waste management, stormwater control, spill prevention and emergency preparedness.¹⁶

The Florida Clean Boatyard Program is a voluntary designation program that encourages boatyards to implement environmentally conscious practices. Measures include using dustless sanders, recycling oil and solvents, and re-circulating pressure wash systems to recycle wastewater.¹⁷

The Florida Clean Marine Retailer Program is a voluntary designation program that encourages marine retailers to educate boaters by providing information to those who purchase vessels on clean boating practices. A Clean Marine Retailer also employs environmental best management practices in its boat and engine service operations and facilities.¹⁸

As of June 21, 2012, there were 263 designated Clean Marinas, 38 Clean Boatyards and 17 Clean Marine Retailers in Florida.¹⁹

Effect of Proposed Changes

Section 6 of the CS creates s. 253.0346, F.S., relating to the lease of sovereignty submerged lands for marinas, boatyards and marine retailers. The CS defines "first-come, first-served basis" to mean the facility operates on state-owned submerged land for which:

- There is no club membership, stock ownership, equity interest or other qualifying requirement; and
- Rental terms do not exceed 12 months and do not include automatic renewal rights or conditions.

¹⁶ DEP, *About Florida Clean Marina Programs*, <http://www.dep.state.fl.us/cleanmarina/about.htm> (last visited Mar. 29, 2013).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ DEP, *Florida Clean Marina Programs*, <http://www.dep.state.fl.us/cleanmarina/> (last visited Mar. 29, 2013).

For marinas that are open to the public on a first-come, first-served basis and for which at least 90 percent of the slips are open to the public, a 30 percent discount on the annual lease fee must apply if dockage rate sheet publications and dockage advertising clearly state the slips are open to the public on a first-come, first-served basis.

For a facility designated by the DEP as a Clean Marina, Clean Boatyard or Clean Marine Retailer under the Clean Marina Program, the following requirements apply:

- A 10 percent discount on the annual lease fee must apply if the facility:
 - Actively maintains designation under the program;
 - Complies with the terms of the lease; and
 - Does not change use during the term of the lease.
- Extended term lease surcharges must be waived if the facility:
 - Actively maintains designation under the program;
 - Complies with the terms of the lease;
 - Does not change use during the term of the lease; and
 - Is available to the public on a first-come, first-served basis.

If the facility has unpaid lease fees or fails to comply with this section, the facility is not eligible for the discount or waiver under this section until the debts have been paid and compliance with the program has been met.

This section only applies to new leases or amendments to leases effective after July 1, 2013.

Section 7 of the CS provides that lease fees are not required for:

- Private residential single-family docks designed to moor up to four boats so long as the preempted area is equal to or less than 10 times the distance along the riparian shoreline or the square footage allowed for private residential single-family docks under rules adopted by the Board of Trustees, whichever is greater.
- Private residential multi-family docks designed to moor boats up to the number of units within the development that are equal to or less than 10 times the riparian shoreline along the sovereignty submerged land on the affected waterbody multiplied by the number of units with docks in the development.

Section 8 amends s. 373.118, F.S., relating to general permits for marine facilities built by local governments.

Present Situation

Section 373.118(4), F.S., directs the DEP to adopt one or more general permits for local governments to construct, operate and maintain public marina facilities, public mooring fields, public boat ramps, including associated courtesy docks and parking facilities located in uplands. A facility authorized under these general permits is exempt from review as a development of regional impact if the facility complies with the comprehensive plan of the applicable local government. Such facilities must be consistent with the local government manatee protection plan required pursuant to ch. 379, F.S., must obtain Clean Marina Program Status prior to opening for operation, and must maintain that status for the life of the facility. Marinas and

mooring fields authorized under a general permit cannot exceed an area of 50,000 square feet over wetlands and other surface waters.

Effect of Proposed Changes

The CS amends s. 373.118(4), F.S., removing a provision directing the DEP to adopt rules for one or more general permits for local governments to construct, operate and maintain public marina facilities. The CS removes a provision that local government facilities permitted under s. 373.118(4), F.S., must obtain Clean Marina Program status before opening for operation and must maintain that designation for the life of the facility. The CS also removes a provision limiting such facilities to 50,000 square feet over wetlands and other surface waters.

The CS adds a provision limiting mooring fields permitted under s. 373.118(4), F.S., to 100 vessels and it adds a provision authorizing the Board of Trustees to delegate to the DEP the ability to issue leases for mooring fields that meet the requirements of the general permit per s. 373.118(4), F.S.

Section 9 amends s. 373.233, F.S., relating to consumptive use permitting.

Present Situation

A CUP establishes the duration and type of water an entity may use as well as the maximum amount that may be withdrawn. Pursuant to s. 373.219, F.S., each CUP must be consistent with the objectives of the WMD and not harmful to the water resources of the area. To obtain a CUP, an applicant must establish that the proposed use of water satisfies the statutory test, commonly referred to as the “three-prong test.” Specifically, the proposed water use:

- Must be a “reasonable-beneficial use,” as defined in s. 373.019, F.S.;
- Must not interfere with any presently existing legal use of water; and
- Must be consistent with the public interest.²⁰

Section 373.233, F.S., provides that if two or more complete applications that otherwise comply with the provisions of Part II of ch. 373, F.S., are pending for a quantity of water that is inadequate for both or all applications, or that are in conflict for any other reason, the governing board of the DEP or the WMD has the right to approve or modify the application which best serves the public interest.

The Three Prong Test

“Reasonable-beneficial use,” the first prong of the test, 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.”²¹ The Legislature has declared water a public resource. Therefore, wasteful uses of water are not allowed even if there are sufficient resources to meet all other demands.

²⁰ Section 373.223(1)(a-c), F.S.

²¹ Section 373.019(16), F.S. 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.

To that end, the DEP has promulgated the Water Resource Implementation Rule that incorporates interpretive criteria for implementing the reasonable-beneficial use standard based on common law and water management needs.²² These criteria include consideration of the quantity of water requested; the need, purpose and value of the use; and the suitability of the source. The criteria also consider the extent and amount of harm caused, whether that harm extends to other lands, and the practicality of mitigating that harm by adjusting the quantity or method of use. Particular consideration is given to the use or reuse of lower quality water, and the long-term ability of the source to supply water without sustaining harm to the surrounding environment and natural resources.²³

The second element of the three-prong test protects the rights of existing legal uses of water for the duration of their permits.²⁴ New CUPs cannot be issued if they would conflict with an existing legal use. This criterion is only protective of water users that actually withdraw water, not passive users of water resources.²⁵

The final element of the three-prong test requires water use to be consistent with the “public interest.” While the DEP’s Water Resource Implementation Rule provides criteria for determining the “public interest,” determination of a public interest is made on a case-by-case basis during the permitting process.²⁶ However, the WMDs and the DEP have broad authority to determine which uses best serve the public interest if there are not sufficient resources to fulfill all applicants’ CUPs. In the event that two or more competing applications are deemed to be equally in the public interest, the particular WMD or the DEP gives preference to renewal applications.²⁷

Effect of Proposed Changes

The CS amends s. 373.233, F.S., to provide that where there are competing CUP applications, the governing board of a WMD or the DEP must have also issued an affirmative proposed agency action for each application before the governing board of a WMD or the DEP has the right to approve or modify the application which best serves the public interest.

Section 10 amends s. 373.236, F.S., relating to the duration of CUPs.

Present Situation

Section 373.236(1), F.S., provides that CUPs must be granted for a period of 20 years if:

²² See Rule 62-40, F.A.C.

²³ *Southwest Florida Water Management District v. Charlotte County*, 774 So. 2d 903, 911 (Fla. 2d DCA 2001) (upholding the WMD’s use of criteria for implementing the reasonable-beneficial use standard).

²⁴ Section 373.223(1)(b), F.S.

²⁵ See *Harloff v. City of Sarasota*, 575 So. 2d 1324 (Fla. 2d DCA 1991) (holding a municipal wellfield was an existing legal user and should be afforded protection). In contrast, see *West Coast Regional Water Supply Authority v. Southwest Florida Water Management District*, 89 ER F.A.L.R. 166 (Final Order, Aug. 30, 1989) (holding a farmer who passively relied on a higher water table to grow nonirrigated crops and standing surface water bodies to water cattle was not an existing legal user).

²⁶ *Supra* note 23.

²⁷ See s. 373.233, F.S.

- Requested by the applicant; and
- There is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit.

If either of these requirements are not met, a CUP with a shorter duration may be issued to reflect the period for which reasonable assurances can be provided. The WMDs and DEP may determine the duration of permits based upon a reasonable system of classification according to the water source, type of use, or both.

Pursuant to s. 373.326(4), F.S., when necessary to maintain “reasonable assurance” that initial conditions for issuance of a 20-year CUP can continue to be met, a WMD or DEP may require a permittee to produce a compliance report every 10 years. A compliance report must contain sufficient data to maintain reasonable assurance that the initial permit conditions are met. After reviewing a compliance report, the WMD or DEP may modify the permit, including reductions or changes in the initial allocations of water, to ensure that the water use comports with initial conditions for issuance of the permit. Permit modifications made by a WMD or DEP during a compliance review cannot be subject to competing applications for water use if the permittee is not seeking additional water allocations or changes in water sources.

Effect of Proposed Changes

The CS amends s. 373.236, F.S., to provide that in order to promote the sustainability of natural systems through the diversification of water supplies to include sources that are resistant to drought, a WMD may not reduce an existing permitted allocation of water during the permit term as a result of planned future construction of, or additional water becoming available from, a seawater desalination plant or other sources that are resistant to drought, unless the reductions are conditions of a permit or funding agreement with the WMD. Except as otherwise provided, this does not limit the existing authority of DEP or the governing board of a WMD to modify or revoke a CUP.

Section 11 amends s. 373.308, F.S., relating to well permits issued by water management districts.

Present Situation

Section 373.308, F.S., directs the DEP to authorize the governing board of a WMD to implement a program for the issuance of permits for the location, construction, repair and abandonment of water wells. The DEP may prescribe minimum standards for the location, construction, repair and abandonment of water wells throughout all or part of the state. Some local governments also have certain ordinances pertaining to water wells, which have resulted in duplicative regulation at the state and local level.

Effect of Proposed Changes

The CS amends s. 373.308, F.S., to provide that upon authorization from the DEP, issuance of well permits is the sole responsibility of the WMDs or a delegated local government, and other government entities may not impose additional or duplicate requirements or fees, or establish a

separate program for permitting the location, abandonment, boring or other activities reasonably associated with the installation and abandonment of a groundwater well.

Section 12 amends s. 373.323, F.S., relating to licenses for water well contractors.

Present Situation

Any person that wishes to engage in business as a water well contractor must obtain a license from a WMD. Each person must apply to take the licensure examination and the application must be made to the WMD in which the applicant resides or in which his or her principal place of business is located. An applicant must:

- Be at least 18 years of age;
- Have two years of experience in constructing, repairing or abandoning water wells; and
- Show certain proof of experience.²⁸

Section 373.323(11), F.S., provides that licensed water well contractors may install pumps, tanks, and water conditioning equipment for all water well systems.

Effect of Proposed Changes

The CS amends s. 373.323, F.S., to provide that licensure under this section by a WMD must be the only water well construction license required for the construction, repair or abandonment of water wells in the state or any political subdivision.

The CS also expands the types of systems that licensed water well contractors may install pumps, tanks and water conditioning equipment on. The CS changes the systems water well contractors can work on from “water well systems” to “water systems.”

Section 13 amends s. 373.406, F.S., relating to surface water management and storage.

Present Situation

Part IV of ch. 373, F.S., provides for the management and storage of surface water. Part IV also establishes the Environmental Resource Permit (ERP) program, which is the primary tool used by the DEP and the WMDs for preserving natural resources, fish and wildlife, minimizing degradation of water resources caused by stormwater discharges, and providing for the management of water and related land resources.

The activities regulated under the ERP program include the construction, alteration, operation, maintenance, abandonment and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant work and works. Individually and collectively these terms are referred to as “surface water management systems.”

Certain activities are exempt by statute from the need to obtain an ERP under state law or by agency rule. Section 373.406, F.S., provides for several exemptions from the regulatory

²⁸ Section 373.323, F.S.

requirements in ch. 373, F.S. The DEP's rules also provide for certain exemptions and general permits for certain activities that cause only minimal individual and cumulative adverse impacts to wetlands and other surface waters. Some examples of exempt activities are:

- Construction, repair and replacement of private docking facilities below certain size thresholds;
- Maintenance dredging of existing navigational channels and canals;
- Construction and alteration of boat ramps within certain size limits;
- Construction, repair and replacement of seawalls and riprap in artificial waterways;
- Repair and replacement of structures; and
- Construction of certain agricultural activities.

In addition, the state has issued a number of noticed general permits for activities that are slightly larger than those that qualify for the above exemptions and that otherwise have been determined to have the potential for no more than minimal individual direct and secondary impacts. These include, but are not limited to:

- Construction and modification of boat ramps of certain sizes;
- Installation and repair of riprap at the base of existing seawalls;
- Installation of culverts associated with stormwater discharge facilities; and
- Construction and modification of certain utility and public roadway construction activities.

Anything that does not specifically qualify for an exemption or noticed general permit typically requires an ERP permit.

Effect of Proposed Changes

The CS amends s. 373.406, F.S., to include the following exemptions from regulation under Part IV of ch. 373, F.S.:

- Construction, operation or maintenance of any wholly owned, manmade ponds or drainage ditches constructed entirely in uplands; and
- Activities affecting wetlands created solely by the unreasonable and negligent flooding or interference with the natural flow or surface water caused by an adjoining landowner.

Section 14 amends s. 373.701, F.S., relating to cooperative water planning efforts.

Present Situation

Section 373.701, F.S., provides that it is the policy of the Legislature to:

- Promote the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems;
- Provide that those waters be managed on a state and regional basis; and
- Provide that cooperative efforts between municipalities, counties, WMDs, and DEP are mandatory in order to meet the water needs.

Effect of Proposed Changes

The CS amends s. 373.701, F.S., to provide that cooperative water planning efforts include utility companies, private landowners, water consumers, and the DACS. The CS also encourages municipalities, counties, and special districts to create multijurisdictional water supply entities.

Section 15 amends s. 373.703, F.S., relating to water supply planning duties or the WMDs.

Present Situation

Section 373.703, F.S., provides for certain powers and duties of the governing board of a WMD which include, but are not limited to, the following:

- To engage in planning to assist counties, municipalities, special districts, publicly owned and privately owned water utilities, multijurisdictional water supply entities, or regional water supply authorities in meeting water supply needs in such manner as will give priority to encouraging conservation and reducing adverse environmental effects of improper or excessive withdrawals of water from concentrated areas.
- To assist counties, municipalities, special districts, publicly owned or privately owned water utilities, multijurisdictional water supply entities, or regional water supply authorities in meeting water supply needs in such manner as will give priority to encouraging conservation and reducing adverse environmental effects of improper or excessive withdrawals of water from concentrated areas.
- To join with one or more other water management districts, counties, municipalities, special districts, publicly owned or privately owned water utilities, multijurisdictional water supply entities, or regional water supply authorities for the purpose of carrying out any of its powers, and may contract with such other entities to finance acquisitions, construction, operation, and maintenance.

Effect of Proposed Changes

The CS amends s. 373.703, F.S., to add “self-suppliers” to the list of entities the governing boards of WMDs must engage in planning in order to assist in meeting water supply needs. The CS also adds self-suppliers to the list of entities the governing boards must assist in meeting water supply needs. In addition, the CS adds self-suppliers to the list of entities the governing boards can join with for the purpose of carrying out its powers, and can contract with to finance acquisitions, construction, operation, and maintenance, provided such contracts are consistent with the public interest. The CS defines the term “self-supplier” to mean persons who obtain surface or groundwater from a source other than a public water supply.

Sections 16 and 26 amend ss. 373.309 and 570.085, F.S., respectively, relating to agricultural water supply planning.

Present Situation

The WMDs are required to conduct water supply needs assessments. If a WMD determines that existing resources will not be sufficient to meet reasonable-beneficial uses for the planning period for a particular water supply planning region, it must prepare a regional water supply

plan.²⁹ Regional water supply plans must be based on at least a 20-year planning period.³⁰ The plan must contain:

- 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.³¹

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. The 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.³²

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.³³ 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.

Pursuant to s. 570.085, F.S., the DACS must establish an agricultural water conservation program that includes:

- A cost-share program between the U.S. Department of Agriculture and other federal, state, regional and local agencies for irrigation system retrofit and the application of mobile irrigation laboratory evaluations for water conservation;
- The development and implementation of voluntary interim measures of best management practices that provide for increased efficiencies in the use and management of water for agricultural production. In the process of developing and adopting rules for interim measures or best management practices, the DACS must consult with the DEP and the WMDs; and

²⁹ Section 373.709(1), F.S.

³⁰ Section 373.709(2), F.S.

³¹ *Id.*

³² DACS, *Senate Bill 1684 Analysis* (Mar. 13, 2013) (on file with the Senate Committee on Environmental Preservation and Conservation).

³³ DEP, *Regional Water Supply Planning*, www.dep.state.fl.us/water/waterpolicy/rwsp.htm (last visited Mar. 30, 2013).

- Provide assistance to the WMDs in the development and implementation of a consistent methodology for the efficient allocation of water for agricultural irrigation.

Effect of Proposed Changes

Section 16 of the CS amends s. 303.709, F.S., providing that a WMD must include the DACS in its regional water supply planning process. The WMD must also include in the water supply development component of its regional water supply plan, the agricultural demand projections used for determining the needs of agricultural self-suppliers based on the best available data. In determining the best available data for agricultural self-supplied water needs, the WMD must use the data indicative of future water supply demands provided by the DACS pursuant to s. 570.085, F.S., which is amended by this CS, directing the DACS to establish a water supply planning program.

The CS directs the WMDs to describe any deviation or adjustment of the data provided by DACS and present the original data along with the adjusted data.

Section 26 of the CS amends s. 570.085, F.S., directing the DACS to establish an agricultural water supply planning program that includes the following:

- The development of data indicative of future agricultural water supply demands which must be:
 - Based on at least a 20-year planning period;
 - Provided to each WMD; and
 - Considered by each WMD when developing WMD water management plans.
- The data on future agricultural water supply demands, which are provided to each WMD, must include, but are not limited to:
 - Applicable agricultural crop types or categories;
 - Historic, current and future estimates of irrigated acreage for each applicable crop type or category, spatially for each county, including the historic and current methods and assumption used to generate the spatial acreage estimates and projections;
 - Crop type or category water use coefficients for a 1-in-10 year drought average used in calculating historic, current and future water demands, including data, methods and assumptions used to generate the coefficients. Estimates of historic and current water demands must take into account actual metered data when available. Projected future water demands must incorporate appropriate potential water conservation factors based upon data collected as part of the DACS's agricultural water conservation program pursuant to s. 570.085(1), F.S.; and
 - An evaluation of significant uncertainties affecting agricultural production which may require a range of projections for future agricultural water supply needs.
- In developing the data of future agricultural water supply needs, the DACS must consult with the agricultural industry, the University of Florida's institute of Food and Agricultural Sciences, the DEP, the WMDs, the National Agricultural Statistics Service and the U.S. Geological Survey.
- The DACS must coordinate with each WMD to establish a schedule for provision of data on agricultural water supply needs.

Section 17 amends s. 376.313, F.S., relating to the nonexclusiveness of remedies and individual causes of action for damages under ss. 376.30 to 376.317, F.S.

Present Situation

Section 376.313(3), F.S., provides that nothing contained in ss. 376.30-376.317, F.S., (relating to petroleum storage discharges, dry cleaning facilities and wholesale supply facilities) prohibits any person from bringing a cause of action in court for all damages resulting from a discharge or other condition of pollution covered by the referred to sections.

Effect of Proposed Changes

The CS amends s. 376.313(3), F.S., to provide that a person can bring a cause of action in court for all damages resulting from a discharge or other condition of pollution covered by ss. 376.30-376.317, F.S., that is not regulated or authorized pursuant to ch. 403, F.S. (relating to environmental control policies that conserve state water, protect and improve water quality for consumption and maintain air quality to protect human health). This serves to limit the causes of action currently available under s. 376.313, F.S.

Section 18 amends s. 403.031, F.S., regarding the definition of the term “beneficiary.”

Present Situation

Section 403.031, F.S., provides definitions for ch. 403, F.S. Section 403.0893, F.S., provides that a county or municipality may:

- Create one or more stormwater utilities and adopt stormwater utility fees sufficient to plan, construct, operate, and maintain stormwater management systems set out in the local program required pursuant to s. 403.0891(3), F.S.;
- Establish and set aside, as a continuing source of revenue, other funds sufficient to plan, construct, operate, and maintain stormwater management systems set out in the local program required pursuant to s. 403.0891(3), F.S.; or
- Create, alone or in cooperation with counties, municipalities, and special districts pursuant to the Interlocal Cooperation Act, s. 163.01, F.S., one or more stormwater management system benefit areas.

