

Committee on Environmental Preservation and Conservation

SB 244 — Water Management Districts

by Senator Dean

The bill provides the water management districts (WMDs) with guidance concerning minimum flows and levels (MFLs), water reservations, recovery or prevention strategies, and multi-district projects by:

- requiring proposed water reservations and waterbodies that may be affected by water withdrawals in an adjacent water management district to be identified on a district's annual MFL priority list and schedule;
- directing the WMDs to provide technical information and staff support to the Department of Environmental Protection (DEP) when the department proposes adoption of a reservation, MFL, or recovery or prevention strategy by rule;
- requiring the WMDs to apply any reservation, MFL, or recovery or prevention strategy adopted by the DEP to the applicable waterbody without having to adopt its own district rules;
- authorizing the WMDs to enter into interagency agreements designating a single district to conduct or fund non-regulatory water management activities or projects that cross district boundaries;
- providing for joint regional water supply planning between WMDs and affected regional water supply authorities; and
- excluding WMD cooperative funding programs from rulemaking requirements.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 40-0; House 117-0

Committee on Environmental Preservation and Conservation

SB 326 — Powers and Duties of the Department of Environmental Protection

by Senator Hays

The bill amends s. 253.7827, F.S., to remove an obsolete reference relating to right-of-way access in Marion County across portions of the Cross Florida Greenway (CFG). The bill also repeals s. 253.783, F.S., relating to the surplus and exchange procedures specific to CFG lands. The repeal of the specific CFG surplus and exchange procedures will allow the Department of Environmental Protection's (DEP) Office of Greenways and Trails to follow current DEP Division of State Lands procedures for the surplus and exchange of conservation lands.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 40-0; House 117-0

Committee on Environmental Preservation and Conservation

CS/CS/CS/HB 333 — Fish and Wildlife Conservation Commission

by State Affairs Committee; Veteran and Military Affairs Subcommittee; Agriculture and Natural Resources Subcommittee; and Rep. Steube and others (CS/CS/SB 448 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Dean and Simpson)

The bill amends various statutes relating to certain programs under the authority of the Florida Fish and Wildlife Conservation Commission (FWC). The bill:

- Amends the definition of “navigation rules” by removing an outdated reference to the U.S. Code and replacing it with the updated reference to the Code of Federal Regulations;
- Provides an exemption for certain military veterans and one other person to accompany each veteran to outdoor hunting and fishing events permitted by the FWC for the purpose of rehabilitation or enjoyment of the veterans attending;
- Authorizes the FWC to increase the total number of license-free recreational saltwater and freshwater fishing days from two to four annually; and
- Deletes a requirement to automatically adjust vessel registration and recreational hunting and fishing license fees every five years in line with changes to the Consumer Price Index for All Urban Consumers.

The bill changes the residency requirement for a commercial hunting or fishing license so that someone applying for an in-state license must reside in Florida for one year. The bill removes a requirement that a person must reside in a Florida county for six months. The bill also changes the residency requirement for recreational hunting and fishing licenses so that someone applying for an in-state license must reside in Florida for six months. The bill also changes the definition of “resident alien.” Currently, for someone to apply as a resident alien and thus be treated as a resident for the purposes of getting an in-state license, the person has to reside in a particular Florida county for six months and in Florida for one year. The bill removes the six month requirement.

In order for someone to fish commercially, they must have a saltwater products license. The license allows someone to fish commercially for any commercially harvestable sea life. The FWC maintains an extensive list of aquatic species that may only be harvested with a restricted species endorsement on the saltwater products license. The restricted species endorsement requires the applicant to document a certain level of income from commercial fishing during the previous year. The bill waives that income requirement for one year.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 37-0; House 116-0

Committee on Environmental Preservation and Conservation

CS/SB 364 — Consumptive Use Permits for Development of Alternative Water Supplies

by Community Affairs Committee and Senator Hays

The bill directs that alternative water supply (AWS) development projects approved on or after July 1, 2013, are eligible for an extended consumptive use permit (CUP) of at least 30 years. Permits are subject to compliance reports and water management district (WMD) water shortage orders. The bill provides that the quantity of water allocated to such AWS CUPs may be reduced to prevent harm to water resources or existing legal uses. Under the bill, extended permits may not authorize the use of non-brackish groundwater supplies or non-alternative water supplies. Finally, the bill clarifies that if sufficient data exists to provide reasonable assurance the conditions for permit issuance will be met, permits for at least 20-years or 30-years may be approved.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 40-0; House 117-0