Effect of Proposed Changes

The CS creates s. 403.031(22), F.S., to provide a definition for the term “beneficiary” to mean any person, partnership, corporation, business entity, charitable organizations, not-for-profit corporation, state, county, district, authority, or municipal unit of government or any other separate unit of government created or established by law. This definition will make clear the entities that a local government can collect stormwater fees from.

Section 20 amends s. 403.0872, F.S., relating to operation permits for majority sources of air pollution and fee calculations.

Present Situation

The Clean Air Act (CAA) was enacted in 1970 as the comprehensive federal law to regulate air emissions from stationary and mobile sources. The law authorizes the U.S. Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards to protect public health and public welfare and to regulate emissions of hazardous air pollutants.³⁴

In 1990, Congress amended Title V of the CAA to create the operating permit program. The program streamlines the way federal, state, tribal and local authorities regulate air pollution by consolidating all air pollution control requirements into a single, comprehensive operating permit that covers all aspects of a source's year-to-year pollution activities.³⁵ Under Title V, the EPA must establish minimum elements to be included in all state and local operating permit programs, and then assist the state and local governments in developing their programs.³⁶ All major stationary sources (power plants, pulp mills and other facilities) emitting certain air pollutants are required to obtain operating permits.

Pursuant to s. 403.0872, F.S., and as promulgated in ch. 62-4, F.A.C., the DEP is responsible for air permits regulating major and minor facilities. Section 403.0872(11), F.S., provides that each source of air pollution permitted to operate in Florida must pay between January 15 and March 1 of each year, upon written notice from the DEP, an annual operation license fee in an amount determined by DEP rule. The annual fee is assessed based upon the source's previous year's emissions and is calculated by multiplying the applicable annual operation license fee factor by the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent construction or operation permit, and multiplying that by the annual hours of operation allowed by permit conditions provided, however, that:

1. The license fee factor is \$25 or another amount determined by DEP rule, which ensures that the revenue provided by each year's operation license fees is sufficient to cover all reasonable direct and indirect costs of the major stationary source air-operation permit program established by this section. The license fee factor may be increased beyond \$25 only if the Secretary of Environmental Protection affirmatively finds that a shortage of revenue for support of the major stationary source air-operation permit program will occur in the absence of a fee factor adjustment. The annual license fee factor may not exceed \$35.
2. For any source that operates for fewer hours during the calendar year than allowed under its permit, the annual fee calculation must be based upon actual hours of operation rather than allowable hours if the owner or operator of the source documents the source's actual hours of operation for the calendar year. For any source that has an emissions limit that is dependent upon the type of fuel burned, the annual fee calculation must be based on the emissions limit applicable during actual hours of operation.
3. For any source whose allowable emission limitation is specified by permit per units of material input or heat input or product output, the applicable input or production amount may be used to calculate the allowable emissions if the owner or operator of the source documents the actual input or production amount. If the input or production amount is not documented,

³⁴ EPA, *Summary of the Clean Air Act*, <http://epa.gov/regulations/laws/caa.html> (last visited Mar. 29, 2013).

³⁵ See EPA, *Air Pollution Operating Permit Program Update: Key Features and Benefits*, <http://www.epa.gov/oaqps001/permits/permitupdate/index.html> (last visited Mar. 29, 2013).

³⁶ *Id.*

- the maximum allowable input or production amount specified in the permit must be used to calculate the allowable emissions.
4. For any new source that does not receive its first operation permit until after the beginning of a calendar year, the annual fee for the year must be reduced pro rata to reflect the period during which the source was not operational.
 5. For any source that emits less of any regulated air pollutant than allowed by permit condition, the annual fee calculation for such pollutant must be based upon actual emissions rather than allowable emissions if the owner or operator documents the source's actual emissions by means of data from a DEP-approved certified continuous emissions monitor or from an emissions monitoring method which has been approved by the EPA under the regulations implementing 42 U.S.C. ss. 7651 et seq., or from a method approved by the DEP.
 6. The amount of each regulated air pollutant in excess of 4,000 tons per year allowed to be emitted by any source, or group of sources belonging to the same Major Group as described in the Standard Industrial Classification Manual, 1987, may not be included in the calculation of the fee. Any source, or group of sources, which does not emit any regulated air pollutant in excess of 4,000 tons per year, is allowed a one-time credit not to exceed 25 percent of the first annual licensing fee for the prorated portion of existing air-operation permit application fees remaining upon commencement of the annual licensing fees.
 7. If the DEP has not received the fee by February 15 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by March 1. If the fee is not postmarked by March 1 of the calendar year, the DEP shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee, plus interest on such amount computed in accordance with s. 220.807, F.S. The DEP may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The DEP may waive the collection of underpayment and is not required to refund overpayment of the fee, if the amount due is less than 1 percent of the fee, up to \$50. The DEP may revoke any major air pollution source operation permit if it finds that the permitholder has failed to timely pay any required annual operation license fee, penalty or interest.
 8. Notwithstanding the computational provisions of s. 403.0872(a), F.S., the annual operation license fee for any source subject to this section cannot be less than \$250, except that the annual operation license fee for sources permitted solely through general permits issued under s. 403.814, F.S., shall not exceed \$50 per year.
 9. Notwithstanding the provisions of s. 403.087(6)(a)5.a., F.S., authorizing air pollution construction permit fees, the DEP may not require such fees for changes or additions to a major source of air pollution permitted pursuant to this section, unless the activity triggers permitting requirements under Title I, Part C or Part D, of the CAA, 42 U.S.C. ss. 7470-7514a. Costs to issue and administer such permits are considered direct and indirect costs of the major stationary source air-operation permit program under s. 403.0873, F.S. The DEP must, however, require fees pursuant to the provisions of s. 403.087(6)(a)5.a., F.S., for the construction of a new major source of air pollution that will be subject to the permitting requirements of s. 403.0872, F.S., once constructed and for activities triggering permitting requirements under Title I, Part C or Part D, of the CAA, 42 U.S.C. ss. 7470-7514a.³⁷

³⁷ Section 403.0872(11)(a)1.-9., F.S.

Effect of Proposed Changes

The CS amends s. 403.0872, F.S., to extend the annual payment deadline for air pollution permits from March 1 to April 1. In addition, the CS provides that the annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor by the tons of each regulated air pollutant actually emitted, as calculated in accordance with DEP's emissions computation and reporting rules. The annual fee only applies to those regulated pollutants, except carbon monoxide and greenhouse gases, for which an allowable numeric emission limiting standard is specified in the source's most recent construction or operation permit. This will result in a decrease in fees charged since it is likely that most permitted entities are not discharging up to their permitted limit.

The CS deletes subparagraphs 2-5 from s. 403.0872(11), F.S.

The CS provides that if the DEP has not received the fee by March 1, instead of February 15, the permittee must be sent a written warning concerning the consequences of failing to pay the fee by April 1. If the fee is not postmarked by April 1, the DEP will impose an additional fee.

Section 21 amends s. 403.7046, F.S., relating to the regulation of recovered materials.

Present Situation

Section 403.70605, F.S., governs local government solid waste collection services that are in competition³⁸ with private companies.³⁹ The section:

- Provides general requirements for local governments that provide solid waste management services in direct competition with a private company;
- Provides requirements specific to a local government that provides solid waste collection services outside its jurisdiction in direct competition with private companies; and
- Prohibits a local government or combination of local governments from displacing a private company that provides garbage, trash, or refuse collective service without first meeting certain conditions.

Effect of Proposed Changes

The CS amends s. 403.70605, F.S., providing that a locality that receives a registration application from a recovered materials dealer must act on the application within 90 days and that while it is under review, the locality may not use the registration information to unfairly compete with the applicant.

³⁸ Section 403.70605(4)(a), F.S., defines "in competition" or "in direct competition" to mean the vying between a local government and a private company to provide substantially similar solid waste collection services to the same customer.

³⁹ Section 403.70605(4)(b), F.S., defines "private company" to mean any entity other than a local government or other unit of government that provides solid waste collection services.

Section 22 amends s. 403.813, F.S., relating to conditions under which certain permits are not required for seawall restoration.

Present Situation

Section 403.813(1), F.S., provides that a permit is not required for the restoration of a seawall at its previous locations or upland of, or within 12 inches waterward of, its previous location.

Effect of Proposed Changes

The CS amends s. 403.813, F.S., to provide that a permit is not required for the restoration of a seawall at its previous location or upland of that location, or within 18 inches, instead of 12 inches, waterward of its previous location.

Section 24 amends s. 403.973, F.S., relating to expedited permitting of natural gas pipelines.

Present Situation

Section 403.973, F.S., provides for expedited permitting and a process for amendments to comprehensive plans for certain projects that are identified to encourage and facilitate the location and expansion of those types of economic development projects that offer job creation and high wages, strengthen and diversify the state's economy, and have been thoughtfully planned to take into consideration the protection of the state's environment.

Under s. 403.973, F.S., the secretary of the DEP must direct the creation of regional permit action teams for the purpose of expediting the review of permit applications and local comprehensive plan amendments submitted by:

- Businesses creating at least 50 jobs or a commercial or industrial development project that will be occupied by businesses that would individually or collectively create at least 50 jobs; or
- Businesses creating at least 25 jobs if the project is located in an enterprise zone, or in a county having a population of fewer than 75,000 or in a county having a population of fewer than 125,000 which is contiguous to a county having a population of fewer than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county.

Appeals of expedited permitting projects are subject to the summary hearing provisions of s. 120.574, F.S. The administrative law judge's recommended order is not the final state agency action unless the participating agencies of the state opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action. Where one state agency action is challenged, the agency of the state shall issue the final order within 45 working days of receipt of the administrative law judge's recommended order. In those proceedings where more than one state agency action is challenged, the governor shall issue the final order within 45 working days of receipt of the administrative law judge's recommended order.

Effect of Proposed Changes

The CS amends s. 403.973, F.S., to authorize expedited permitting for projects to construct interstate natural gas pipelines subject to certification by the Federal Energy Regulatory Commission.

Section 25 amends s. 570.813, F.S., to conform a cross-reference.

Section 27 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:

Section 4

Expanding use of the phosphate tax for education could benefit the private sector, but the benefits cannot be quantified.

Sections 5 and 23

The Special Event promoter would benefit from the CS's structuring of lease fees around the actual size of the preemption and the flexibility provided for restructuring of temporary structures. The public would not benefit from this reduction because the promoter charges the vendor to participate in the event. Substantial savings are expected, but cannot be calculated at this time.

Section 6

There would be a positive impact from the annual reduction or elimination of the annual fee for leases of sovereignty submerged land.

Section 7

The private sector will benefit from reduced lease fees related to docks and piers. The savings cannot be calculated at this time.

Section 9

According to the DEP, if a private sector entity is a CUP applicant, the proposed language may result in increased costs resulting from litigation. The CS envisions a WMD issuing proposed affirmative agency action for two applications, even though there is not adequate water for both. Therefore, it would appear that a private entity seeking a permit would either be forced to challenge a competing permit or be subject to such a challenge.

Section 11

The CS would have a positive effect on water well contractors by eliminating the requirement to obtain a separate local government water well construction permit, including any required fees.

Section 12

The CS would have a positive effect on water well contractors by eliminating the requirement to obtain any local government water well contractor licenses. It also expands the license to apply to all water systems, not just water well systems. The impact of this expansion is unknown and may create additional competition in the water systems business.

Section 13

The CS will ease some of the regulatory requirements for activities covered by the CS. This will result in a positive but indeterminate affect on the private sector.

Sections 16 and 26

The DACS intends to contract out the work needed to develop agricultural demand projections. The bill may have a positive effect on the private sector to the extent contracts are awarded to the private sector.

Section 17

Currently, if a person or entity is damaged as a result of a discharge or other condition of pollution covered in ss. 376.30 – 376.317, F.S., they have a cause of action to sue for damages. This CS limits those causes of action to situations where the offending party's activities are not regulated or authorized pursuant to ch. 403.

Section 20

According to the DEP, this legislation will save over 400 of Florida's manufacturing and industrial businesses an estimated \$2 million per year. Approximately \$1.4 million would be saved in Title V permit fees because they would be paying fees based on their "actual emissions" instead of their "adjusted allowable emissions." Synchronizing the Title V fee and annual operating report requirements will save the sources an additional estimated \$600,000 by eliminating the need to compute and submit different emission calculations.

Section 21

The CS will provide more certainty for recovered materials dealers when applying for permits to operate with a locality. Ultimately, this will have a positive but indeterminate impact.

Section 24

The CS will have a sizeable impact on entities that wish to build natural gas pipelines in the state. The effect is indeterminate. Giving one party the option to force summary judgment could have a positive but indeterminate impact on judicial awards for parties. For parties suing the entities building natural gas pipelines, summary judgment could result in an indeterminate effect on awards.

C. Government Sector Impact:

Section 1

Reductions in paper due to electronic submissions should save the DEP an indeterminate amount of money.

Section 4

By expanding the definition of “phosphate related expenses,” local governments should have more flexibility in how they spend phosphate related fees, taxes and penalties.

Sections 5 and 23

According to DEP’s analysis, an enhancement to the billing database would cost an estimated \$13,000. The fees for special event fees are calculated based on the number of event days times the annual rent, or five percent of any revenue generated from the special event, whichever is greater. The loss of revenue would be approximately \$187,000 annually, based on the average of the past seven fiscal years. The lease term would exceed the standard term of five years.

There would be costs incurred due to the rulemaking requirement. The DEP’s estimate for rulemaking is \$50,000. After the general permits are developed there would also be some loss in permit fees going to the Permit Fee Trust Fund but without knowing how often the general permit would be used, the DEP is unable to quantify the loss at this time. The DEP expects to absorb these losses with existing resources.

Section 6

According to the DEP, the non-recurring effects are estimated at \$13,000 for enhancements to the billing database. Additionally, of the 2,800 leases, 49 percent would potentially qualify to have their fees reduced based on the bill language. The proposed changes will lead to an undetermined negative fiscal impact to the Internal Improvement Trust Fund. Currently, only those facilities that are 90 percent open to the public and whose slips are for rent receive the 30 percent discount. The CS language does not state the requirement to rent slips in order to receive the discount which leaves an open interpretation of which facilities would qualify for the 30 percent discount.

Based on the minimum loss of general revenue, there will be an annual loss of approximately \$5,623 in state taxes and \$469 in County Discretionary Tax.

Section 7

Government entities will see a reduction in lease fees from certain private docks and piers. The negative effect on revenues is indeterminate.

Section 9

According to the DEP, there would be costs incurred due to the rulemaking requirement. The DEP's estimate for rulemaking is \$50,000 for marina and mooring field expansion rules. After the general permits are developed, there would be some loss in permit fees from the Permit Fee Trust Fund. The DEP is expected to absorb any minor negative impact with existing resources.

Section 10

According to the DEP, local governments may avoid some transactional costs associated with a permit modification.

Section 11

According to the DEP, there are three WMDs that currently delegate all or part of their well construction program to local governments. The CS allows continued delegation of the Part II, ch. 373, F.S., well construction program to counties. The South Florida Water Management District has one delegation to a municipality. If this delegation were discontinued, the WMD may need additional staffing to conduct this permitting.

Section 12

Local governments would lose any fees currently charged as part of a local government requirement to obtain a local water well contractor license.

Section 13

According to the DEP, this section could negatively impact the Permit Fee Trust Fund substantially.

Sections 16 and 26

The WMDs would have a reduced workload from having the DACS provide demand projections for agricultural water use.

The DACS has included \$1.5 million in their budget request to establish the program to develop the agricultural demand projections to provide to the water management districts. It is assumed that at least a portion of this cost will be recurring.

Section 20**Effect on DEP**

According to the DEP, the legislation would enable the DEP to synchronize the federally required emissions computation and reporting obligation with the Title V air operation permit fee calculation requirement. This will save the DEP the equivalent workload of one FTE it estimates that goes into reviewing and processing two separate calculations that serve the same underlying purpose, which is to identify emissions.

Pursuant to s. 403.0873, F.S., all permit fees received under the DEP's federally approved Title V permitting program are deposited in the Air Pollution Control Trust Fund. The deposited fees must be used for the sole purpose of paying the direct and indirect costs of the DEP's Title V permitting program, which are enumerated under federal law found in 40 CFR part 70. The DEP estimates those costs to be \$5.3 million in 2013 and they are estimated to decline to \$4.9 million by 2018. The trust fund currently has a surplus balance of \$4.1 million. Even with the estimated \$1.4 million annual reduction in fee receipts that would occur as a result of this CS, the DEP estimates that the surplus will increase to \$4.9 million by 2018. Because of several efficiency increases that have already occurred in the DEP's air program, the DEP is positioned to continue to pay the costs of its Title V program and grow its surplus to one year's expenses by 2018 if this CS passes. In the event that unforeseeable circumstances arise that cause the program costs to exceed revenue in the future, the DEP can adjust its fee factor by rule as provided under s. 403.0872, F.S.

Effect on Local Governments

The Title V permit fees in the Air Pollution Control Trust fund must be used for the sole purpose of paying the direct and indirect costs of the DEP's federally approved Title V permitting program. If the DEP finds it is fiscally responsible to do so, it may contract with local governments (or any other public or private entity) to perform Title V program services on the DEP's behalf. The DEP currently contracts with seven local governments to perform certain Title V program services. The above agency impact projections accommodate the maintenance of the 2012 contracts with these entities, so there are no local government impacts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 6

According to the DEP, the bill language does not state the requirement to rent slips in order to receive the discount which leaves an open interpretation of which facilities would qualify for the 30 percent discount.

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 April 2, 2013:

- Adds two sections related to the electronic submission of forms to the DEP, authorizing the DEP to adopt rules regarding electronic submission of forms to the DEP;
- Adds one section that expands the types of activities qualifying as “phosphate-related expenses”;

- Regarding special events on sovereignty submerged lands, the CS expands the allowable period of a lease under that section of law from 30 days or less to 45 days or less. The CS also provides that the lease or consent of use should include a lease fee (if applicable) based solely on the period and size of the preemption. The lease or consent of use should also include conditions to reconfigure temporary structures within the lease area;
- Rather than amend s. 403.814, F.S., as in the original bill, the CS creates s. 403.8141, F.S. The CS expands the allowable period of leases from 30 to 45 days. The CS also removes provisions from the original bill limiting the number of seagrass studies and removes a provision requiring an excess of 25 percent of the preempted area from a previous lease to be added to a new lease to accommodate economic expansion;
- Removes a provision stipulating that dock lease fees for standard term leases are 6 percent of the annual gross dockage income;
- Adds a section relating to the lease of sovereignty submerged lands for private residential docks. The CS provides that lease fees are not required for private residential single-family docks or private residential multifamily docks, given certain circumstances;
- Removes an existing provision directing the DEP to adopt by rule one or more general permits for local governments to construct, operate, and maintain public marina facilities in s. 373.118, F.S. The CS also removes existing provisions from s. 373.118, F.S., that limit general permits for marinas and mooring fields authorized under the general permits described in that section of statute to an area of 50,000 feet or less and that require a marina or mooring field permitted under that section of statute to obtain Clean Marina Program status prior to opening for operation and to maintain it for the life of the facility;
- Adds a provision authorizing the Board of Trustees to delegate authority to the DEP to issue leases for mooring fields under the general permit described in s. 373.118, F.S.;
- Adds a section that limits the ability of a WMD to reduce existing permitted allocations of water for drought resistant water supplies, including water desalination plants;
- Adds a provision to the bill stating that the issuance of well permits are the sole responsibility of the WMDs. The CS adds that a local government may have the responsibility for permitting water wells delegated to it;
- Removes a section from the bill defining the term “mean annual flood line”;
- Removes a provision from the bill exempting water control districts operating pursuant to ch. 298, F.S., from further wetland or water quality regulations imposed pursuant to chapters 125, 163, and 166, F.S., under certain conditions;
- Adds a section that provides that cooperative water planning efforts include utility companies, private landowners, water consumers and the DACS. It also encourages municipalities, counties and special districts to create multijurisdictional water supply entities;
- Adds a section that includes “self-suppliers” to the list of entities the WMDs must help with meeting water supply needs;
- Adds a provision directing the WMDs, in developing water supply plans, to describe any adjustment or deviation from information provided by the DACS regarding

agricultural water demand projections and present the original data along with the adjusted data;

- Makes changes to section 18 of the bill to conform language to CS/SB 948, regarding agricultural water supply planning;
- Removes a section from the bill regarding testing procedures for measuring deviations from water quality standards;
- Adds a section defining the term “beneficiary,” as it relates to what entities a local government can collect stormwater fees from; and
- Adds a section that prevents localities from competing with recovered materials dealers when a dealer submits a registration application with the locality and that locality has it under review. It also directs localities to process such applications within 90 days.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (8) is added to section 20.255,
Florida Statutes, to read:

20.255 Department of Environmental Protection.—There is
created a Department of Environmental Protection.

(8) The department may adopt rules requiring or
incentivizing electronic submission of forms, documents, fees,
or reports required for permits under chapter 161, chapter 253,
chapter 373, chapter 376, or chapter 403. The rules must



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13 reasonably accommodate technological or financial hardship and
14 must provide procedures for obtaining an exemption due to such
15 hardship.

16 Section 2. Section 125.022, Florida Statutes, is amended to
17 read:

18 125.022 Development permits.—

19 (1) When reviewing an application for a development permit
20 that is certified by a professional listed in s. 403.0877, a
21 county may not request additional information from the applicant
22 more than three times, unless the applicant waives the
23 limitation in writing. Prior to a third request for additional
24 information, the applicant shall be offered a meeting to try and
25 resolve outstanding issues. If the applicant believes the
26 request for additional information is not authorized by
27 ordinance, rule, statute, or other legal authority, the county,
28 at the applicant's request, shall proceed to process the
29 application for approval or denial.

30 (2) When a county denies an application for a development
31 permit, the county shall give written notice to the applicant.
32 The notice must include a citation to the applicable portions of
33 an ordinance, rule, statute, or other legal authority for the
34 denial of the permit.

35 (3) As used in this section, the term "development permit"
36 has the same meaning as in s. 163.3164.

37 (4) For any development permit application filed with the
38 county after July 1, 2012, a county may not require as a
39 condition of processing or issuing a development permit that an
40 applicant obtain a permit or approval from any state or federal
41 agency unless the agency has issued a final agency action that



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42 denies the federal or state permit before the county action on
43 the local development permit.

44 (5) Issuance of a development permit by a county does not
45 in any way create any rights on the part of the applicant to
46 obtain a permit from a state or federal agency and does not
47 create any liability on the part of the county for issuance of
48 the permit if the applicant fails to obtain requisite approvals
49 or fulfill the obligations imposed by a state or federal agency
50 or undertakes actions that result in a violation of state or
51 federal law. A county may attach such a disclaimer to the
52 issuance of a development permit and may include a permit
53 condition that all other applicable state or federal permits be
54 obtained before commencement of the development.

55 (6) This section does not prohibit a county from providing
56 information to an applicant regarding what other state or
57 federal permits may apply.

58 Section 3. Section 166.033, Florida Statutes, is amended to
59 read:

60 166.033 Development permits.—

61 (1) When reviewing an application for a development permit
62 that is certified by a professional listed in s. 403.0877, a
63 municipality may not request additional information from the
64 applicant more than three times, unless the applicant waives the
65 limitation in writing. Prior to a third request for additional
66 information, the applicant shall be offered a meeting to try and
67 resolve outstanding issues. If the applicant believes the
68 request for additional information is not authorized by
69 ordinance, rule, statute, or other legal authority, the
70 municipality, at the applicant's request, shall proceed to



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71 process the application for approval or denial.

72 (2) When a municipality denies an application for a
73 development permit, the municipality shall give written notice
74 to the applicant. The notice must include a citation to the
75 applicable portions of an ordinance, rule, statute, or other
76 legal authority for the denial of the permit.

77 (3) As used in this section, the term "development permit"
78 has the same meaning as in s. 163.3164.

79 (4) For any development permit application filed with the
80 municipality after July 1, 2012, a municipality may not require
81 as a condition of processing or issuing a development permit
82 that an applicant obtain a permit or approval from any state or
83 federal agency unless the agency has issued a final agency
84 action that denies the federal or state permit before the
85 municipal action on the local development permit.

86 (5) Issuance of a development permit by a municipality does
87 not in any way create any right on the part of an applicant to
88 obtain a permit from a state or federal agency and does not
89 create any liability on the part of the municipality for
90 issuance of the permit if the applicant fails to obtain
91 requisite approvals or fulfill the obligations imposed by a
92 state or federal agency or undertakes actions that result in a
93 violation of state or federal law. A municipality may attach
94 such a disclaimer to the issuance of development permits and may
95 include a permit condition that all other applicable state or
96 federal permits be obtained before commencement of the
97 development.

98 (6) This section does not prohibit a municipality from
99 providing information to an applicant regarding what other state



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100 or federal permits may apply.

101 Section 4. Paragraph (c) of subsection (6) of section
102 211.3103, Florida Statutes is amended to read:

103 211.3103 Levy of tax on severance of phosphate rock; rate,
104 basis, and distribution of tax.—

105 (6)

106 (c) For purposes of this section, "phosphate-related
107 expenses" means those expenses that provide for infrastructure
108 or services in support of the phosphate industry, including
109 environmental education, reclamation or restoration of phosphate
110 lands, maintenance and restoration of reclaimed lands and county
111 owned environmental lands which were formerly phosphate lands,
112 community infrastructure on such reclaimed lands and county
113 owned environmental lands which were formerly phosphate lands,
114 and similar expenses directly related to support of the
115 industry.

116 Section 5. Section 253.0345, Florida Statutes, is amended
117 to read:

118 253.0345 Special events; submerged land leases.—

119 (1) The trustees may ~~are authorized to~~ issue leases or
120 consents of use ~~or leases~~ to riparian landowners, special and
121 event promoters, and boat show owners to allow the installation
122 of temporary structures, including docks, moorings, pilings, and
123 access walkways, on sovereign submerged lands solely for the
124 purpose of facilitating boat shows and displays in, or adjacent
125 to, established marinas or government-owned ~~government-owned~~
126 upland property. Riparian owners of adjacent uplands who are not
127 seeking a lease or consent of use shall be notified by certified
128 mail of any request for such a lease or consent of use before



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129 ~~prior to~~ approval by the trustees. The trustees shall balance
130 the interests of any objecting riparian owners with the economic
131 interests of the public and the state as a factor in determining
132 whether ~~if~~ a lease or consent of use should be executed over the
133 objection of adjacent riparian owners. This section does ~~shall~~
134 not apply to structures for viewing motorboat racing, high-speed
135 motorboat contests, or high-speed displays in waters where
136 manatees are known to frequent.

137 (2) A lease or consent of use for a ~~Any~~ special event under
138 ~~provided for in~~ subsection (1):

139 (a) Shall be for a period not to exceed 45 ~~30~~ days and a
140 duration not to exceed 10 consecutive years.

141 (b) Shall include a lease fee, if applicable, based solely
142 on the period and actual size of the preemption and conditions
143 to allow reconfiguration of temporary structures within the
144 lease area with notice to the department of the configuration
145 and size of preemption within the lease area.

146 (c) The lease or letter of consent ~~consent of use~~ May also
147 contain appropriate requirements for removal of the temporary
148 structures, including the posting of sufficient surety to
149 guarantee appropriate funds for removal of the structures should
150 the promoter or riparian owner fail to do so within the time
151 specified in the agreement.

152 (3) ~~Nothing in~~ This section does not ~~shall be construed to~~
153 allow any lease or consent of use that would result in harm to
154 the natural resources of the area as a result of the structures
155 or the activities of the special events agreed to.

156 Section 6. Section 253.0346, Florida Statutes, is created
157 to read:



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158 253.0346 Lease of sovereignty submerged lands for marinas,
159 boatyards, and marine retailers.-

160 (1) For purposes of this section, the term "first-come,
161 first-served basis" means the facility operates on state-owned
162 submerged land for which:

163 (a) There is not a club membership, stock ownership, equity
164 interest, or other qualifying requirement.

165 (b) Rental terms do not exceed 12 months and do not include
166 automatic renewal rights or conditions.

167 (2) For marinas that are open to the public on a first-
168 come, first-served basis and for which at least 90 percent of
169 the slips are open to the public, a discount of 30 percent on
170 the annual lease fee shall apply if dockage rate sheet
171 publications and dockage advertising clearly state that slips
172 are open to the public on a first-come, first-served basis.

173 (3) For a facility designated by the department as a Clean
174 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean
175 Marina Program:

176 (a) A discount of 10 percent on the annual lease fee shall
177 apply if the facility:

178 1. Actively maintains designation under the program.

179 2. Complies with the terms of the lease.

180 3. Does not change use during the term of the lease.

181 (b) Extended-term lease surcharges shall be waived if the
182 facility:

183 1. Actively maintains designation under the program.

184 2. Complies with the terms of the lease.

185 3. Does not change use during the term of the lease.

186 4. Is available to the public on a first-come, first-served



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187 basis.

188 (c) If the facility is in arrears on lease fees or fails to
189 comply with paragraph (b), the facility is not eligible for the
190 discount or waiver under this subsection until arrears have been
191 paid and compliance with the program has been met.

192 (4) This section applies to new leases or amendments to
193 leases effective after July 1, 2013.

194 Section 7. Subsection (2) of section 253.0347, Florida
195 Statutes, is amended to read:

196 253.0347 Lease of sovereignty submerged lands for private
197 residential docks and piers.-

198 (2) (a) A standard lease contract for sovereignty submerged
199 lands for a private residential single-family dock or pier,
200 private residential multifamily dock or pier, or private
201 residential multislip dock must specify the amount of lease fees
202 as established by the Board of Trustees of the Internal
203 Improvement Trust Fund.

204 (b) If private residential multifamily docks or piers,
205 private residential multislip docks, and other private
206 residential structures pertaining to the same upland parcel
207 include a total of no more than one wet slip for each approved
208 upland residential unit, the lessee is not required to pay a
209 lease fee on a preempted area of 10 square feet or less of
210 sovereignty submerged lands for each linear foot of shoreline in
211 which the lessee has a sufficient upland interest as determined
212 by the Board of Trustees of the Internal Improvement Trust Fund.

213 (c) A lessee of sovereignty submerged lands for a private
214 residential single-family dock or pier, private residential
215 multifamily dock or pier, or private residential multislip dock



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216 is not required to pay a lease fee on revenue derived from the
217 transfer of fee simple or beneficial ownership of private
218 residential property that is entitled to a homestead exemption
219 pursuant to s. 196.031 at the time of transfer.

220 (d) A lessee of sovereignty submerged lands for a private
221 residential single-family dock or pier, private residential
222 multifamily dock or pier, or private residential multislip dock
223 must pay a lease fee on any income derived from a wet slip,
224 dock, or pier in the preempted area under lease in an amount
225 determined by the Board of Trustees of the Internal Improvement
226 Trust Fund.

227 (e) A lessee of sovereignty submerged land for a private
228 residential single-family dock designed to moor up to four boats
229 is not required to pay lease fees for a preempted area equal to
230 or less than 10 times the riparian shoreline along sovereignty
231 submerged land on the affected waterbody or the square footage
232 authorized for a private residential single-family dock under
233 rules adopted by the Board of Trustees of the Internal
234 Improvement Trust Fund for the management of sovereignty
235 submerged lands, whichever is greater.

236 (f) A lessee of sovereignty submerged land for a private
237 residential multifamily dock designed to moor boats up to the
238 number of units within the multifamily development is not
239 required to pay lease fees for a preempted area equal to or less
240 than 10 times the riparian shoreline along sovereignty submerged
241 land on the affected waterbody times the number of units with
242 docks in the private multifamily development providing for
243 existing docks.

244 Section 8. Subsection (4) of section 373.118, Florida



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245 Statutes, is amended to read:

246 373.118 General permits; delegation.—

247 (4) The department shall adopt by rule one or more general
248 permits for local governments to construct, operate, and
249 maintain ~~public marina facilities,~~ public mooring fields, public
250 boat ramps, including associated courtesy docks, and associated
251 parking facilities located in uplands. Such general permits
252 adopted by rule shall include provisions to ensure compliance
253 with part IV of this chapter, subsection (1), and the criteria
254 necessary to include the general permits in a state programmatic
255 general permit issued by the United States Army Corps of
256 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
257 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
258 authorized under such general permits is exempt from review as a
259 development of regional impact if the facility complies with the
260 comprehensive plan of the applicable local government. Such
261 facilities shall be consistent with the local government manatee
262 protection plan required pursuant to chapter 379 ~~and shall~~
263 ~~obtain Clean Marina Program status prior to opening for~~
264 ~~operation and maintain that status for the life of the facility.~~
265 ~~Marinas and mooring fields authorized under any such general~~
266 ~~permit shall not exceed an area of 50,000 square feet over~~
267 ~~wetlands and other surface waters.~~ Mooring fields authorized
268 under such general permits may not exceed 100 vessels. All
269 facilities permitted under this section shall be constructed,
270 maintained, and operated in perpetuity for the exclusive use of
271 the general public. The department is authorized to have
272 delegation from the Board of Trustees to issue leases for
273 mooring fields that meet the requirements of this general



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274 permit. The department shall initiate the rulemaking process
275 within 60 days after the effective date of this act.

276 Section 9. Subsection (1) of section 373.233, Florida
277 Statutes, is amended to read:

278 373.233 Competing applications.—

279 (1) If two or more applications that ~~which~~ otherwise comply
280 with the provisions of this part are pending for a quantity of
281 water that is inadequate for both or all, or which for any other
282 reason are in conflict, and the governing board or department
283 has deemed the application complete, the governing board or the
284 department has ~~shall have~~ the right to approve or modify the
285 application which best serves the public interest.

286 Section 10. Subsection (4) of section 373.236, Florida
287 Statutes, is amended to read:

288 373.236 Duration of permits; compliance reports.—

289 (4) Where necessary to maintain reasonable assurance that
290 the conditions for issuance of a 20-year permit can continue to
291 be met, the governing board or department, in addition to any
292 conditions required pursuant to s. 373.219, may require a
293 compliance report by the permittee every 10 years during the
294 term of a permit. The Suwannee River Water Management District
295 may require a compliance report by the permittee every 5 years
296 through July 1, 2015, and thereafter every 10 years during the
297 term of the permit. This report shall contain sufficient data to
298 maintain reasonable assurance that the initial conditions for
299 permit issuance are met. Following review of this report, the
300 governing board or the department may modify the permit to
301 ensure that the use meets the conditions for issuance. Permit
302 modifications pursuant to this subsection shall not be subject



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303 to competing applications, provided there is no increase in the
304 permitted allocation or permit duration, and no change in
305 source, except for changes in source requested by the district.
306 In order to promote the sustainability of natural systems
307 through the diversification of water supplies to include sources
308 that are resistant to drought, a water management district may
309 not reduce an existing permitted allocation of water during the
310 permit term as a result of planned future construction of, or
311 additional water becoming available from, a seawater
312 desalination plant, unless such reductions are conditions of a
313 permit or funding agreement with the water management district.
314 Except as otherwise provided in this subsection, this subsection
315 does ~~shall not be construed to~~ limit the existing authority of
316 the department or the governing board to modify or revoke a
317 consumptive use permit.

318 Section 11. Subsection (1) of section 373.308, Florida
319 Statutes, is amended to read:

320 373.308 Implementation of programs for regulating water
321 wells.-

322 (1) The department shall authorize the governing board of a
323 water management district to implement a program for the
324 issuance of permits for the location, construction, repair, and
325 abandonment of water wells. Upon authorization from the
326 department, issuance of well permits will be the sole
327 responsibility of the water management district or delegated
328 local government. Other government entities may not impose
329 additional or duplicate requirements or fees or establish a
330 separate program for the permitting of the location,
331 abandonment, boring, or other activities reasonably associated



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332 with the installation and abandonment of a groundwater well.

333 Section 12. Subsections (1) and (10) of section 373.323,
334 Florida Statutes, are amended to read:

335 373.323 Licensure of water well contractors; application,
336 qualifications, and examinations; equipment identification.—

337 (1) Every person who wishes to engage in business as a
338 water well contractor shall obtain from the water management
339 district a license to conduct such business. Licensure under
340 this part by a water management district shall be the only water
341 well construction license required for the construction, repair,
342 or abandonment of water wells in the state or any political
343 subdivision thereof.

344 (10) Water well contractors licensed under this section may
345 install, repair, and modify pumps and tanks in accordance with
346 the Florida Building Code, Plumbing; Section 612—Wells pumps and
347 tanks used for private potable water systems. In addition,
348 licensed water well contractors may install pumps, tanks, and
349 water conditioning equipment for all water ~~well~~ systems.

350 Section 13. Subsections (13) and (14) are added to section
351 373.406, Florida Statutes, to read:

352 373.406 Exemptions.—The following exemptions shall apply:

353 (13) Nothing in this part, or in any rule, regulation, or
354 order adopted pursuant to this part, applies to construction,
355 alteration, operation, or maintenance of any wholly owned,
356 manmade farm ponds as defined in s. 403.927 constructed entirely
357 in uplands.

358 (14) Nothing in this part, or in any rule, regulation, or
359 order adopted pursuant to this part, may require a permit for
360 activities affecting wetlands created solely by the unauthorized



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361 flooding or interference with the natural flow of surface water
362 caused by an unaffiliated adjoining landowner. This exemption
363 does not apply to activities that discharge dredged or fill
364 material into waters of the United States, including wetlands,
365 subject to federal jurisdiction under section 404 of the federal
366 Clean Water Act, 33 U.S.C. s. 1344.

367 Section 14. Subsection (3) of section 373.701, Florida
368 Statutes, is amended to read:

369 373.701 Declaration of policy.—It is declared to be the
370 policy of the Legislature:

371 (3) Cooperative efforts between municipalities, counties,
372 utility companies, private landowners, water consumers, water
373 management districts, and the Department of Environmental
374 Protection, and the Department of Agriculture and Consumer
375 Services are necessary ~~mandatory~~ in order to meet the water
376 needs of rural and rapidly urbanizing areas in a manner that
377 will supply adequate and dependable supplies of water where
378 needed without resulting in adverse effects upon the areas from
379 which ~~such~~ water is withdrawn. Such efforts should employ ~~use~~
380 all practical means of obtaining water, including, but not
381 limited to, withdrawals of surface water and groundwater, reuse,
382 and desalination, and will require ~~necessitate not only~~
383 cooperation and ~~but also~~ well-coordinated activities.

384 Municipalities, counties, and special districts are encouraged
385 to create multijurisdictional water supply entities or regional
386 water supply authorities as authorized in s. 373.713 ~~or~~
387 ~~multijurisdictional water supply entities.~~

388 Section 15. Subsections (1), (2), and (9) of section
389 373.703, Florida Statutes, are amended to read:



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390 373.703 Water production; general powers and duties.—In the
391 performance of, and in conjunction with, its other powers and
392 duties, the governing board of a water management district
393 existing pursuant to this chapter:

394 (1) Shall engage in planning to assist counties,
395 municipalities, special districts, publicly owned and privately
396 owned water utilities, multijurisdictional water supply
397 entities, or regional water supply authorities, or self-
398 suppliers in meeting water supply needs in such manner as will
399 give priority to encouraging conservation and reducing adverse
400 environmental effects of improper or excessive withdrawals of
401 water from concentrated areas. As used in this section and s.
402 373.707, regional water supply authorities are regional water
403 authorities created under s. 373.713 or other laws of this
404 state. As used in part VII of this chapter, self-suppliers are
405 persons who obtain surface or groundwater from a source other
406 than a public water supply.

407 (2) Shall assist counties, municipalities, special
408 districts, publicly owned or privately owned water utilities,
409 multijurisdictional water supply entities, or regional water
410 supply authorities, or self-suppliers in meeting water supply
411 needs in such manner as will give priority to encouraging
412 conservation and reducing adverse environmental effects of
413 improper or excessive withdrawals of water from concentrated
414 areas.

415 (9) May join with one or more other water management
416 districts, counties, municipalities, special districts, publicly
417 owned or privately owned water utilities, multijurisdictional
418 water supply entities, or regional water supply authorities, or



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419 self-suppliers for the purpose of carrying out any of its
420 powers, and may contract with such other entities to finance
421 acquisitions, construction, operation, and maintenance, provided
422 such contracts are consistent with the public interest. The
423 contract may provide for contributions to be made by each party
424 to the contract thereto, for the division and apportionment of
425 the expenses of acquisitions, construction, operation, and
426 maintenance, and for the division and apportionment of resulting
427 the benefits, services, and products ~~therefrom~~. The contracts
428 may contain other covenants and agreements necessary and
429 appropriate to accomplish their purposes.