Committee on Environmental Preservation and Conservation

CS/SB 444 — Domestic Wastewater Discharged Through Ocean Outfalls

by Community Affairs Committee and Senator Diaz de la Portilla

This bill (Chapter 2013-31, L.O.F.) allows utilities additional flexibility to meet the 60 percent reuse requirement. The bill allows utilities to continue to discharge peak flows up to five percent of utilities' baseline flows through ocean outfalls. Additionally, the bill requires utilities to include supplemental information on costs and options in their detailed plans necessary to achieve the requirements of s. 403.086(9), F.S. Finally, the bill requires the utilities, the Department of Environmental Protection, and the South Florida Water Management District to evaluate the detailed plans and recommend adjustments to the Legislature, if necessary, to the reuse requirements in this section.

These provisions were approved by the Governor and take effect July 1, 2013.

Vote: Senate 40-0; House 117-0

Committee on Environmental Preservation and Conservation

CS/CS/SB 682 — Fossil Fuel Combustion Products

by Community Affairs Committee; Environmental Preservation and Conservation Committee;
and Senator Simpson

The bill creates s. 403.7047, F.S., to provide for the regulation of fossil fuel combustion products (FFCPs) and to define the beneficial uses of FFCPs. The beneficial uses include:

- Asphalt, concrete or cement products, flowable fill, roller-compacted concrete;
- Structural fill and pavement aggregate;
- Waste stabilization or cover material used for lined Class I or II landfills; and
- Building products that include roofing materials, blasting grit, aggregate in products, wallboard, plastic paints, and insulation products.

The bill specifies that the beneficial use of FFCPs is not subject to regulation as a solid or hazardous waste under Part IV of ch. 403, F.S.; however, FFCPs are subject to air pollution control limits, national pollution discharge elimination systems permits, and water quality certification pursuant to s. 401 of the Clean Water Act. The bill also exempts disposal facilities that accept FFCPs from the prohibition on hazardous waste landfills in Florida.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 36-0; House 81-36

Committee on Environmental Preservation and Conservation

CS/CS/HB 713 — Water Quality Credit Trading

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Pigman and others (CS/SB 754 by Environmental Preservation and Conservation Committee and Senator Grimsley)

The bill expands statewide a voluntary water quality credit trading program currently occurring only in the Lower St. Johns River Basin as a pilot program. The bill specifies that the Department of Environmental Protection (DEP) may authorize water quality credit trading in adopted basin management action plans and under certain pollution control programs under local, state, or federal authority. Entities that participate in water quality credit trades must timely report to the DEP the prices for credits, how the prices were determined, and any state funding received for the facilities or activities that generated the credits.

The bill deletes a requirement for a report on the status of the pilot water quality credit trading program in the Lower St. Johns River Basin that was completed and submitted to the Governor and the Legislature in 2010.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 39-0; House 114-1

Committee on Environmental Preservation and Conservation

CS/SB 934 — Stormwater Management Permits

by Environmental Preservation and Conservation Committee and Senator Lee

The bill amends s. 373.4131, F.S., requiring the development of statewide environmental resource permit rules that provide for a conceptual permit for municipalities or counties that create a stormwater management master plan for urban infill and redevelopment areas or community redevelopment areas. It specifies that the master plan becomes part of the conceptual permit and that the rules must provide for an associated general permit for the construction and operation of urban redevelopment projects that meet the criteria established in the conceptual permit. The bill also provides requirements for the conceptual permit.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 39-0; House 117-0

Committee on Environmental Preservation and Conservation

CS/SB 948 — Water Supply

by Agriculture Committee and Senator Grimsley

The bill amends ss. 373.701, 373.703, 373.709, 570.076, and 570.085, F.S., to require the Department of Agriculture and Consumer Services (DACS) to establish an agricultural water supply planning program to develop data regarding prospective agricultural water supply demand. For purposes of regional water supply plans, the bill requires water management districts to consider the data supplied by the DACS, and agricultural demand projection data and analysis submitted by local governments, in determining the best available data for future agricultural water supply demands.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 118-0

Committee on Environmental Preservation and Conservation

CS/CS/CS/HB 999 — Environmental Regulation

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Reps. Patronis, Peters, and others (CS/CS/SB 1684 by Appropriations Committee; Environmental Preservation and Conservation Committee and Senator Altman)