430 Section 16. Subsection (1), paragraph (a) of subsection
431 (2), and subsection (3) of section 373.709, Florida Statutes,
432 are amended to read:

433 373.709 Regional water supply planning.—

434 (1) The governing board of each water management district
435 shall conduct water supply planning for a any water supply
436 planning region within the district identified in the
437 appropriate district water supply plan under s. 373.036, where
438 it determines that existing sources of water are not adequate to
439 supply water for all existing and future reasonable-beneficial
440 uses and to sustain the water resources and related natural
441 systems for the planning period. The planning must be conducted
442 in an open public process, in coordination and cooperation with
443 local governments, regional water supply authorities,
444 government-owned and privately owned water and wastewater
445 utilities, multijurisdictional water supply entities, self-
446 suppliers, reuse utilities, the Department of Environmental
447 Protection, the Department of Agriculture and Consumer Services,



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448 and other affected and interested parties. The districts shall
449 actively engage in public education and outreach to all affected
450 local entities and their officials, as well as members of the
451 public, in the planning process and in seeking input. During
452 preparation, but before ~~prior to~~ completion of the regional
453 water supply plan, the district shall ~~must~~ conduct at least one
454 public workshop to discuss the technical data and modeling tools
455 anticipated to be used to support the regional water supply
456 plan. The district shall also hold several public meetings to
457 communicate the status, overall conceptual intent, and impacts
458 of the plan on existing and future reasonable-beneficial uses
459 and related natural systems. During the planning process, a
460 local government may choose to prepare its own water supply
461 assessment to determine if existing water sources are adequate
462 to meet existing and projected reasonable-beneficial needs of
463 the local government while sustaining water resources and
464 related natural systems. The local government shall submit such
465 assessment, including the data and methodology used, to the
466 district. The district shall consider the local government's
467 assessment during the formation of the plan. A determination by
468 the governing board that initiation of a regional water supply
469 plan for a specific planning region is not needed pursuant to
470 this section is ~~shall be~~ subject to s. 120.569. The governing
471 board shall reevaluate the ~~such a~~ determination at least once
472 every 5 years and shall initiate a regional water supply plan,
473 if needed, pursuant to this subsection.

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



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477 (a) A water supply development component for each water
478 supply planning region identified by the district which
479 includes:

480 1. A quantification of the water supply needs for all
481 existing and future reasonable-beneficial uses within the
482 planning horizon. The level-of-certainty planning goal
483 associated with identifying the water supply needs of existing
484 and future reasonable-beneficial uses must ~~shall~~ be based upon
485 meeting those needs for a 1-in-10-year drought event.

486 a. Population projections used for determining public water
487 supply needs must be based upon the best available data. In
488 determining the best available data, the district shall consider
489 the University of Florida's Bureau of Economic and Business
490 Research (BEBR) medium population projections and any population
491 projection data and analysis submitted by a local government
492 pursuant to the public workshop described in subsection (1) if
493 the data and analysis support the local government's
494 comprehensive plan. Any adjustment of or deviation from the BEBR
495 projections must be fully described, and the original BEBR data
496 must be presented along with the adjusted data.

497 b. Agricultural demand projections used for determining the
498 needs of agricultural self-suppliers must be based upon the best
499 available data. In determining the best available data for
500 agricultural self-supplied water needs, the district shall
501 consider the data indicative of future water supply demands
502 provided by the Department of Agriculture and Consumer Services
503 pursuant to s. 570.085. Any adjustment of or deviation from the
504 data provided by the Department of Agriculture and Consumer
505 Services must be fully described, and the original data must be



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506 presented along with the adjusted data.

507 2. A list of water supply development project options,
508 including traditional and alternative water supply project
509 options, from which local government, government-owned and
510 privately owned utilities, regional water supply authorities,
511 multijurisdictional water supply entities, self-suppliers, and
512 others may choose for water supply development. In addition to
513 projects listed by the district, such users may propose specific
514 projects for inclusion in the list of ~~alternative~~ water supply
515 development project options ~~projects~~. If such users propose a
516 project to be listed as a ~~an alternative~~ water supply project,
517 the district shall determine whether it meets the goals of the
518 plan, and, if so, it shall be included in the list. The total
519 capacity of the projects included in the plan must ~~shall~~ exceed
520 the needs identified in subparagraph 1. and shall take into
521 account water conservation and other demand management measures,
522 as well as water resources constraints, including adopted
523 minimum flows and levels and water reservations. Where the
524 district determines it is appropriate, the plan should
525 specifically identify the need for multijurisdictional
526 approaches to project options that, based on planning level
527 analysis, are appropriate to supply the intended uses and that,
528 based on such analysis, appear to be permissible and financially
529 and technically feasible. The list of water supply development
530 options must contain provisions that recognize that alternative
531 water supply options for agricultural self-suppliers are
532 limited.

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



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535 a. An estimate of the amount of water to become available
536 through the project.

537 b. The timeframe in which the project option should be
538 implemented and the estimated planning-level costs for capital
539 investment and operating and maintaining the project.

540 c. An analysis of funding needs and sources of possible
541 funding options. For alternative water supply projects the water
542 management districts shall provide funding assistance in
543 accordance with s. 373.707(8).

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

546 (3) The water supply development component of a regional
547 water supply plan which deals with or affects public utilities
548 and public water supply for those areas served by a regional
549 water supply authority and its member governments within the
550 boundary of the Southwest Florida Water Management District
551 shall be developed jointly by the authority and the district. In
552 areas not served by regional water supply authorities, or other
553 multijurisdictional water supply entities, and where
554 opportunities exist to meet water supply needs more efficiently
555 through multijurisdictional projects identified pursuant to
556 paragraph (2)(a), water management districts are directed to
557 assist in developing multijurisdictional approaches to water
558 supply project development jointly with affected water
559 utilities, special districts, self-suppliers, and local
560 governments.

561 Section 17. Subsection (3) of section 376.313, Florida
562 Statutes, is amended to read:

563 376.313 Nonexclusiveness of remedies and individual cause



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564 of action for damages under ss. 376.30-376.317.-

565 (3) Except as provided in s. 376.3078(3) and (11), nothing
566 contained in ss. 376.30-376.317 prohibits any person from
567 bringing a cause of action in a court of competent jurisdiction
568 for all damages resulting from a discharge or other condition of
569 pollution covered by ss. 376.30-376.317 which was not authorized
570 pursuant to chapter 403. Nothing in this chapter shall prohibit
571 or diminish a party's right to contribution from other parties
572 jointly or severally liable for a prohibited discharge of
573 pollutants or hazardous substances or other pollution
574 conditions. Except as otherwise provided in subsection (4) or
575 subsection (5), in any such suit, it is not necessary for such
576 person to plead or prove negligence in any form or manner. Such
577 person need only plead and prove the fact of the prohibited
578 discharge or other pollutive condition and that it has occurred.
579 The only defenses to such cause of action shall be those
580 specified in s. 376.308.

581 Section 18. Subsection (22) is added to section 403.031,
582 Florida Statutes, to read:

583 403.031 Definitions.—In construing this chapter, or rules
584 and regulations adopted pursuant hereto, the following words,
585 phrases, or terms, unless the context otherwise indicates, have
586 the following meanings:

587 (22) "Beneficiary" means any person, partnership,
588 corporation, business entity, charitable organization, not-
589 for-profit corporation, state, county, district, authority, or
590 municipal unit of government or any other separate unit of
591 government created or established by law.

592 Section 19. Subsection (43) is added to section 403.061,



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593 Florida Statutes, to read:

594 403.061 Department; powers and duties.—The department shall
595 have the power and the duty to control and prohibit pollution of
596 air and water in accordance with the law and rules adopted and
597 promulgated by it and, for this purpose, to:

598 (43) Adopt rules requiring or incentivizing the electronic
599 submission of forms, documents, fees, or reports required for
600 permits issued under chapter 161, chapter 253, chapter 373,
601 chapter 376, or this chapter. The rules must reasonably
602 accommodate technological or financial hardship and provide
603 procedures for obtaining an exemption due to such hardship.

604
605 The department shall implement such programs in conjunction with
606 its other powers and duties and shall place special emphasis on
607 reducing and eliminating contamination that presents a threat to
608 humans, animals or plants, or to the environment.

609 Section 20. Subsection (11) of section 403.0872, Florida
610 Statutes, is amended to read:

611 403.0872 Operation permits for major sources of air
612 pollution; annual operation license fee.—Provided that program
613 approval pursuant to 42 U.S.C. s. 7661a has been received from
614 the United States Environmental Protection Agency, beginning
615 January 2, 1995, each major source of air pollution, including
616 electrical power plants certified under s. 403.511, must obtain
617 from the department an operation permit for a major source of
618 air pollution under this section. This operation permit is the
619 only department operation permit for a major source of air
620 pollution required for such source; provided, at the applicant's
621 request, the department shall issue a separate acid rain permit



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622 for a major source of air pollution that is an affected source
623 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
624 for major sources of air pollution, except general permits
625 issued pursuant to s. 403.814, must be issued in accordance with
626 the procedures contained in this section and in accordance with
627 chapter 120; however, to the extent that chapter 120 is
628 inconsistent with the provisions of this section, the procedures
629 contained in this section prevail.

630 (11) Each major source of air pollution permitted to
631 operate in this state must pay between January 15 and April
632 ~~March~~ 1 of each year, upon written notice from the department,
633 an annual operation license fee in an amount determined by
634 department rule. The annual operation license fee shall be
635 terminated immediately in the event the United States
636 Environmental Protection Agency imposes annual fees solely to
637 implement and administer the major source air-operation permit
638 program in Florida under 40 C.F.R. s. 70.10(d).

639 (a) The annual fee must be assessed based upon the source's
640 previous year's emissions and must be calculated by multiplying
641 the applicable annual operation license fee factor times the
642 tons of each regulated air pollutant actually emitted, as
643 calculated in accordance with department's emissions computation
644 and reporting rules. The annual fee shall only apply to those
645 regulated pollutants, (except carbon monoxide) and greenhouse
646 gases, for which an allowable numeric emission limiting standard
647 is specified in allowed to be emitted per hour by specific
648 condition of the source's most recent construction or operation
649 permit, times the annual hours of operation allowed by permit
650 condition; provided, however, that:



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651 1. The license fee factor is \$25 or another amount
652 determined by department rule which ensures that the revenue
653 provided by each year's operation license fees is sufficient to
654 cover all reasonable direct and indirect costs of the major
655 stationary source air-operation permit program established by
656 this section. The license fee factor may be increased beyond \$25
657 only if the secretary of the department affirmatively finds that
658 a shortage of revenue for support of the major stationary source
659 air-operation permit program will occur in the absence of a fee
660 factor adjustment. The annual license fee factor may never
661 exceed \$35.

662 ~~2. For any source that operates for fewer hours during the~~
663 ~~calendar year than allowed under its permit, the annual fee~~
664 ~~calculation must be based upon actual hours of operation rather~~
665 ~~than allowable hours if the owner or operator of the source~~
666 ~~documents the source's actual hours of operation for the~~
667 ~~calendar year. For any source that has an emissions limit that~~
668 ~~is dependent upon the type of fuel burned, the annual fee~~
669 ~~calculation must be based on the emissions limit applicable~~
670 ~~during actual hours of operation.~~

671 ~~3. For any source whose allowable emission limitation is~~
672 ~~specified by permit per units of material input or heat input or~~
673 ~~product output, the applicable input or production amount may be~~
674 ~~used to calculate the allowable emissions if the owner or~~
675 ~~operator of the source documents the actual input or production~~
676 ~~amount. If the input or production amount is not documented, the~~
677 ~~maximum allowable input or production amount specified in the~~
678 ~~permit must be used to calculate the allowable emissions.~~

679 ~~4. For any new source that does not receive its first~~



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680 ~~operation permit until after the beginning of a calendar year,~~
681 ~~the annual fee for the year must be reduced pro rata to reflect~~
682 ~~the period during which the source was not allowed to operate.~~

683 ~~5. For any source that emits less of any regulated air~~
684 ~~pollutant than allowed by permit condition, the annual fee~~
685 ~~calculation for such pollutant must be based upon actual~~
686 ~~emissions rather than allowable emissions if the owner or~~
687 ~~operator documents the source's actual emissions by means of~~
688 ~~data from a department-approved certified continuous emissions~~
689 ~~monitor or from an emissions monitoring method which has been~~
690 ~~approved by the United States Environmental Protection Agency~~
691 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
692 ~~or from a method approved by the department for purposes of this~~
693 ~~section.~~

694 ~~2.6.~~ The amount of each regulated air pollutant in excess
695 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
696 group of sources belonging to the same Major Group as described
697 in the Standard Industrial Classification Manual, 1987, may not
698 be included in the calculation of the fee. Any source, or group
699 of sources, which does not emit any regulated air pollutant in
700 excess of 4,000 tons per year, is allowed a one-time credit not
701 to exceed 25 percent of the first annual licensing fee for the
702 prorated portion of existing air-operation permit application
703 fees remaining upon commencement of the annual licensing fees.

704 ~~3.7.~~ If the department has not received the fee by March 1
705 ~~February 15~~ of the calendar year, the permittee must be sent a
706 written warning of the consequences for failing to pay the fee
707 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1
708 of the calendar year, the department shall impose, in addition



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709 to the fee, a penalty of 50 percent of the amount of the fee,
710 plus interest on such amount computed in accordance with s.
711 220.807. The department may not impose such penalty or interest
712 on any amount underpaid, provided that the permittee has timely
713 remitted payment of at least 90 percent of the amount determined
714 to be due and remits full payment within 60 days after receipt
715 of notice of the amount underpaid. The department may waive the
716 collection of underpayment and shall not be required to refund
717 overpayment of the fee, if the amount due is less than 1 percent
718 of the fee, up to \$50. The department may revoke any major air
719 pollution source operation permit if it finds that the
720 permitholder has failed to timely pay any required annual
721 operation license fee, penalty, or interest.

722 ~~4.8.~~ Notwithstanding the computational provisions of this
723 subsection, the annual operation license fee for any source
724 subject to this section shall not be less than \$250, except that
725 the annual operation license fee for sources permitted solely
726 through general permits issued under s. 403.814 shall not exceed
727 \$50 per year.

728 ~~5.9.~~ Notwithstanding the provisions of s.
729 403.087(6)(a)5.a., authorizing air pollution construction permit
730 fees, the department may not require such fees for changes or
731 additions to a major source of air pollution permitted pursuant
732 to this section, unless the activity triggers permitting
733 requirements under Title I, Part C or Part D, of the federal
734 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
735 administer such permits shall be considered direct and indirect
736 costs of the major stationary source air-operation permit
737 program under s. 403.0873. The department shall, however,



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738 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
739 for the construction of a new major source of air pollution that
740 will be subject to the permitting requirements of this section
741 once constructed and for activities triggering permitting
742 requirements under Title I, Part C or Part D, of the federal
743 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

744 (b) Annual operation license fees collected by the
745 department must be sufficient to cover all reasonable direct and
746 indirect costs required to develop and administer the major
747 stationary source air-operation permit program, which shall
748 consist of the following elements to the extent that they are
749 reasonably related to the regulation of major stationary air
750 pollution sources, in accordance with United States
751 Environmental Protection Agency regulations and guidelines:

- 752 1. Reviewing and acting upon any application for such a
753 permit.
- 754 2. Implementing and enforcing the terms and conditions of
755 any such permit, excluding court costs or other costs associated
756 with any enforcement action.
- 757 3. Emissions and ambient monitoring.
- 758 4. Preparing generally applicable regulations or guidance.
- 759 5. Modeling, analyses, and demonstrations.
- 760 6. Preparing inventories and tracking emissions.
- 761 7. Implementing the Small Business Stationary Source
762 Technical and Environmental Compliance Assistance Program.
- 763 8. Any audits conducted under paragraph (c).

764 (c) An audit of the major stationary source air-operation
765 permit program must be conducted 2 years after the United States
766 Environmental Protection Agency has given full approval of the



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767 program to ascertain whether the annual operation license fees
768 collected by the department are used solely to support any
769 reasonable direct and indirect costs as listed in paragraph (b).
770 A program audit must be performed biennially after the first
771 audit.

772 Section 21. Section 403.7046, Florida Statutes, is amended
773 to read:

774 403.7046 Regulation of recovered materials.—

775 (1) Any person who handles, purchases, receives, recovers,
776 sells, or is an end user of recovered materials shall annually
777 certify to the department on forms provided by the department.
778 The department may by rule exempt from this requirement
779 generators of recovered materials; persons who handle or sell
780 recovered materials as an activity which is incidental to the
781 normal primary business activities of that person; or persons
782 who handle, purchase, receive, recover, sell, or are end users
783 of recovered materials in small quantities as defined by the
784 department. The department shall adopt rules for the
785 certification of and reporting by such persons and shall
786 establish criteria for revocation of such certification. Such
787 rules shall be designed to elicit, at a minimum, the amount and
788 types of recovered materials handled by registrants, and the
789 amount and disposal site, or name of person with whom such
790 disposal was arranged, of any solid waste generated by such
791 facility. By February 1 of each year, registrants shall report
792 all required information to the department and to all counties
793 from which it received materials. Such rules may provide for the
794 department to conduct periodic inspections. The department may
795 charge a fee of up to \$50 for each registration, which shall be



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796 deposited into the Solid Waste Management Trust Fund for
797 implementation of the program.

798 (2) Information reported pursuant to the requirements of
799 this section or any rule adopted pursuant to this section which,
800 if disclosed, would reveal a trade secret, as defined in s.
801 812.081(1)(c), is confidential and exempt from the provisions of
802 s. 119.07(1). For reporting or information purposes, however,
803 the department may provide this information in such form that
804 the names of the persons reporting such information and the
805 specific information reported are not revealed.

806 (3) Except as otherwise provided in this section or
807 pursuant to a special act in effect on or before January 1,
808 1993, a local government may not require a commercial
809 establishment that generates source-separated recovered
810 materials to sell or otherwise convey its recovered materials to
811 the local government or to a facility designated by the local
812 government, nor may the local government restrict such a
813 generator's right to sell or otherwise convey such recovered
814 materials to any properly certified recovered materials dealer
815 who has satisfied the requirements of this section. A local
816 government may not enact any ordinance that prevents such a
817 dealer from entering into a contract with a commercial
818 establishment to purchase, collect, transport, process, or
819 receive source-separated recovered materials.

820 (a) The local government may require that the recovered
821 materials generated at the commercial establishment be source
822 separated at the premises of the commercial establishment.

823 (b) Prior to engaging in business within the jurisdiction
824 of the local government, a recovered materials dealer must



825 provide the local government with a copy of the certification
826 provided for in this section. In addition, the local government
827 may establish a registration process whereby a recovered
828 materials dealer must register with the local government prior
829 to engaging in business within the jurisdiction of the local
830 government. Such registration process is limited to requiring
831 the dealer to register its name, including the owner or operator
832 of the dealer, and, if the dealer is a business entity, its
833 general or limited partners, its corporate officers and
834 directors, its permanent place of business, evidence of its
835 certification under this section, and a certification that the
836 recovered materials will be processed at a recovered materials
837 processing facility satisfying the requirements of this section.
838 A registration application must be acted on by the local
839 government within 90 days of receipt. During the pendency of the
840 local government's review, a local government may not use the
841 registration information to unfairly compete with the recovered
842 materials dealer seeking registration. All counties, and
843 municipalities whose population exceeds 35,000 according to the
844 population estimates determined pursuant to s. 186.901, may
845 establish a reporting process which shall be limited to the
846 regulations, reporting format, and reporting frequency
847 established by the department pursuant to this section, which
848 shall, at a minimum, include requiring the dealer to identify
849 the types and approximate amount of recovered materials
850 collected, recycled, or reused during the reporting period; the
851 approximate percentage of recovered materials reused, stored, or
852 delivered to a recovered materials processing facility or
853 disposed of in a solid waste disposal facility; and the



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854 locations where any recovered materials were disposed of as
855 solid waste. Information reported under this subsection which,
856 if disclosed, would reveal a trade secret, as defined in s.
857 812.081(1)(c), is confidential and exempt from the provisions of
858 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The
859 local government may charge the dealer a registration fee
860 commensurate with and no greater than the cost incurred by the
861 local government in operating its registration program.
862 Registration program costs are limited to those costs associated
863 with the activities described in this paragraph. Any reporting
864 or registration process established by a local government with
865 regard to recovered materials shall be governed by the
866 provisions of this section and department rules promulgated
867 pursuant thereto.

868 (c) A local government may establish a process in which the
869 local government may temporarily or permanently revoke the
870 authority of a recovered materials dealer to do business within
871 the local government if the local government finds the recovered
872 materials dealer, after reasonable notice of the charges and an
873 opportunity to be heard by an impartial party, has consistently
874 and repeatedly violated state or local laws, ordinances, rules,
875 and regulations.

876 (d) In addition to any other authority provided by law, a
877 local government is hereby expressly authorized to prohibit a
878 person or entity not certified under this section from doing
879 business within the jurisdiction of the local government; to
880 enter into a nonexclusive franchise or to otherwise provide for
881 the collection, transportation, and processing of recovered
882 materials at commercial establishments, provided that a local



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883 government may not require a certified recovered materials
884 dealer to enter into such franchise agreement in order to enter
885 into a contract with any commercial establishment located within
886 the local government's jurisdiction to purchase, collect,
887 transport, process, or receive source-separated recovered
888 materials; and to enter into an exclusive franchise or to
889 otherwise provide for the exclusive collection, transportation,
890 and processing of recovered materials at single-family or
891 multifamily residential properties.

892 (e) Nothing in this section shall prohibit a local
893 government from enacting ordinances designed to protect the
894 public's general health, safety, and welfare.

895 (f) As used in this section:

896 1. "Commercial establishment" means a property or
897 properties zoned or used for commercial or industrial uses, or
898 used by an entity exempt from taxation under s. 501(c)(3) of the
899 Internal Revenue Code, and excludes property or properties zoned
900 or used for single-family residential or multifamily residential
901 uses.

902 2. "Local government" means a county or municipality.

903 3. "Certified recovered materials dealer" means a dealer
904 certified under this section.

905 (4) Recovered materials dealers or associations for
906 registered recovered materials dealers may initiate an action
907 for injunctive relief or damages for alleged violations of this
908 section.

909 Section 22. Paragraph (e) of subsection (1) of section
910 403.813, Florida Statutes, is amended to read:

911 403.813 Permits issued at district centers; exceptions.—



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912 (1) A permit is not required under this chapter, chapter
913 373, chapter 61-691, Laws of Florida, or chapter 25214 or
914 chapter 25270, 1949, Laws of Florida, for activities associated
915 with the following types of projects; however, except as
916 otherwise provided in this subsection, ~~nothing in~~ this
917 subsection does not relieve ~~relieves~~ an applicant from any
918 requirement to obtain permission to use or occupy lands owned by
919 the Board of Trustees of the Internal Improvement Trust Fund or
920 a any water management district in its governmental or
921 proprietary capacity or from complying with applicable local
922 pollution control programs authorized under this chapter or
923 other requirements of county and municipal governments:

924 (e) The restoration of seawalls at their previous locations
925 or upland of, or within 18 inches ~~1-foot~~ waterward of, their
926 previous locations. However, this shall not affect the
927 permitting requirements of chapter 161, and department rules
928 shall clearly indicate that this exception does not constitute
929 an exception from the permitting requirements of chapter 161.

930 Section 23. Section 403.8141, Florida Statutes, is created
931 to read:

932 403.8141 Special event permits.—The department shall issue
933 permits for special events as defined in s. 253.0345. The
934 permits must be for a period that runs concurrently with the
935 letter of consent or lease issued pursuant to that section and
936 must allow for the movement of temporary structures within the
937 footprint of the lease area.

938 Section 24. Paragraph (b) of subsection (14) and paragraph
939 (b) of subsection (19) of section 403.973, Florida Statutes, are
940 amended, and paragraph (g) is added to subsection (3) of that



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941 section, to read:

942 403.973 Expedited permitting; amendments to comprehensive
943 plans.—

944 (3)

945 (g) Projects to construct interstate natural gas pipelines
946 subject to certification by the Federal Energy Regulatory
947 Commission.

948 (14)

949 (b) Projects identified in paragraph (3) (f) or paragraph
950 (3) (g) or challenges to state agency action in the expedited
951 permitting process for establishment of a state-of-the-art
952 biomedical research institution and campus in this state by the
953 grantee under s. 288.955 are subject to the same requirements as
954 challenges brought under paragraph (a), except that,
955 notwithstanding s. 120.574, summary proceedings must be
956 conducted within 30 days after a party files the motion for
957 summary hearing, regardless of whether the parties agree to the
958 summary proceeding.

959 (19) The following projects are ineligible for review under
960 this part:

961 (b) A project, the primary purpose of which is to:

962 1. Effect the final disposal of solid waste, biomedical
963 waste, or hazardous waste in this state.

964 2. Produce electrical power, unless the production of
965 electricity is incidental and not the primary function of the
966 project or the electrical power is derived from a fuel source
967 for renewable energy as defined in s. 366.91(2) (d).

968 3. Extract natural resources.

969 4. Produce oil.



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970 5. Construct, maintain, or operate an oil, petroleum,
971 ~~natural gas~~, or sewage pipeline.

972 Section 25. Subsection (2) of section 570.076, Florida
973 Statutes, is amended to read:

974 570.076 Environmental Stewardship Certification Program.—
975 The department may, by rule, establish the Environmental
976 Stewardship Certification Program consistent with this section.
977 A rule adopted under this section must be developed in
978 consultation with state universities, agricultural
979 organizations, and other interested parties.

980 (2) The department shall provide an agricultural
981 certification under this program for implementation of one or
982 more of the following criteria:

983 (a) A voluntary agreement between an agency and an
984 agricultural producer for environmental improvement or water-
985 resource protection.

986 (b) A conservation plan that meets or exceeds the
987 requirements of the United States Department of Agriculture.

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

990 Section 26. Section 570.085, Florida Statutes, is amended
991 to read:

992 570.085 Department of Agriculture and Consumer Services;
993 agricultural water conservation and water supply planning.—

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

996 (a) ~~(1)~~ A cost-share program, coordinated where appropriate
997 with the United States Department of Agriculture and other
998 federal, state, regional, and local agencies, for irrigation



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999 system retrofit and application of mobile irrigation laboratory
1000 evaluations for water conservation as provided in this section
1001 and, where applicable, for water quality improvement pursuant to
1002 s. 403.067(7)(c).

1003 ~~(b)(2)~~ The development and implementation of voluntary
1004 interim measures or best management practices, adopted by rule,
1005 which provide for increased efficiencies in the use and
1006 management of water for agricultural production. In the process
1007 of developing and adopting rules for interim measures or best
1008 management practices, the department shall consult with the
1009 Department of Environmental Protection and the water management
1010 districts. Such rules may also include a system to assure the
1011 implementation of the practices, including recordkeeping
1012 requirements. As new information regarding efficient
1013 agricultural water use and management becomes available, the
1014 department shall reevaluate and revise as needed, the interim
1015 measures or best management practices. The interim measures or
1016 best management practices may include irrigation retrofit,
1017 implementation of mobile irrigation laboratory evaluations and
1018 recommendations, water resource augmentation, and integrated
1019 water management systems for drought management and flood
1020 control and should, to the maximum extent practicable, be
1021 designed to qualify for regulatory incentives and other
1022 incentives, as determined by the agency having applicable
1023 statutory authority.

1024 ~~(c)(3)~~ Provision of assistance to the water management
1025 districts in the development and implementation of a consistent,
1026 to the extent practicable, methodology for the efficient
1027 allocation of water for agricultural irrigation.



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1028 (2) (a) The department shall establish an agricultural water
1029 supply planning program that includes the development of
1030 appropriate data indicative of future agricultural wter needs,
1031 which must be:

- 1032 1. Based on at least a 20-year planning period.
1033 2. Provided to each water management district.
1034 3. Considered by each water management district in
1035 accordance with ss. 373.036(2) and 373.709(2) (a)1.b.

1036 (b) The data on future agricultural water supply demands
1037 which are provided to each district must include, but need not
1038 be limited to:

- 1039 1. Applicable agricultural crop types or categories.
1040 2. Historic estimates of irrigated acreage, current
1041 estimates of irrigated acreage, and future projections of
1042 irrigated acreage for each applicable crop type or category,
1043 spatially for each county, including the historic and current
1044 methods and assumptions used to generate the spatial acreage
1045 estimates and projections.

1046 3. Crop type or category water use coefficients for a 1-in-
1047 10 year drought and average year used in calculating historic
1048 and current water demands and projected future water demands,
1049 including data, methods, and assumptions used to generate the
1050 coefficients. Estimates of historic and current water demands
1051 must take into account actual metered data as available.

1052 Projected future water demands shall incorporate appropriate
1053 potential water conservation factors based upon data collected
1054 as part of the department's agricultural water conservation
1055 program pursuant to s. 570.085(1).

1056 4. An evaluation of significant uncertainties affecting



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1057 agricultural production which may require a range of projections
1058 for future agricultural water supply needs.

1059 (c) In developing the data on future agricultural water
1060 supply needs described in paragraph (a), the department shall
1061 consult with the agricultural industry, the University of
1062 Florida Institute of Food and Agricultural Sciences, the
1063 Department of Environmental Protection, the water management
1064 districts, the United States Department of Agriculture, the
1065 National Agricultural Statistics Service, and the United States
1066 Geological Survey.

1067 (d) The department shall coordinate with each water
1068 management district to establish a schedule for provision of
1069 data on agricultural water supply needs in order to comply with
1070 water supply planning provisions in ss. 373.036(2) and
1071 373.709(2) (a)1.b.

1072 Section 27. This act shall take effect July 1, 2013.

1073

1074

1075 ===== T I T L E A M E N D M E N T =====

1076 And the title is amended as follows:

1077 Delete everything before the enacting clause
1078 and insert:

1079 A bill to be entitled
1080 An act relating to environmental regulation; amending s. 20.255,
1081 F.S.; authorizing the Department of Environmental Protection to
1082 adopt rules requiring or incentivizing the electronic submission
1083 of forms, documents, fees, and reports required for certain
1084 permits; amending ss. 125.022 and 166.033, F.S.; providing
1085 requirements for the review of development permit applications



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1086 by counties and municipalities; amending s. 211.3103, F.S.;

1087 revising the definition of "phosphate-related expenses" to

1088 include maintenance and restoration of certain lands; amending

1089 s. 253.0345, F.S.; revising provisions for the duration of

1090 leases and letters of consent issued by the Board of Trustees of

1091 the Internal Improvement Trust Fund for special events;

1092 providing conditions for fees relating to such leases and

1093 letters of consent; creating s. 253.0346, F.S.; defining the

1094 term "first-come, first-served basis"; providing conditions for

1095 the discount and waiver of lease fees and surcharges for certain

1096 marinas, boatyards, and marine retailers; providing

1097 applicability; amending s. 253.0347, F.S.; exempting lessees of

1098 certain docks from lease fees; amending s. 373.118, F.S.;

1099 deleting provisions requiring the department to adopt general

1100 permits for public marina facilities; deleting certain

1101 requirements under general permits for public marina facilities

1102 and mooring fields; limiting the number of vessels for mooring

1103 fields authorized under such permits; amending s. 373.233, F.S.;

1104 clarifying conditions for competing consumptive use of water

1105 applications; amending s. 373.236, F.S.; prohibiting water

1106 management districts from reducing certain allocations as a

1107 result of seawater desalination plant activities; providing an

1108 exception; amending s. 373.308, F.S.; providing that issuance of

1109 well permits is the sole responsibility of water management

1110 districts; prohibiting government entities from imposing

1111 requirements and fees and establishing programs for installation

1112 and abandonment of groundwater wells; amending s. 373.323, F.S.;

1113 providing that licenses issued by water management districts are

1114 the only water well construction licenses required for



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1115 construction, repair, or abandonment of water wells; authorizing
1116 licensed water well contractors to install equipment for all
1117 water systems; amending s. 373.406, F.S.; exempting specified
1118 ponds, ditches, and wetlands from surface water management and
1119 storage requirements; amending s. 373.701, F.S.; providing a
1120 legislative declaration that efforts to adequately and
1121 dependably meet water needs; requiring the cooperation of
1122 utility companies, private landowners, water consumers, and the
1123 Department of Agriculture and Consumer Services; amending s.
1124 373.703, F.S.; requiring the governing boards of water
1125 management districts to assist self-suppliers, among others, in
1126 meeting water supply demands; authorizing the governing boards
1127 to contract with self-suppliers for the purpose of carrying out
1128 its powers; amending s.373.709, F.S.; requiring water management
1129 districts to coordinate and cooperate with the Department of
1130 Agriculture and Consumer Services for regional water supply
1131 planning; providing criteria and requirements for determining
1132 agricultural water supply demand projections; amending s.
1133 376.313, F.S.; holding harmless a person who discharges
1134 pollution pursuant to ch. 403, F.S.; amending s. 403.031, F.S.;
1135 defining the term "beneficiaries"; amending s. 403.061, F.S.;
1136 authorizing the department to adopt rules requiring or
1137 incentivizing the electronic submission of forms, documents,
1138 fees, and reports required for certain permits; amending s.
1139 403.0872, F.S.; extending the payment deadline of permit fees
1140 for major sources of air pollution and conforming the date for
1141 related notice by the department; revising provisions for the
1142 calculation of such annual fees; amending s. 403.7046, F.S.;
1143 revising requirements relating to recovered materials; amending



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1144 s. 403.813, F.S.; revising conditions under which certain
1145 permits are not required for seawall restoration projects;
1146 creating s. 403.8141, F.S.; requiring the Department of
1147 Environmental Protection to establish general permits for
1148 special events; providing permit requirements; amending s.
1149 403.973, F.S.; authorizing expedited permitting for natural gas
1150 pipelines, subject to specified certification; providing that
1151 natural gas pipelines are subject to certain requirements;
1152 providing that natural gas pipelines are eligible for certain
1153 review; amending s. 570.076, F.S.; conforming a cross-reference;
1154 amending s. 570.085, F.S.; requiring the Department of
1155 Agriculture and Consumer Services to establish an agricultural
1156 water supply planning program; providing program requirements;
1157 providing an effective date.



598244

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
	.	
	.	
	.	

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

1 **Senate Amendment to Amendment (903260) (with title**
2 **amendment)**

3
4 Delete lines 311 - 313
5 and insert:
6 additional water becoming available from, sources that are
7 resistant to drought, including, but not limited to, a seawater
8 desalination plant, unless such reductions are conditions of a
9 permit with the water management district.

10
11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:



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13 Delete lines 1105 - 1107
14 and insert:
15 applications; amending s. 373.236, F.S.; prohibiting
16 water management districts from reducing certain
17 allocations as a result of activities relating to
18 sources that are resistant to drought; providing an



805772

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
	.	
	.	
	.	

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

Senate Amendment to Amendment (903260)

Delete lines 905 - 908.

1
2
3

By Senator Altman

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1 A bill to be entitled
2 An act relating to environmental regulation; amending
3 ss. 125.022 and 166.033, F.S.; providing requirements
4 for the review of development permit applications by
5 counties and municipalities; amending s. 253.0345,
6 F.S.; revising provisions for the duration of leases
7 and consents of use issued by the Board of Trustees of
8 the Internal Improvement Trust Fund for special
9 events; exempting such leases and consents of use from
10 certain fees; creating s. 253.0346, F.S.; defining the
11 term "first-come, first-served basis"; providing
12 requirements for the calculation of lease fees for
13 certain marinas; providing conditions for the discount
14 and waiver of lease fees and surcharges for certain
15 marinas, boatyards, and marine retailers; providing
16 applicability; amending s. 373.118, F.S.; revising
17 provisions for general permits to provide for the
18 expansion of certain marinas and limit the number of
19 mooring fields authorized under such permits; amending
20 s. 373.233, F.S.; clarifying conditions for competing
21 consumptive use of water applications; amending s.
22 373.308, F.S.; providing that issuance of well permits
23 is the sole responsibility of water management
24 districts; prohibiting government entities from
25 imposing requirements and fees and establishing
26 programs for installation and abandonment of
27 groundwater wells; amending s. 373.323, F.S.;
28 providing that licenses issued by water management
29 districts are the only water well construction

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30 licenses required for construction, repair, or
31 abandonment of water wells; authorizing licensed water
32 well contractors to install equipment for all water
33 systems; amending s. 373.403, F.S.; defining the term
34 "mean annual flood line"; amending s. 373.406, F.S.;
35 exempting specified ponds, ditches, and wetlands from
36 surface water management and storage requirements;
37 exempting certain water control districts from
38 wetlands or water quality regulations; amending s.
39 373.709, F.S.; requiring water management districts to
40 coordinate and cooperate with the Department of
41 Agriculture and Consumer Services for regional water
42 supply planning; providing criteria and requirements
43 for determining agricultural water supply demand
44 projections; amending s. 376.313, F.S.; holding
45 harmless a person who discharges pollution pursuant to
46 ch. 403, F.S.; amending s. 403.021, F.S.; providing
47 requirements and conditions for water quality testing,
48 sampling, collection, and analysis by the department;
49 amending s. 403.0872, F.S.; extending the payment
50 deadline of permit fees for major sources of air
51 pollution and conforming the date for related notice
52 by the department; revising provisions for the
53 calculation of such annual fees; amending s. 403.813,
54 F.S.; revising conditions under which certain permits
55 are not required for seawall restoration projects;
56 amending s. 403.814, F.S.; requiring the Department of
57 Environmental Protection to establish general permits
58 for special events; providing permit requirements;

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59 amending s. 570.076, F.S.; conforming a cross-
60 reference; amending s. 570.085, F.S.; requiring the
61 Department of Agriculture and Consumer Services to
62 establish an agricultural water supply planning
63 program; providing program requirements; providing an
64 effective date.

65

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

67

68 Section 1. Section 125.022, Florida Statutes, is amended to
69 read:

70 125.022 Development permits.-

71 (1) When reviewing an application for a development permit,
72 a county may not request additional information from the
73 applicant more than three times, unless the applicant waives the
74 limitation in writing. The first request must be reviewed and
75 approved in writing by the permit processor's supervisor or
76 department director or manager. The second request must be
77 approved by a department or division director or manager.
78 Subsequent requests must be approved in writing by the county
79 administrator. If the applicant believes the request for
80 additional information is not authorized by ordinance, rule,
81 statute, or other legal authority, the county, at the
82 applicant's request, shall proceed to process the application.

83 (2) When a county denies an application for a development
84 permit, the county shall give written notice to the applicant.
85 The notice must include a citation to the applicable portions of
86 an ordinance, rule, statute, or other legal authority for the
87 denial of the permit.

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88 (3) As used in this section, the term "development permit"
89 has the same meaning as in s. 163.3164.

90 (4) For any development permit application filed with the
91 county after July 1, 2012, a county may not require as a
92 condition of processing or issuing a development permit that an
93 applicant obtain a permit or approval from any state or federal
94 agency unless the agency has issued a final agency action that
95 denies the federal or state permit before the county action on
96 the local development permit.

97 (5) Issuance of a development permit by a county does not
98 in any way create any rights on the part of the applicant to
99 obtain a permit from a state or federal agency and does not
100 create any liability on the part of the county for issuance of
101 the permit if the applicant fails to obtain requisite approvals
102 or fulfill the obligations imposed by a state or federal agency
103 or undertakes actions that result in a violation of state or
104 federal law. A county may attach such a disclaimer to the
105 issuance of a development permit and may include a permit
106 condition that all other applicable state or federal permits be
107 obtained before commencement of the development.

108 (6) This section does not prohibit a county from providing
109 information to an applicant regarding what other state or
110 federal permits may apply.

111 Section 2. Section 166.033, Florida Statutes, is amended to
112 read:

113 166.033 Development permits.—

114 (1) When reviewing an application for a development permit,
115 a municipality may not request additional information from the
116 applicant more than three times, unless the applicant waives the

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117 limitation in writing. The first request must be reviewed and
118 approved in writing by the permit processor's supervisor or
119 department director or manager. The second request must be
120 approved by a department or division director or manager.
121 Subsequent requests must be approved in writing by the municipal
122 administrator or equivalent chief administrative officer. If the
123 applicant believes the request for additional information is not
124 authorized by ordinance, rule, statute, or other legal
125 authority, the municipality, at the applicant's request, shall
126 proceed to process the application.

127 (2) When a municipality denies an application for a
128 development permit, the municipality shall give written notice
129 to the applicant. The notice must include a citation to the
130 applicable portions of an ordinance, rule, statute, or other
131 legal authority for the denial of the permit.

132 (3) As used in this section, the term "development permit"
133 has the same meaning as in s. 163.3164.

134 (4) For any development permit application filed with the
135 municipality after July 1, 2012, a municipality may not require
136 as a condition of processing or issuing a development permit
137 that an applicant obtain a permit or approval from any state or
138 federal agency unless the agency has issued a final agency
139 action that denies the federal or state permit before the
140 municipal action on the local development permit.

141 (5) Issuance of a development permit by a municipality does
142 not in any way create any right on the part of an applicant to
143 obtain a permit from a state or federal agency and does not
144 create any liability on the part of the municipality for
145 issuance of the permit if the applicant fails to obtain

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146 requisite approvals or fulfill the obligations imposed by a
147 state or federal agency or undertakes actions that result in a
148 violation of state or federal law. A municipality may attach
149 such a disclaimer to the issuance of development permits and may
150 include a permit condition that all other applicable state or
151 federal permits be obtained before commencement of the
152 development.

153 (6) This section does not prohibit a municipality from
154 providing information to an applicant regarding what other state
155 or federal permits may apply.

156 Section 3. Section 253.0345, Florida Statutes, is amended
157 to read:

158 253.0345 Special events; submerged land leases.—

159 (1) The trustees may ~~are authorized to~~ issue leases or
160 consents of use ~~or leases~~ to riparian landowners, special and
161 event promoters, and boat show owners to allow the installation
162 of temporary structures, including docks, moorings, pilings, and
163 access walkways, on sovereign submerged lands solely for the
164 purpose of facilitating boat shows and displays in, or adjacent
165 to, established marinas or government-owned ~~government-owned~~
166 upland property. Riparian owners of adjacent uplands who are not
167 seeking a lease or consent of use shall be notified by certified
168 mail of any request for such a lease or consent of use before
169 ~~prior to~~ approval by the trustees. The trustees shall balance
170 the interests of any objecting riparian owners with the economic
171 interests of the public and the state as a factor in determining
172 whether ~~if~~ a lease or consent of use should be executed over the
173 objection of adjacent riparian owners. This section does ~~shall~~
174 not apply to structures for viewing motorboat racing, high-speed

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175 motorboat contests, or high-speed displays in waters where
176 manatees are known to frequent.

177 (2) A lease or consent of use for a ~~Any~~ special event under
178 ~~provided for in~~ subsection (1) shall include an exemption from
179 lease fees and shall be for a period not to exceed 30 days and a
180 duration not to exceed 10 consecutive years. The lease or
181 consent of use may also contain appropriate requirements for
182 removal of the temporary structures, including the posting of
183 sufficient surety to guarantee appropriate funds for removal of
184 the structures should the promoter or riparian owner fail to do
185 so within the time specified in the agreement.

186 (3) ~~Nothing in~~ This section does not ~~shall be construed to~~
187 allow any lease or consent of use that would result in harm to
188 the natural resources of the area as a result of the structures
189 or the activities of the special events agreed to.

190 Section 4. Section 253.0346, Florida Statutes, is created
191 to read:

192 253.0346 Lease of sovereignty submerged lands for marinas,
193 boatyards, and marine retailers.-

194 (1) For purposes of this section, the term "first-come,
195 first-served basis" means the facility operates on state-owned
196 submerged land for which:

197 (a) There is not a club membership, stock ownership, equity
198 interest, or other qualifying requirement.

199 (b) Rental terms do not exceed 12 months and do not include
200 automatic renewal rights or conditions.

201 (2) For marinas that are open to the public on a first-
202 come, first-served basis and for which at least 90 percent of
203 the slips are open to the public:

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204 (a) The annual lease fee for a standard-term lease shall be
205 6 percent of the annual gross dockage income. In calculating
206 gross dockage income, the department may not include pass-
207 through charges.

208 (b) A discount of 30 percent on the annual lease fee shall
209 apply if dockage rate sheet publications and dockage advertising
210 clearly state that slips are open to the public on a first-come,
211 first-served basis.

212 (3) For a facility designated by the department as a Clean
213 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean
214 Marina Program:

215 (a) A discount of 10 percent on the annual lease fee shall
216 apply if the facility:

- 217 1. Actively maintains designation under the program.
218 2. Complies with the terms of the lease.
219 3. Does not change use during the term of the lease.

220 (b) Extended-term lease surcharges shall be waived if the
221 facility:

- 222 1. Actively maintains designation under the program.
223 2. Complies with the terms of the lease.
224 3. Does not change use during the term of the lease.
225 4. Is available to the public on a first-come, first-served
226 basis.

227 (c) If the facility is in arrears on lease fees or fails to
228 comply with paragraph (b), the facility is not eligible for the
229 discount or waiver under this subsection until arrears have been
230 paid and compliance with the program has been met.

231 (4) This section applies to new leases or amendments to
232 leases effective after July 1, 2013.

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233 Section 5. Subsection (4) of section 373.118, Florida
234 Statutes, is amended to read:

235 373.118 General permits; delegation.—

236 (4) The department shall adopt by rule one or more general
237 permits for local governments to construct, operate, and
238 maintain public marina facilities, public mooring fields, public
239 boat ramps, including associated courtesy docks, and associated
240 parking facilities located in uplands. Such general permits
241 adopted by rule shall include provisions to ensure compliance
242 with part IV of this chapter, subsection (1), and the criteria
243 necessary to include the general permits in a state programmatic
244 general permit issued by the United States Army Corps of
245 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
246 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
247 authorized under such general permits is exempt from review as a
248 development of regional impact if the facility complies with the
249 comprehensive plan of the applicable local government. Such
250 facilities shall be consistent with the local government manatee
251 protection plan required pursuant to chapter 379 and shall
252 obtain Clean Marina Program status prior to opening for
253 operation and maintain that status for the life of the facility.
254 The expansion of any marina, whether private or government-
255 owned, for which the services of at least 90 percent of the
256 slips are open to the public on a first-come, first-served
257 basis, ~~Marinas and mooring fields~~ authorized under any such
258 general permit may ~~shall~~ not exceed an additional area of 50,000
259 square feet over wetlands and other surface waters. Mooring
260 fields authorized under such general permit may not exceed 100
261 vessels. All facilities permitted under this section shall be

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262 constructed, maintained, and operated in perpetuity for the
263 exclusive use of the general public. The department shall
264 initiate the rulemaking process within 60 days after the
265 effective date of this act.

266 Section 6. Subsection (1) of section 373.233, Florida
267 Statutes, is amended to read:

268 373.233 Competing applications.—

269 (1) If two or more applications that ~~which~~ otherwise comply
270 with the provisions of this part are pending for a quantity of
271 water that is inadequate for both or all, or which for any other
272 reason are in conflict, and the governing board or department
273 has issued an affirmative proposed agency action for each
274 application, the governing board or the department has ~~shall~~
275 ~~have~~ the right to approve or modify the application which best
276 serves the public interest.

277 Section 7. Subsection (1) of section 373.308, Florida
278 Statutes, is amended to read:

279 373.308 Implementation of programs for regulating water
280 wells.—

281 (1) The department shall authorize the governing board of a
282 water management district to implement a program for the
283 issuance of permits for the location, construction, repair, and
284 abandonment of water wells. Upon authorization from the
285 department, issuance of well permits will be the sole
286 responsibility of the water management district, and other
287 government entities may not impose additional or duplicate
288 requirements or fees or establish a separate program for the
289 permitting of the location, abandonment, boring, or other
290 activities reasonably associated with the installation and

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291 abandonment of a groundwater well.

292 Section 8. Subsections (1) and (10) of section 373.323,
293 Florida Statutes, are amended to read:

294 373.323 Licensure of water well contractors; application,
295 qualifications, and examinations; equipment identification.—

296 (1) Every person who wishes to engage in business as a
297 water well contractor shall obtain from the water management
298 district a license to conduct such business. Licensure under
299 this part by a water management district shall be the only water
300 well construction license required for the construction, repair,
301 or abandonment of water wells in the state or any political
302 subdivision thereof.

303 (10) Water well contractors licensed under this section may
304 install, repair, and modify pumps and tanks in accordance with
305 the Florida Building Code, Plumbing; Section 612—Wells pumps and
306 tanks used for private potable water systems. In addition,
307 licensed water well contractors may install pumps, tanks, and
308 water conditioning equipment for all water ~~well~~ systems.

309 Section 9. Subsection (23) is added to section 373.403,
310 Florida Statutes, to read:

311 373.403 Definitions.—When appearing in this part or in any
312 rule, regulation, or order adopted pursuant thereto, the
313 following terms mean:

314 (23) "Mean annual flood line" for purposes of delineating
315 the ordinary high water line for nontidal water bodies and other
316 surface waters shall have the same meaning as provided in s.
317 381.0065.

318 Section 10. Subsections (13) through (15) are added to
319 section 373.406, Florida Statutes, to read:

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320 373.406 Exemptions.—The following exemptions shall apply:

321 (13) Nothing in this part, or in any rule, regulation, or
322 order adopted pursuant to this part, applies to construction,
323 operation, or maintenance of any wholly owned, manmade ponds
324 constructed entirely in uplands or drainage ditches constructed
325 in uplands.

326 (14) Nothing in this part, or in any rule, regulation, or
327 order adopted pursuant to this part, may require a permit for
328 activities affecting wetlands created solely by the unreasonable
329 and negligent flooding or interference with the natural flow of
330 surface water caused by an adjoining landowner.

331 (15) Any water control district created and operating
332 pursuant to chapter 298 for which a valid environmental resource
333 permit or management and storage of surface waters permit has
334 been issued pursuant to this part is exempt from further
335 wetlands or water quality regulations imposed pursuant to
336 chapters 125, 163, and 166.

337 Section 11. Subsection (1) and paragraph (a) of subsection
338 (2) of section 373.709, Florida Statutes, are amended to read:

339 373.709 Regional water supply planning.—

340 (1) The governing board of each water management district
341 shall conduct water supply planning for any water supply
342 planning region within the district identified in the
343 appropriate district water supply plan under s. 373.036, where
344 it determines that existing sources of water are not adequate to
345 supply water for all existing and future reasonable-beneficial
346 uses and to sustain the water resources and related natural
347 systems for the planning period. The planning must be conducted
348 in an open public process, in coordination and cooperation with

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349 local governments, regional water supply authorities,
350 government-owned and privately owned water and wastewater
351 utilities, multijurisdictional water supply entities, self-
352 suppliers, reuse utilities, the department, the Department of
353 Agriculture and Consumer Services, and other affected and
354 interested parties. The districts shall actively engage in
355 public education and outreach to all affected local entities and
356 their officials, as well as members of the public, in the
357 planning process and in seeking input. During preparation, but
358 prior to completion of the regional water supply plan, the
359 district must conduct at least one public workshop to discuss
360 the technical data and modeling tools anticipated to be used to
361 support the regional water supply plan. The district shall also
362 hold several public meetings to communicate the status, overall
363 conceptual intent, and impacts of the plan on existing and
364 future reasonable-beneficial uses and related natural systems.
365 During the planning process, a local government may choose to
366 prepare its own water supply assessment to determine if existing
367 water sources are adequate to meet existing and projected
368 reasonable-beneficial needs of the local government while
369 sustaining water resources and related natural systems. The
370 local government shall submit such assessment, including the
371 data and methodology used, to the district. The district shall
372 consider the local government's assessment during the formation
373 of the plan. A determination by the governing board that
374 initiation of a regional water supply plan for a specific
375 planning region is not needed pursuant to this section shall be
376 subject to s. 120.569. The governing board shall reevaluate such
377 a determination at least once every 5 years and shall initiate a

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378 regional water supply plan, if needed, pursuant to this
379 subsection.

380 (2) Each regional water supply plan shall be based on at
381 least a 20-year planning period and shall include, but need not
382 be limited to:

383 (a) A water supply development component for each water
384 supply planning region identified by the district which
385 includes:

386 1. A quantification of the water supply needs for all
387 existing and future reasonable-beneficial uses within the
388 planning horizon. The level-of-certainty planning goal
389 associated with identifying the water supply needs of existing
390 and future reasonable-beneficial uses shall be based upon
391 meeting those needs for a 1-in-10-year drought event.

392 a. Population projections used for determining public water
393 supply needs must be based upon the best available data. In
394 determining the best available data, the district shall consider
395 the University of Florida's Bureau of Economic and Business
396 Research (BEBR) medium population projections and any population
397 projection data and analysis submitted by a local government
398 pursuant to the public workshop described in subsection (1) if
399 the data and analysis support the local government's
400 comprehensive plan. Any adjustment of or deviation from the BEBR
401 projections must be fully described, and the original BEBR data
402 must be presented along with the adjusted data.

403 b. Agricultural demand projections used for determining the
404 needs of agricultural self-suppliers must be based upon the best
405 available data. In determining the best available data for
406 agricultural self-supplied water needs, the district shall use

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407 the data indicative of future water supply demands provided by
408 the Department of Agriculture and Consumer Services pursuant to
409 s. 570.085.

410 2. A list of water supply development project options,
411 including traditional and alternative water supply project
412 options, from which local government, government-owned and
413 privately owned utilities, regional water supply authorities,
414 multijurisdictional water supply entities, self-suppliers, and
415 others may choose for water supply development. In addition to
416 projects listed by the district, such users may propose specific
417 projects for inclusion in the list of alternative water supply
418 projects. If such users propose a project to be listed as an
419 alternative water supply project, the district shall determine
420 whether it meets the goals of the plan, and, if so, it shall be
421 included in the list. The total capacity of the projects
422 included in the plan shall exceed the needs identified in
423 subparagraph 1. and shall take into account water conservation
424 and other demand management measures, as well as water resources
425 constraints, including adopted minimum flows and levels and
426 water reservations. Where the district determines it is
427 appropriate, the plan should specifically identify the need for
428 multijurisdictional approaches to project options that, based on
429 planning level analysis, are appropriate to supply the intended
430 uses and that, based on such analysis, appear to be permissible
431 and financially and technically feasible. The list of water
432 supply development options must contain provisions that
433 recognize that alternative water supply options for agricultural
434 self-suppliers are limited.

435 3. For each project option identified in subparagraph 2.,

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436 the following shall be provided:

437 a. An estimate of the amount of water to become available
438 through the project.

439 b. The timeframe in which the project option should be
440 implemented and the estimated planning-level costs for capital
441 investment and operating and maintaining the project.

442 c. An analysis of funding needs and sources of possible
443 funding options. For alternative water supply projects the water
444 management districts shall provide funding assistance in
445 accordance with s. 373.707(8).

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

448 Section 12. Subsection (3) of section 376.313, Florida
449 Statutes, is amended to read:

450 376.313 Nonexclusiveness of remedies and individual cause
451 of action for damages under ss. 376.30-376.317.—

452 (3) Except as provided in s. 376.3078(3) and (11), nothing
453 contained in ss. 376.30-376.317 prohibits any person from
454 bringing a cause of action in a court of competent jurisdiction
455 for all damages resulting from a discharge or other condition of
456 pollution covered by ss. 376.30-376.317 not regulated or
457 authorized pursuant to chapter 403. Nothing in this chapter
458 shall prohibit or diminish a party's right to contribution from
459 other parties jointly or severally liable for a prohibited
460 discharge of pollutants or hazardous substances or other
461 pollution conditions. Except as otherwise provided in subsection
462 (4) or subsection (5), in any such suit, it is not necessary for
463 such person to plead or prove negligence in any form or manner.
464 Such person need only plead and prove the fact of the prohibited

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465 discharge or other pollutive condition and that it has occurred.
466 The only defenses to such cause of action shall be those
467 specified in s. 376.308.

468 Section 13. Subsection (11) of section 403.021, Florida
469 Statutes, is amended to read:

470 403.021 Legislative declaration; public policy.—

471 (11) It is the intent of the Legislature that water quality
472 standards be reasonably established and applied to take into
473 account the variability occurring in nature. The department
474 shall recognize the statistical variability inherent in sampling
475 and testing procedures that are used to express water quality
476 standards. The department shall also recognize that some
477 deviations from water quality standards occur as the result of
478 natural background conditions. The department shall not consider
479 deviations from water quality standards to be violations when
480 the discharger can demonstrate that the deviations would occur
481 in the absence of any human-induced discharges or alterations to
482 the water body. Testing, sampling, collection, or analysis may
483 not be conducted or required unless such testing, sampling,
484 collection, or analysis has been subjected to and validated
485 through inter- and intra-laboratory testing, quality control,
486 peer review, and adopted by rule. The validation shall be
487 sufficient to ensure that variability inherent in such testing
488 sampling, collection, or analysis has been specified and reduced
489 to the minimum for comparable testing, sampling, collection, or
490 analysis.

491 Section 14. Subsection (11) of section 403.0872, Florida
492 Statutes, is amended to read:

493 403.0872 Operation permits for major sources of air

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494 pollution; annual operation license fee.—Provided that program
495 approval pursuant to 42 U.S.C. s. 7661a has been received from
496 the United States Environmental Protection Agency, beginning
497 January 2, 1995, each major source of air pollution, including
498 electrical power plants certified under s. 403.511, must obtain
499 from the department an operation permit for a major source of
500 air pollution under this section. This operation permit is the
501 only department operation permit for a major source of air
502 pollution required for such source; provided, at the applicant's
503 request, the department shall issue a separate acid rain permit
504 for a major source of air pollution that is an affected source
505 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
506 for major sources of air pollution, except general permits
507 issued pursuant to s. 403.814, must be issued in accordance with
508 the procedures contained in this section and in accordance with
509 chapter 120; however, to the extent that chapter 120 is
510 inconsistent with the provisions of this section, the procedures
511 contained in this section prevail.

512 (11) Each major source of air pollution permitted to
513 operate in this state must pay between January 15 and April
514 ~~March~~ 1 of each year, upon written notice from the department,
515 an annual operation license fee in an amount determined by
516 department rule. The annual operation license fee shall be
517 terminated immediately in the event the United States
518 Environmental Protection Agency imposes annual fees solely to
519 implement and administer the major source air-operation permit
520 program in Florida under 40 C.F.R. s. 70.10(d).

521 (a) The annual fee must be assessed based upon the source's
522 previous year's emissions and must be calculated by multiplying

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523 the applicable annual operation license fee factor times the
524 tons of each regulated air pollutant actually emitted, as
525 calculated in accordance with the department's emissions
526 computation and reporting rules. The annual fee shall only apply
527 to those regulated pollutants, ~~(except carbon monoxide)~~ and
528 greenhouse gases, for which an allowable numeric emission
529 limiting standard is specified in ~~allowed to be emitted per hour~~
530 ~~by specific condition of the source's most recent construction~~
531 ~~or operation permit, times the annual hours of operation allowed~~
532 ~~by permit condition; provided, however, that:~~

533 1. The license fee factor is \$25 or another amount
534 determined by department rule which ensures that the revenue
535 provided by each year's operation license fees is sufficient to
536 cover all reasonable direct and indirect costs of the major
537 stationary source air-operation permit program established by
538 this section. The license fee factor may be increased beyond \$25
539 only if the secretary of the department affirmatively finds that
540 a shortage of revenue for support of the major stationary source
541 air-operation permit program will occur in the absence of a fee
542 factor adjustment. The annual license fee factor may never
543 exceed \$35.

544 2. ~~For any source that operates for fewer hours during the~~
545 ~~calendar year than allowed under its permit, the annual fee~~
546 ~~calculation must be based upon actual hours of operation rather~~
547 ~~than allowable hours if the owner or operator of the source~~
548 ~~documents the source's actual hours of operation for the~~
549 ~~calendar year. For any source that has an emissions limit that~~
550 ~~is dependent upon the type of fuel burned, the annual fee~~
551 ~~calculation must be based on the emissions limit applicable~~

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552 ~~during actual hours of operation.~~

553 ~~3. For any source whose allowable emission limitation is~~
554 ~~specified by permit per units of material input or heat input or~~
555 ~~product output, the applicable input or production amount may be~~
556 ~~used to calculate the allowable emissions if the owner or~~
557 ~~operator of the source documents the actual input or production~~
558 ~~amount. If the input or production amount is not documented, the~~
559 ~~maximum allowable input or production amount specified in the~~
560 ~~permit must be used to calculate the allowable emissions.~~

561 ~~4. For any new source that does not receive its first~~
562 ~~operation permit until after the beginning of a calendar year,~~
563 ~~the annual fee for the year must be reduced pro rata to reflect~~
564 ~~the period during which the source was not allowed to operate.~~

565 ~~5. For any source that emits less of any regulated air~~
566 ~~pollutant than allowed by permit condition, the annual fee~~
567 ~~calculation for such pollutant must be based upon actual~~
568 ~~emissions rather than allowable emissions if the owner or~~
569 ~~operator documents the source's actual emissions by means of~~
570 ~~data from a department-approved certified continuous emissions~~
571 ~~monitor or from an emissions monitoring method which has been~~
572 ~~approved by the United States Environmental Protection Agency~~
573 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
574 ~~or from a method approved by the department for purposes of this~~
575 ~~section.~~

576 ~~2.6.~~ The amount of each regulated air pollutant in excess
577 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
578 group of sources belonging to the same Major Group as described
579 in the Standard Industrial Classification Manual, 1987, may not
580 be included in the calculation of the fee. Any source, or group

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581 of sources, which does not emit any regulated air pollutant in
582 excess of 4,000 tons per year, is allowed a one-time credit not
583 to exceed 25 percent of the first annual licensing fee for the
584 prorated portion of existing air-operation permit application
585 fees remaining upon commencement of the annual licensing fees.

586 ~~3.7-~~ If the department has not received the fee by March 1
587 ~~February 15~~ of the calendar year, the permittee must be sent a
588 written warning of the consequences for failing to pay the fee
589 by April March 1. If the fee is not postmarked by April March 1
590 of the calendar year, the department shall impose, in addition
591 to the fee, a penalty of 50 percent of the amount of the fee,
592 plus interest on such amount computed in accordance with s.
593 220.807. The department may not impose such penalty or interest
594 on any amount underpaid, provided that the permittee has timely
595 remitted payment of at least 90 percent of the amount determined
596 to be due and remits full payment within 60 days after receipt
597 of notice of the amount underpaid. The department may waive the
598 collection of underpayment and shall not be required to refund
599 overpayment of the fee, if the amount due is less than 1 percent
600 of the fee, up to \$50. The department may revoke any major air
601 pollution source operation permit if it finds that the
602 permitholder has failed to timely pay any required annual
603 operation license fee, penalty, or interest.

604 ~~4.8-~~ Notwithstanding the computational provisions of this
605 subsection, the annual operation license fee for any source
606 subject to this section shall not be less than \$250, except that
607 the annual operation license fee for sources permitted solely
608 through general permits issued under s. 403.814 shall not exceed
609 \$50 per year.

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610 ~~5.9.~~ Notwithstanding the provisions of s.
611 403.087(6)(a)5.a., authorizing air pollution construction permit
612 fees, the department may not require such fees for changes or
613 additions to a major source of air pollution permitted pursuant
614 to this section, unless the activity triggers permitting
615 requirements under Title I, Part C or Part D, of the federal
616 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
617 administer such permits shall be considered direct and indirect
618 costs of the major stationary source air-operation permit
619 program under s. 403.0873. The department shall, however,
620 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
621 for the construction of a new major source of air pollution that
622 will be subject to the permitting requirements of this section
623 once constructed and for activities triggering permitting
624 requirements under Title I, Part C or Part D, of the federal
625 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

626 (b) Annual operation license fees collected by the
627 department must be sufficient to cover all reasonable direct and
628 indirect costs required to develop and administer the major
629 stationary source air-operation permit program, which shall
630 consist of the following elements to the extent that they are
631 reasonably related to the regulation of major stationary air
632 pollution sources, in accordance with United States
633 Environmental Protection Agency regulations and guidelines:

- 634 1. Reviewing and acting upon any application for such a
635 permit.
- 636 2. Implementing and enforcing the terms and conditions of
637 any such permit, excluding court costs or other costs associated
638 with any enforcement action.

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639 3. Emissions and ambient monitoring.
640 4. Preparing generally applicable regulations or guidance.
641 5. Modeling, analyses, and demonstrations.
642 6. Preparing inventories and tracking emissions.
643 7. Implementing the Small Business Stationary Source
644 Technical and Environmental Compliance Assistance Program.
645 8. Any audits conducted under paragraph (c).
646 (c) An audit of the major stationary source air-operation
647 permit program must be conducted 2 years after the United States
648 Environmental Protection Agency has given full approval of the
649 program to ascertain whether the annual operation license fees
650 collected by the department are used solely to support any
651 reasonable direct and indirect costs as listed in paragraph (b).
652 A program audit must be performed biennially after the first
653 audit.

654 Section 15. Paragraph (e) of subsection (1) of section
655 403.813, Florida Statutes, is amended to read:
656 403.813 Permits issued at district centers; exceptions.—
657 (1) A permit is not required under this chapter, chapter
658 373, chapter 61-691, Laws of Florida, or chapter 25214 or
659 chapter 25270, 1949, Laws of Florida, for activities associated
660 with the following types of projects; however, except as
661 otherwise provided in this subsection, nothing in this
662 subsection relieves an applicant from any requirement to obtain
663 permission to use or occupy lands owned by the Board of Trustees
664 of the Internal Improvement Trust Fund or any water management
665 district in its governmental or proprietary capacity or from
666 complying with applicable local pollution control programs
667 authorized under this chapter or other requirements of county

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668 and municipal governments:

669 (e) The restoration of seawalls at their previous locations
670 or upland of, or within 18 inches ~~1-foot~~ waterward of, their
671 previous locations. However, this shall not affect the
672 permitting requirements of chapter 161, and department rules
673 shall clearly indicate that this exception does not constitute
674 an exception from the permitting requirements of chapter 161.

675 Section 16. Subsection (13) is added to section 403.814,
676 Florida Statutes, to read:

677 403.814 General permits; delegation.—

678 (13) The department shall issue general permits for special
679 events as defined in s. 253.0345. The permits must be for a
680 period that runs concurrently with the consent of use or lease
681 issued pursuant to that section. No more than two seagrass
682 studies may be required by a general permit, one conducted
683 before issuance of the permit and the other conducted at the
684 time the permit expires. General permits must also allow for the
685 movement of temporary structures within the footprint of the
686 lease area. A survey of the lease or consent area is required at
687 the time of application for a 10-year standard lease or consent
688 of use and general permit. An area of up to 25 percent of a
689 previous lease or consent of use area must be issued as part of
690 the general permit, lease, or consent of use to allow for
691 economic expansion of the special event during the 10-year term.
692 An annual survey of the distances of all structures from the
693 boundaries of the lease or consent of use area must be conducted
694 to ensure that the lease boundaries have not been violated.

695 Section 17. Subsection (2) of section 570.076, Florida
696 Statutes, is amended to read:

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697 570.076 Environmental Stewardship Certification Program.—
698 The department may, by rule, establish the Environmental
699 Stewardship Certification Program consistent with this section.
700 A rule adopted under this section must be developed in
701 consultation with state universities, agricultural
702 organizations, and other interested parties.

703 (2) The department shall provide an agricultural
704 certification under this program for implementation of one or
705 more of the following criteria:

706 (a) A voluntary agreement between an agency and an
707 agricultural producer for environmental improvement or water-
708 resource protection.

709 (b) A conservation plan that meets or exceeds the
710 requirements of the United States Department of Agriculture.

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

713 Section 18. Section 570.085, Florida Statutes, is amended
714 to read:

715 570.085 Department of Agriculture and Consumer Services;
716 agricultural water conservation and water supply planning.—

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

719 (a) ~~(1)~~ A cost-share program, coordinated where appropriate
720 with the United States Department of Agriculture and other
721 federal, state, regional, and local agencies, for irrigation
722 system retrofit and application of mobile irrigation laboratory
723 evaluations for water conservation as provided in this section
724 and, where applicable, for water quality improvement pursuant to
725 s. 403.067(7)(c).

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726 (b)~~(2)~~ The development and implementation of voluntary
727 interim measures or best management practices, adopted by rule,
728 which provide for increased efficiencies in the use and
729 management of water for agricultural production. In the process
730 of developing and adopting rules for interim measures or best
731 management practices, the department shall consult with the
732 Department of Environmental Protection and the water management
733 districts. Such rules may also include a system to assure the
734 implementation of the practices, including recordkeeping
735 requirements. As new information regarding efficient
736 agricultural water use and management becomes available, the
737 department shall reevaluate and revise as needed, the interim
738 measures or best management practices. The interim measures or
739 best management practices may include irrigation retrofit,
740 implementation of mobile irrigation laboratory evaluations and
741 recommendations, water resource augmentation, and integrated
742 water management systems for drought management and flood
743 control and should, to the maximum extent practicable, be
744 designed to qualify for regulatory incentives and other
745 incentives, as determined by the agency having applicable
746 statutory authority.

747 (c)~~(3)~~ Provision of assistance to the water management
748 districts in the development and implementation of a consistent,
749 to the extent practicable, methodology for the efficient
750 allocation of water for agricultural irrigation.

751 (2) (a) The department shall establish an agricultural water
752 supply planning program that includes the development of
753 appropriate data indicative of future agricultural water needs.
754 The data shall be based on at least a 20-year planning period

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755 and shall include, but is not limited to:

756 1. Applicable agricultural crop types or categories.

757 2. Historic estimates of irrigated acreage, current
758 estimates of irrigated acreage, and future irrigated acreage
759 projections for each applicable crop type or category spatially
760 for each county, including the historic and current methods and
761 assumptions used to generate the spatial acreage estimates and
762 projections.

763 3. Crop type or category water use coefficients for both
764 average year and 1-in-10 year drought years used in calculating
765 historic and current water supply needs and projected future
766 water supply needs, including data, methods, and assumptions
767 used to generate the coefficients. Estimates of historic and
768 current water supply needs shall take into account actual
769 metered data where available.

770 4. An evaluation of significant uncertainties affecting
771 agricultural production that may require a range of projections
772 for future agricultural water supply needs.

773 (b) In developing the future agricultural water supply
774 needs data, the department shall consult with the agricultural
775 industry, the University of Florida Institute of Food and
776 Agricultural Sciences, the Department of Environmental
777 Protection, the water management districts, the United States
778 Department of Agriculture National Agricultural Statistics
779 Service, and the United States Geological Survey.

780 (c) The future agricultural water supply needs data shall
781 be provided to each water management district for consideration
782 pursuant to ss. 373.036(2) and 373.709(2)(a)1.b. The department
783 shall coordinate with each water management district to

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784 establish the schedule necessary for provision of agricultural
785 water supply needs data in order to comply with water supply
786 planning provisions of ss. 373.036(2) and 373.709(2) (a)1.b.

787 Section 19. This act shall take effect July 1, 2013.

THE FLORIDA SENATE
APPEARANCE RECORD

7

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

4/2/13

Meeting Date

Topic Military Encroachment

Bill Number SB1784
(if applicable)

Name Carolyn Johnson

Amendment Barcode _____
(if applicable)

Job Title Policy Director

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Speaking: For Against Information

Representing FL chamber of commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1784

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee

SUBJECT: Military Installations

DATE: April 1, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ryon	Ryon	MS	ms SPB 7028 as introduced
2.	Gudeman	Uchino	EP	Favorable
3.	_____	_____	CA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1784 amends the purpose and functions of the Military Base Protection Program (MBPP), within the Department of Economic Opportunity (DEO). The bill provides legislative findings related to encroachment of military installations, specifies functions of the MBPP, and provides funding authority for the Board of Trustees of the Internal Improvement Trust Fund (Board) to acquire non-conservation lands to buffer a military base against encroachment.

The bill specifies functions of the MBPP to include:

- Securing non-conservation lands to serve as a buffer to protect military installations against encroachment; and
- Supporting local community efforts to engage in service partnerships with military installations.

The bill revises the current funding appropriation purposes of the MBPP to include encroachment reduction or prevention. The bill authorizes the DEO to submit an annual list to the Board to acquire non-conservation lands, and directs the Board to consider the recommendations of the Florida Defense Support Task Force in making determinations to acquire non-conservation lands. The bill authorizes the Board to acquire non-conservation lands from the list submitted by the DEO for the purpose of buffering a military base against encroachment, subject to a specific appropriation. The bill does not preclude the acquisition of such lands by local governments.

The bill substantially amends the following sections of the Florida Statutes: 253.025 and 288.980.

II. Present Situation:

Florida is home to 20 major military installations and three unified combatant commands. Defense related spending is estimated to be responsible for nearly \$73.4 billion of the state's gross domestic product and over 758,000 jobs around the state. The average earnings per military job in Florida is just over \$77,241, which is well above the state average earnings-per-worker level.¹ Only tourism and agriculture contribute more to Florida's economy.

The Department of Defense (DoD) has completed implementation of the 2005 round of base realignments and closures, commonly referred to as "BRAC."² The BRAC process reflects a desire to eliminate excess capacity, realize the savings from that reduction in capacity, and fund higher priority weapon platforms and troop training. There have been five BRAC rounds between 1988 and 2005. During the 1993 round, four Florida bases were closed.³

As a result of the 2005 BRAC round, a U.S. Army Special Forces Group of approximately 3,000 soldiers was moved from Ft. Bragg, North Carolina, to Eglin Air Force Base in Northwest Florida. Also, Eglin was selected to establish multi-service/multi-nation training facilities for the F-35 Joint Strike Fighter aircraft. In addition, the 2005 BRAC round brought the new Navy P-8 aircraft mission to Naval Air Station Jacksonville.⁴

In 2008 the U.S. Navy, in a decision unrelated to the BRAC process, announced its intention to homeport one of its nuclear powered aircraft carriers to Naval Station Mayport in Jacksonville. This basing decision will have significant positive economic impact on the Jacksonville area; however, as all nuclear powered aircraft carriers are currently homeported in Norfolk, Virginia, the Virginia Congressional delegation is actively trying to prevent this move.⁵

Due to constraints with the federal budget and the drawdown of troops overseas, the federal government is focusing on redefining the scope and structure of the U.S. military. While there has not yet been an official call for another BRAC round, federal budget cuts and restructuring have led to changes in the missions at military installations throughout the nation, including calls to reorganize the Air Armament Center at Eglin Air Force Base.

Encroachment

Encroachment is a term used by the DoD to refer to incompatible uses of land, air, water, and other resources in close proximity to a military installation. The Legislature has found that incompatible development of land close to military installations can adversely affect the ability

¹ Enterprise Florida, Inc., Florida Defense Factbook 2013 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

² See the Defense Base Closure and Realignment Act of 1990, Pub. L. 101-510, as amended through the National Defense Authorization Act of Fiscal Year 2003.

³ During the 1993 BRAC round, Florida lost the Naval Aviation Depot Pensacola, the Naval Aviation Station Cecil Field Jacksonville, the Naval Training Center Orlando, and Homestead Air Force Base. Florida did not have any major DoD closures or realignments during the 1998, 1991, and 1995 BRAC rounds.

⁴ Jeff Fanto, Department of Growth Management, Okaloosa County, FL, *Elgin Installation Growth Committee-Planning now for future BRAC-related growth*, available at <http://www.co.okaloosa.fl.us/hotline/eigc.pdf> (last visited Apr. 1, 2013).

⁵ Ronal O'Rourke, Congressional Research Service, *Navy Nuclear Aircraft Carrier Homeporting at Mayport: Background and Issues for Congress*, available at <http://www.fas.org/sgp/crs/weapons/R40248.pdf> (last visited Apr. 1, 2013).

of the installation to carry out its mission, threaten public safety if accidents occur near the military installation, and may affect the economic vitality of a community when military operations or missions must be relocated because of urban encroachment.⁶ Also, from an environmental perspective, the loss of natural habitats through development on areas adjacent to military installations can negatively impact the biodiversity on military lands.⁷

At least 20 states, including Florida, have enacted land use-related laws to address encroachment concerns. The types of land use laws fall into three categories:

- Land Use Planning – requires local governments to include in their comprehensive plans criteria to be considered to ensure that land use adjacent to a military base is compatible with the military mission.
- Notification of Military – creates or expands procedural requirements to provide planning and zoning information to the military and creates a specific mechanism for the military to comment on how the proposed development or planning change affects the military mission.
- Land Conservation – allocates state resources for open space protection, such as acquisition of title or development rights to land, or conservation easements, or transfer of development rights to restore and preserve open space and farmland, or protect land from incompatible development.⁸

Lands bordering a military installation may or may not possess conservation value. The lands that have conservation value are eligible to be acquired using the state lands funding mechanism known as the Florida Forever program (Florida Forever).⁹ Those that do not have conservation value (non-conservation lands) are not eligible for Florida Forever.

The Florida Defense Support Task Force (Task Force)¹⁰ has expressed a need to develop and support a state non-conservation encroachment prevention plan. The Task Force has initially identified five military installations that have incompatible land use issues that would benefit from such a plan. However, a program or source of funding does not exist at the state level to provide funding for non-conservation lands which are desired to buffer a military base.

Land Conservation

Florida Forever

The State of Florida has a history of land acquisition programs, each with differing goals, objectives and funding. Since 1963 there has been a series of land acquisition programs, including Outdoor Recreation and Conservation (1963), Environmentally Endangered Lands

⁶ Section 163.3175, F.S.

⁷ J. Douglas Ripley, Legal and Policy Background, United States Department of Defense, *Conserving Biodiversity on Military Lands, A Guide for Natural Resources Managers*, <http://www.dodbiodiversity.org/ch3/index.html> (last visited Apr. 1, 2013).

⁸ The National Conference of State Legislatures, *Military Installations Sustainability (Updated June 18, 2010)*, provides the following states have enacted land-use related laws to address encroachment concerns: Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Nebraska, New Jersey, North Carolina, Oklahoma, South Carolina, South Dakota, Texas, Virginia, Washington, and Wisconsin. See <http://www.ncsl.org/issues-research/env-res/military-installation-sustainability.aspx> (last visited Apr. 1, 2013).

⁹ Section 259.105, F.S.

¹⁰ Section 288.987, F.S.

(EEL, 1972), Conservation and Recreation Lands (CARL, 1979), Save Our Rivers (SOR, 1981), Save Our Coast (SOC, 1981), Florida Communities Trust (FCT, 1989), Preservation 2000 (P2000, 1990),¹¹ and Florida Forever.¹²

Florida Forever is Florida's conservation and recreation lands acquisition program. The "Florida Forever Act" was created by the Legislature in 1999 and authorized the issuance of not more than \$3 billion in bonds for land acquisition, water resource development projects, preservation and restoration of open space and greenways, and outdoor recreation purposes. Florida Forever acquisitions may be carried out through fee simple (absolute ownership), less-than-fee interest (ownership of development rights or conservation easements), or other techniques, and must be scientifically based on Florida's natural resources.¹³

The Board of Trustees of the Internal Improvement Trust Fund

The Board is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by, or which may inure to the state or any of its agencies, departments, boards, or commissions, with certain exceptions.¹⁴ The Board is comprised of four trustees: the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.¹⁵

The procedures for state land acquisitions are provided in chs. 253 and 259, F.S., and Rule 18-24 of the Florida Administrative Code. The Department of Environmental Protection (DEP), Division of State Lands performs staff duties and functions related to the acquisition, administration, and disposition of state lands, where the Board holds title.

The lands that are titled in the Board include conservation lands (about 3.1 million acres) and non-conservation lands (about 200,000 acres), such as state hospitals, prisons, state and community colleges, office buildings, etc. The Board also owns land that is not for conservation purposes that is leased out for cattle grazing or other agricultural purposes.¹⁶

Land Acquisition Process

Selection

Under Florida Forever, the Acquisition and Restoration Council (ARC) is responsible for evaluating, selecting and ranking state land acquisition projects for submission to the Board for approval. The ARC is composed of ten voting members, with four members appointed by the Governor. The remaining members are the Secretary of Environmental Protection, director of the

¹¹ In 1979, the Conservation CARL program was established to preserve Florida's unique natural heritage. In 1990, Florida established the Preservation 2000 (P2000) program in an effort to protect Florida's water resources, wildlife habitat, recreational areas, wetlands, and forests from a rapidly growing population. The Florida Forever program was enacted as a successor program to P2000.

¹² Section 259.105, F.S.

¹³ Chapter 99-247, Laws of Fla.

¹⁴ Section 253.03, F.S.

¹⁵ Section 259.03(2), F.S.

¹⁶ E-mail from Susan Grandin, Director of Division of State Lands, DEP, (Mar. 4, 2013) (on file with Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

Division of Forestry of the Department of Agriculture and Consumer Services, executive director of the Florida Wildlife Conservation Commission (FWC), director of the Division of Historical Resources of the Department of State,¹⁷ an appointment by the Commissioner of Agriculture, and an appointment by the FWC.¹⁸

A list of proposed acquisitions is developed by the ARC on an annual basis. The list includes acquisition applications that meet a combination of conservation goals. Applications are accepted from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals.¹⁹ Priority is given to projects that were placed on previous land acquisition lists or for which matching funds are available. The ARC is also directed to give increased priority to projects where the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions.²⁰

After the initial review, a project can only move forward with the approval of at least five ARC members. A Project Evaluation Report is prepared by the staff for ARC approval after a project is approved for full review. In preparing the Project Evaluation Report, DEP staff confirms or revises the information contained in the initial project application, provides a review of the natural resource and other application components to determine the number of Florida Forever criteria, goals and measures being met, confirms the project boundary as contained in the application, and includes a recommended manager for the project along with a management policy statement and a management prospectus.²¹

After a full review has been completed, the ARC develops a list of projects for consideration by the Board. At least five members of the ARC must vote to place a project on the Board's list. Projects of highest priority are on the "A" acquisition list. Projects that are not of the highest priority are ranked on the "B" acquisition list. Three sub-groups of projects are contained in both the "A" and "B" lists:

- Fee simple or large holdings;
- Multi-parcel or small holdings; and
- Less-than-fee acquisitions.

Prior to approval of the list by the Board, the ARC must submit a report with the list of proposed projects which outlines the following:

- The stated purpose of each included project;
- Costs to achieve the acquisition goals;
- An interim management budget;

¹⁷ Section 259.035(1)(b), F.S., authorizes the Secretary of Environmental Protection, the director of the Florida Forest Service of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State to appoint a designee in their place.

¹⁸ Section 259.035, F.S.

¹⁹ Section 259.105(7)(a), F.S.

²⁰ Section 259.105(10), F.S.

²¹ James A. Farr, Ph.D., O. Greg Brock, Ph.D., *Florida's Landmark Programs for Conservation and Recreation Land Acquisition*. Sustain. Vol. 14 (Spring/Summer 2006) available at http://www.dep.state.fl.us/lands/files/Florida_LandAcquisition.pdf (last visited Apr. 1, 2013).

- Specific performance measures;
- Plans for public access;
- Identification of the essential parcels within the project boundary;
- Identification of parcels, within each project boundary, which should be acquired by fee simple or less-than-fee simple methods;
- Identification of lands being acquired for conservation purposes;
- A management policy statement and a management prospectus;
- An estimate of land value;
- A map delineating the project boundaries;
- An assessment of the project's ecological, recreational, forest, and wildlife value as well as ownership patterns, utilization and location;
- Identification of alternative uses for the property, and what those uses are; and
- A designation of the management agency or agencies.²²

Upon receipt, the Board must provide final approval of the Florida Forever acquisition list each year.²³ The Board may remove projects but may not add projects to the list or rearrange project rankings.

Acquisition

Once projects are approved for placement on the acquisition list by the Board, negotiations may begin with individual property owners. Agents of the Negotiation Section within the Bureau of Land Acquisition negotiate full fee acquisitions, conservation easements and other less-than-fee transactions. The active process begins with an appraisal of value for the listed parcel and ends with an approximate six-week process wherein the acquisition is presented to the Board for approval.

Agents from the Closing Section within the Bureau of Land Acquisition prepare the transaction for conveyance to state ownership.²⁴

The title to lands acquired under Florida Forever is vested in the Board, except that title to lands acquired by water management districts are vested in the name of that district and lands acquired by local governments are vested in the name of that local government.²⁵

Readiness and Environmental Protection Initiative

The DoD Readiness and Environmental Protection Initiative (REPI)²⁶ provides the opportunity for cost-sharing partnerships between the military, private conservation groups, and state and local governments to protect military testing and training capabilities and conserve land. These partnerships acquire easements or other interests in land to limit incompatible development, and protect valuable open space and habitat around key test and training areas to support military

²² Section 259.105(15), F.S.

²³ Section 259.105(16), F.S.

²⁴ Section 259.041, F.S.

²⁵ Section 259.105(7)(c), F.S.

²⁶ 10 U.S.C s. 2684(A) (2003).

readiness. As such, REPI funds may be used to acquire either conservation or non-conservation lands.

The State of Florida has had a successful partnership with the DoD for over ten years to acquire conservation lands around military bases that also serve as encroachment buffers. This has been made possible by matching Florida Forever with REPI funds. As of June 2012, using this method, DEP has acquired almost 37,000 acres that conserve natural resources and help protect the mission of the adjacent military base.²⁷

Military Base Protection

Section 288.980, F.S., establishes grant programs designed to aid defense-dependent communities throughout the state. The legislative intent of this section encourages communities to initiate a coordinated program of response and plan of action in advance of future actions of the federal government relating to realignments and closures, recognizes the need for communities to develop and implement strategies to preserve and protect military installations, and recognizes that the state needs to coordinate all efforts that can support military installations through the state.²⁸

This section also provides for the Military Base Protection Program (MBPP). The MBPP is authorized to use funds to address emergent needs relating to mission sustainment and base retention. In addition, these funds may be used to match federal funds. The Department of Economic Opportunity (DEO) is directed to coordinate and implement this program.²⁹ However, funds appropriated under the MBPP are not specifically authorized to be used to combat encroachment. Furthermore, specific functions of the MBPP are not provided.

Defense grant programs are administered by the Florida Defense Alliance, an organization within Enterprise Florida, Inc.,³⁰ and funded by the Legislature to assist Florida's communities hosting defense industries, bases, and installations. The DEO is authorized to award grants on a competitive basis through the Florida Defense Reinvestment Grant Program (DRG)³¹ and the Florida Defense Infrastructure Grant Program (DIG).³²

The DRG program provides communities hosting military installations with resources to support advocacy and military community relations. DRGs must be part of a plan to support the needs of an installation, or work in conjunction with defense-dependent communities in developing strategies that will help communities expand its non-defense economy, as appropriate. Activities

²⁷ Minutes from the Florida Defense Support Task Force Meeting, June 27, 2012, *available at* <http://www.eflorida.com/fdstf/docs/meetings/Minutes/Meeting%20Minutes%20--%20June%2027.%202012.pdf> (last visited Apr. 1, 2013).

²⁸ Section 288.980(1)(a), F.S.

²⁹ Section 288.980(2), F.S.

³⁰ Section 288.980(1)(b), F.S., provides that the Florida Defense Alliance... shall serve as an overall advisory body for defense-related activity of Enterprise Florida, Inc., and may receive funding for that purpose from the DEO.

³¹ Section 288.980(4), F.S.

³² Section 288.980(5), F.S.

may include studies, presentations, analyses, plans, marketing, modeling, and reasonable travel costs.³³ As such, DRG grants likely are not used for land acquisitions.

The DIG program provides support for local infrastructure projects including those associated with encroachment, transportation and access, utilities, communications, housing, environment, and security that have a positive impact on an installation's military value. Infrastructure grants may also be used to conduct studies, develop presentations, analyses, plans, and modeling in direct support of infrastructure projects.³⁴ Since DIG grants provide support for several types of projects in addition to encroachment, funding may not be sufficient to meet the needs of Florida's encroachment concerns as a whole.

III. Effect of Proposed Changes:

Section 1 amends s. 253.025, F.S., to authorize the Board to acquire non-conservation lands from the list of lands submitted to it from the DEO, subject to a specific appropriation, for the purpose of buffering a military base against encroachment.

The bill does not preclude the acquisition of such lands by local governments through fee simple purchase or through perpetual, less-than-fee interest, for the purpose of buffering a military base against encroachment.

Section 2 amends s. 288.980, F.S., to provide legislative findings related to encroachment of military installations, specify functions of the MBPP, and provide funding authority for the Board to acquire non-conservation lands to buffer a military base against encroachment, subject to a specific appropriation.

The bill specifies functions of the MBPP to include, but not be limited to:

- Securing non-conservation lands to serve as a buffer to protect military installations against encroachment; and
- Supporting local community efforts to engage in service partnerships with military installations.

The bill revises the current funding appropriation purposes of the MBPP to include encroachment reduction or prevention.

The bill authorizes the DEO to submit a list annually to the Board, to acquire non-conservation lands through fee simple purchase or through perpetual, less-than-fee interest in such lands, for the purpose of buffering a military base against encroachment.

In making determinations for the purchase of non-conservation lands to secure and protect a military installation against encroachment, the bill directs the Board to consider the recommendations of the Florida Defense Support Task Force.

Section 3 provides an effective date of July 1, 2013.

³³ The Florida Defense Alliance, *Grant Information*, available at <http://www.floridadefense.org/grants.asp> (last visited Apr. 1, 2013).

³⁴ *Id.*

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:

SB 1784 may reduce the type of development that can occur near a military base if non-conservation lands are purchased by the state. In addition, the buffering of military bases to ensure continued mission readiness may prevent future base closures in Florida. As stated in the analysis, military operations provide significant, positive economic impacts for the state.

C. Government Sector Impact:

The bill will likely have an insignificant fiscal impact on DEP as existing staff and resources will be used.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

By the Committee on Military and Veterans Affairs, Space, and Domestic Security

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1 A bill to be entitled
2 An act relating to military installations; amending s.
3 253.025, F.S.; authorizing the Board of Trustees of
4 the Internal Improvement Trust Fund to acquire certain
5 nonconservation lands to buffer a military
6 installation against encroachment; amending s.
7 288.980, F.S.; providing legislative findings;
8 providing functions of the Military Base Protection
9 Program; authorizing the Department of Economic
10 Opportunity to annually recommend nonconservation
11 lands for acquisition through fee simple purchase or
12 less-than-fee interest purchase to the Board of
13 Trustees of the Internal Improvement Trust Fund for
14 the purpose of preventing the encroachment of military
15 installations; requiring the board of trustees to also
16 consider land acquisition recommendations of the
17 Florida Defense Support Task Force; authorizing funds
18 appropriated to the Military Base Protection Program
19 to be used for land acquisition to prevent or reduce
20 encroachment of military installations; providing an
21 effective date.

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

24
25 Section 1. Subsection (18) is added to section 253.025,
26 Florida Statutes, to read:

27 253.025 Acquisition of state lands for purposes other than
28 preservation, conservation, and recreation.—

29 (18) The board of trustees may acquire, pursuant to s.

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30 288.980(2)(b), nonconservation lands from the annual list
31 submitted by the Department of Economic Opportunity for the
32 purpose of buffering a military installation against
33 encroachment.

34 Section 2. Subsections (1) and (2) of section 288.980,
35 Florida Statutes, are amended to read:

36 288.980 Military base retention; legislative intent; grants
37 program.—

38 (1)(a) It is the intent of this state to provide the
39 necessary means to assist communities with military
40 installations in supporting and sustaining those installations.
41 It is further the intent to encourage communities to initiate a
42 coordinated program of response and plan of action in advance of
43 future actions of the federal government relating to
44 realignments and closures. It is critical that communities
45 develop and implement strategies to preserve and protect
46 military installations. The Legislature hereby recognizes that
47 the state needs to coordinate all efforts that can support
48 military installations throughout the state. The Legislature,
49 therefore, declares that providing such assistance to support
50 the defense-related initiatives within this section is a public
51 purpose for which public money may be used.

52 (b) The Florida Defense Alliance, an organization within
53 Enterprise Florida, Inc., is designated as the organization to
54 ensure that Florida, its resident military bases and missions,
55 and its military host communities are in competitive positions
56 as the United States continues its defense realignment and
57 downsizing. The defense alliance shall serve as an overall
58 advisory body for defense-related activity of Enterprise

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59 Florida, Inc. The Florida Defense Alliance may receive funding
60 from appropriations made for that purpose administered by the
61 department.

62 (c) The Legislature finds that encroachment of military
63 installations has been identified by local, state, and federal
64 leaders as a critical threat to protecting, preserving, and
65 enhancing military installations in this state. Encroachment can
66 be detrimental to the current and future missions of military
67 installations due to the incompatible use of adjacent land. The
68 Legislature recognizes the unique need to secure lands that have
69 no conservation value, but may present an encroachment threat to
70 a military installation.

71 (2)(a) The Military Base Protection Program is created. The
72 functions of the Military Base Protection Program includes, but
73 is not limited to:

74 1. Securing nonconservation lands to serve as a buffer to
75 protect military installations against encroachment; and

76 2. Supporting local community efforts to engage in service
77 partnerships with military installations.

78 (b) The department may annually submit a list to the Board
79 of Trustees of the Internal Improvement Trust Fund of
80 nonconservation lands to acquire, subject to a specific
81 appropriation, through fee simple purchase or through perpetual,
82 less-than-fee interest purchase, for the purpose of buffering a
83 military installation against encroachment. The Board of
84 Trustees of the Internal Improvement Trust Fund shall also
85 consider the recommendations of the Florida Defense Support Task
86 Force, created in s. 288.987, when selecting nonconservation
87 lands to purchase for the purpose of securing and protecting a

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88 military installation against encroachment. This paragraph does
89 not preclude the acquisition of such lands by local governments
90 through fee simple purchase or through perpetual, less-than-fee
91 interest purchase, for the purpose of buffering a military
92 installation against encroachment.

93 (c) Funds appropriated to this program may be used to
94 address emergent needs relating to mission sustainment,
95 encroachment reduction or prevention, and base retention. All
96 funds appropriated for the purposes of this program are eligible
97 to be used for matching of federal funds. The department shall
98 coordinate and implement this program.

99 Section 3. This act shall take effect July 1, 2013.

CourtSmart Tag Report

Room: EL 110
Caption: Senate Environmental Preservation and Conservation

Case:

Type:
Judge:

Started: 4/2/2013 4:07:18 PM
Ends: 4/2/2013 5:42:40 PM **Length:** 01:35:23

4:07:20 PM Chair Dean calls the meeting to order
4:07:25 PM CAA calls roll
4:07:44 PM Pledge
4:08:10 PM Chair Dean remarks
4:09:09 PM Tab 3 - SB 584 Purchase of Land by a Government Entity by Sen. Hays
4:09:20 PM Amend #569946 by Sen. Simpson
4:09:36 PM Sen. Hays explains the amendment
4:12:52 PM Sen. Abruzzo question
4:13:09 PM Sen. Hays response
4:13:23 PM Follow up Sen. Abruzzo
4:13:39 PM Response Sen. Hays
4:13:52 PM Follow up Sen. Abruzzo
4:14:03 PM Response Sen. Hays
4:14:35 PM Sen. Bullard question
4:15:26 PM Response Sen. Hays
4:15:44 PM Sen. Soto question
4:15:57 PM Sen. Hays response
4:16:50 PM Sen. Soto follow up
4:17:06 PM Sen. Hays response
4:17:32 PM Sen. Abruzzo question
4:17:51 PM Sen. Hays response
4:18:23 PM Sen. Altman question
4:18:47 PM Sen. Hays response
4:19:19 PM Amendment adopted
4:19:28 PM Janet Bowman, The Nature Conservancy
4:22:28 PM Preston Robertson, Florida Wildlife Federation
4:24:32 PM Sen. Soto question
4:24:52 PM Sen. Latvala comments
4:25:49 PM Sen. Latvala questions for Sen. Hays
4:26:35 PM Sen. Hays response
4:26:45 PM Sen. Latvala question
4:26:53 PM Sen. Hays response
4:28:40 PM Follow up Sen. Latvala
4:29:59 PM Response Sen. Hays
4:31:04 PM Follow up Sen. Latvala
4:31:51 PM Sen. Hays response
4:32:08 PM Sen. Latvala question
4:32:42 PM Sen. Abruzzo question
4:33:03 PM Sen. Hays response
4:34:01 PM John Hallman, Florida Campaign for Liberty
4:36:51 PM Sen. Latvala question
4:37:52 PM Mr. Hallman response
4:38:09 PM Follow up Sen. Latvala
4:38:23 PM Response Mr. Hallman
4:38:44 PM Follow up Sen. Latvala
4:39:06 PM Mr. Hallman response
4:39:49 PM Sen. Abruzzo question
4:40:10 PM Mr. Hallman response
4:40:22 PM Follow up Sen. Abruzzo
4:40:53 PM Sen. Bullard question
4:41:38 PM Eric Draper, Audubon
4:43:48 PM Catherine Baeu, The Tea Party Network waives in support

4:43:54 PM Henry Kelly, Fort Walton Beach Tea Party
4:46:45 PM David Cullen, Sierra Club Florida waives in opposition
4:46:56 PM Dan Peterson, Coalition for Property Rights
4:48:23 PM Stephen James, Fla. Association of Counties
4:49:14 PM Eddy Labrador, Broward County
4:50:59 PM Lane Stephens, Allied Sportsmen Associations of Florida
4:52:12 PM Sen. Simpson comments
4:53:28 PM Sen. Altman comments
4:55:30 PM Sen. Bullard comments
4:56:05 PM Sen. Gardiner comments
4:57:18 PM Sen. Latvala comments
4:58:47 PM Sen. Hays comments
5:00:02 PM Sen. Abruzzo remarks
5:00:58 PM Chair Dean remarks
5:03:04 PM Sen. Hays comments
5:04:07 PM Chair Dean TP's SB 584
5:04:18 PM Tab 4 - SB 1074 State-owned or State-leased Space by Sen. Hays
5:04:44 PM Amend. 1 #457772 by Sen. Gardiner (courtesy)
5:05:07 PM Sen. Gardiner explains amendment
5:05:40 PM Amendment adopted
5:05:42 PM Amend. 2 #729378 by Sen. Simpson
5:05:59 PM Sen. Hays explains
5:06:19 PM Amendment adopted
5:06:23 PM Amend. 3 #665952 by Sen. Gardiner
5:06:41 PM Sen. Gardiner explains
5:08:05 PM Ryan Matthews, Florida League of Cities
5:09:02 PM Eddy Labrador, Broward County waives in opposition
5:09:24 PM Sen. Gardiner closes on amendment
5:10:05 PM Amendment adopted
5:10:17 PM Amend. 4 #286430 by Sen. Gardiner
5:10:29 PM Amendment explained
5:10:35 PM Amendment adopted
5:10:44 PM Amend. 5 #274856 late-filed by Sen. Simpson (courtesy)
5:11:04 PM Sen. Hays explains
5:11:16 PM Amendment adopted
5:11:27 PM Marlene Williams, DMS waives in support
5:11:36 PM Tom Berger, DMS there for information if needed
5:11:51 PM Stephen James, Fla. Association of Counties waives in opposition
5:12:14 PM Sen. Soto comments
5:12:47 PM Sen. Gardiner comments
5:13:04 PM Sen. Hays waives close
5:13:07 PM Sen. Simpson moves for a CS
5:13:12 PM CAA calls roll on CS/SB 1074
5:13:29 PM Bill passes favorably
5:13:37 PM Tab 5 - SB 1190 Agricultural Lands by Sen. Brandes
5:13:59 PM SB 1190 presented by Caitlin Murray, Sen. Brandes' aide
5:14:48 PM Jim Spratt, Florida Nursery Growers & Landscape Assoc. waives in support
5:14:54 PM Doug Mann, AIF waives in support
5:14:58 PM Ryan Matthews, FL League of Cities waives in opposition
5:15:04 PM Chuck Littlejohn, Fla Land Council waives in support
5:15:16 PM Ms. Murray waives close
5:15:20 PM CAA calls roll on SB 1190
5:15:33 PM Bill passes favorably
5:15:49 PM Tab 1 - Appointment of Melissa Meeker to the S. Fla Water Management District
5:15:59 PM Chair Dean swears in Ms. Meeker
5:16:17 PM Ms. Meeker remarks
5:17:46 PM Sen. Latvala moves to recommend confirmation
5:17:51 PM CAA calls roll on confirmation
5:18:02 PM Appointment confirmed
5:18:12 PM Tab 2 - Wendy Giesy-Griffin appointment to the Governing Board of the SW Fla Water Management District
5:18:42 PM Sen. Grimsley moves for a confirmation

5:18:46 PM CAA calls roll on confirmation
5:18:54 PM Appointment confirmed
5:19:06 PM Tab 7 - SB 1784 Military Installations by Committee on Military and Veterans Affairs, Space, and Domestic Security, and Sen. Altman
5:20:17 PM Carolyn Johnson, FI Chamber of Commerce waives in support
5:20:39 PM Sen. Altman waives close
5:20:47 PM CAA calls roll on SB 1784
5:21:05 PM Bill passes favorably
5:21:13 PM Tab 6 - SB 1684 Environmental Regulation by Sen. Altman
5:21:23 PM Late filed amend. #903260 by Sen. Altman
5:21:34 PM Sen. Altman explains amendment
5:22:44 PM Sen. Dean announces an amend. to the amend. #598244 by Sen. Latvala
5:23:02 PM Sen. Latvala explains the amendment to the amendment
5:24:07 PM Suzanne Goss, JEA supports amend to the amend
5:24:18 PM Edgar Fernandez, Miami Dade Water & Sewer Dept. waives in support
5:24:29 PM Frank Bernardino, Fla. Section American Water Works Assoc. waives in support
5:24:41 PM Pierce Schuessler, DEP
5:25:44 PM Amendment to the amendment adopted
5:25:57 PM Sen. Altman comments
5:26:26 PM Sen. Abruzzo question
5:26:47 PM Kurt Spitzer, Fla. Stormwater Assoc. waives in support
5:27:28 PM Frank Matthews, Fla. Electric Power Coor. Group waives in support
5:28:09 PM Sen. Abruzzo question
5:28:35 PM Sen. Altman response
5:30:10 PM Keyna Cory, National Solid Waste Management Assoc. with information
5:31:17 PM Sen. Altman comments
5:32:16 PM Sen. Abruzzo makes a motion
5:32:33 PM Chair Dean moves for a late filed amendment by Sen. Abruzzo #805772
5:32:54 PM Amendment adopted
5:33:05 PM Phil Leary, Florida Ground Water Assoc. waives in support
5:33:11 PM Doug Mann, AIF waives in support
5:33:17 PM Keyna Cory, Nat'l Solid Waste Management Assoc. - FL Chapter waives in support
5:33:25 PM David Childs, National Marine Manufacturers Assoc. waives in support
5:33:32 PM David Cullen, Sierra Club Florida comments
5:37:03 PM Missy Timmins, Marine Industry Assoc. of Florida waives in support
5:37:41 PM Sen. Latvala comments
5:39:00 PM Sen. Bullard comments
5:39:28 PM Sen. Altman closing remarks
5:41:55 PM Sen. Altman moves for a CS
5:42:00 PM CAA calls roll on CS/SB 1684
5:42:11 PM Bill passes favorably
5:42:21 PM Chair Dean makes a motion to authorize staff to make any technical changes to bills reported as CS
5:42:32 PM Sen. Abruzzo moves to rise