The bill amends various statutes related to environmental regulations and permitting. Specifically, the bill:

- Allows the Department of Environmental Protection (DEP) to adopt rules requiring or incentivizing the electronic submission of forms, documents, fees, and/or reports;
- Provides that when reviewing an application for a development permit, local governments cannot request additional information more than three times, unless the applicant waives the limitation in writing;
- Expands the activities that qualify as “phosphate-related expenses” for the purpose of receiving severance tax proceeds;
- Provides that the Board of Trustees of the Internal Improvement Trust Fund (BOT) is authorized to issue leases or letters of consent to special event promoters and boat show owners to allow the installation of temporary structures;
- 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 general permits for local governments to construct mooring fields and authorizes the BOT to delegate authority to the DEP to issue leases for mooring fields constructed under the general permit;
- Provides guidelines on the size of certain single- and multi-family docks over sovereign submerged lands that are exempt from paying lease fees;
- Provides that when there are competing consumptive use permit applications, and the water management district (WMD) or the DEP has deemed the applications complete, the WMD or the DEP has the right to approve or modify the application that best serves the public interest;
- Prohibits WMDs from reducing permitted allocations due to additional water supplies resulting from the development desalination plants;
- Authorizes WMDs and the DEP to notify a permittee by electronic mail of any change or suspension to a permit as a result of a water shortage in the district;
- Provides that the issuance of well permits is the sole responsibility of WMDs, delegated governments, or local county health departments, and prohibits other government entities from imposing additional or duplicative requirements, fees, or permitting programs associated with the boring or abandonment of groundwater wells;
- Provides that licensure of water well contractors by a WMD must be the only water well contractor license required for the location, construction, repair, or abandonment of water wells in the state or any political subdivision;

- Exempts farm ponds of a certain size and depth that are more than 50 feet from existing wetlands, and wetlands created solely by the unauthorized flooding or interference with the natural flow of surface water by an adjoining landowner, from regulatory requirements under part IV of ch. 373, F.S., relating to the management and storage of surface waters;
- Increases the funds available for the DEP to enter into contracts for preapproved advanced cleanup work each fiscal year from \$10 million to \$15 million. The bill increases the amount a particular facility may be preapproved for from \$500,000 to \$5 million of cleanup activity each fiscal year;
- Provides that a person can bring a cause of action for damages resulting from a discharge or some other condition of pollution covered by ss. 376.30-376.317, F.S. (relating generally to the discharge of pollutants or hazardous substances into or upon surface or groundwater), not authorized pursuant to ch. 403, F.S.;
- Extends the payment deadline for permit fees for major sources of air pollution from March 1 to April 1, annually, and requires the annual assessment fee for air pollution must be based on the amount of air pollutants actually emitted;
- Provides that a permit is not required for the restoration of seawalls when they are constructed within 18 inches seaward of the original location;
- Specifies that field procedures and lab methods for certain water quality testing must be adopted by rule or approved by order;
- Specifies that for a period of 90 days after it is submitted, a local government cannot use the registration information it receives from a recovered materials dealer to compete unfairly with the recovered materials dealer;
- Authorizes the DEP to establish permits for special events relating to boat shows;
- Authorizes expedited permitting for natural gas pipelines and for summary hearings, if challenged; and
- Ratifies and approves certain leases or state-owned uplands in the Everglades Agricultural Area approved by the BOT.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 39-1; House 106-10

Committee on Environmental Preservation and Conservation

CS/CS/CS/HB 1083 — Underground Natural Gas Storage

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Reps. Eagle, Hudson, and others (CS/CS/CS/SB 958 by Appropriations Committee; Communications, Energy, and Public Utilities Committee; Environmental Preservation and Conservation Committee; and Senators Richter and Smith)

The bill creates the Underground Natural Gas Storage Act. Specifically the bill:

- Provides tax exemptions for natural gas stored in Florida;
- Declares that the underground storage of natural gas is in the public interest;
- Clarifies that natural gas stored in Florida is not subject to the specific provisions relating to the control and regulation of all common sources of oil or gas;
- Revises and provides definitions for “well site,” “operator,” “department,” “lateral storage reservoir boundary,” “native gas,” “natural gas storage facility,” “natural gas storage reservoir,” “oil and gas,” “reservoir protection area,” and “shut-in bottom hole pressure”;
- Provides jurisdiction and authority to the Division of Resource Management (division) for underground natural gas storage, and provides the Department of Environmental Protection (DEP) with rulemaking authority;
- Provides specific permitting and permit application fee requirements and specifies the contents of the permit application;
- Requires each well to be permitted individually;
- Provides specific authority to the DEP to issue permits related to underground natural gas storage;
- Provides specific criteria and conditions under which a permit may be issued;
- Provides provisions for recertification of a permit;
- Provides specific circumstances for which a permit may not be issued;
- Provides for the protection of water supplies while providing defenses to claims for the contamination of a water supply;
- Provides for the protection of natural gas storage facilities and for the property rights of the natural gas injected;
- Allows the DEP to issue orders related to additional recovery of oil or gas, subject to specific conditions;
- Exempts stored natural gas from certain limitations;
- Provides penalties for violations of a permit for a natural gas storage facility;
- Prohibits pollution and requires the cost of clean-up to be incurred by the responsible party;
- Allows for expedited permitting of underground natural gas storage facilities and interstate pipelines; and
- Requires the DEP to adopt rules prior to issuing a permit for underground natural gas storage.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 37-2; House 102-13

Committee on Environmental Preservation and Conservation

CS/CS/HB 1085 — Public Records/Natural Gas Storage Facility Permit

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Eagle and others (CS/CS/SB 984 by Governmental Oversight and Accountability Committee; Environmental Preservation and Conservation Committee; and Senators Richter and Smith)

The bill provides legislative findings related to the public records exemption and creates s. 377.24075, F.S., to provide that “proprietary business information” related to underground natural gas storage is exempt from the public records requirements of s. 119.15, F.S. The bill defines “proprietary business information” as information that:

- Is owned or controlled by the applicant or person affiliated with the applicant;
- Is intended to be private and is treated by the applicant as private;
- Has not been disclosed except as required by law or private agreement; and
- Is not publicly available.

The bill specifies that “proprietary business information” includes:

- Trade secrets;
- Leasing plans, real property acquisition plans, exploration budgets, or marketing studies; and
- Competitive interests, which may include well design, completion plans, geologic and engineering studies, utilization strategies, or operating plans.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 36-1; House 97-16

Committee on Environmental Preservation and Conservation

SB 1806 — Total Maximum Daily Loads

by Environmental Preservation and Conservation Committee

The bill amends s. 403.067, F.S., exempting the Department of Environmental Protection's rules on total maximum daily loads for impaired waterbodies from the legislative ratification requirements of s. 120.541(3), F.S.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 117-0

Committee on Environmental Preservation and Conservation

CS/SB 1808 — Numeric Nutrient Criteria

by Community Affairs Committee and Environmental Preservation and Conservation Committee

The bill amends s. 403.061, F.S., and creates four unnumbered sections of law. The bill provides guidance for setting numeric nutrient criteria (NNC) for flowing waters of the state.

The bill allows the Department of Environmental Preservation (DEP) to implement its adopted nutrient standards for streams, springs, lakes, and estuaries in accordance with the document “Implementation of Florida’s Numeric Nutrient Standards.” The bill provides for the repeal of Rule 62-302.531(9), Florida Administrative Code (F.A.C.), when the United States Environmental Protection Agency withdraws all federal NNC rules in Florida and otherwise ceases all federal nutrient rulemaking, which allows for the implementation of the state’s NNC rules. The bill subjects any NNC rules for estuaries adopted by the DEP in 2013 to the provisions of Rule 62-302.531(9), F.A.C., and exempts them from legislative ratification.

The bill directs the DEP to establish estuary specific NNC for estuaries not already subject to NNC, and sets NNC for chlorophyll *a* for non-estuarine coastal waters by December 1, 2014. The bill establishes the water quality standard for non-estuarine coastal waters until such time as NNC are established for those waters. The bill directs the DEP to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by August 1, 2013, on the status of setting NNC for estuaries and non-estuarine coastal waters for which NNC have not been set.

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

Vote: Senate 34-4; House 103-13

Committee on Environmental Preservation and Conservation

CS/HB 7065 — Everglades Improvement and Management

by Appropriations Committee; State Affairs Committee; and Rep. Caldwell and others (CS/SB 768 by Environmental Preservation and Conservation Committee and Senator Simpson)

The bill amends s. 373.4592, F.S., to merge Florida's existing Long-Term Plan with the South Florida Water Management District's (SFWMD) Restoration Strategies plan in order to create a single comprehensive plan for achieving the restoration efforts envisioned under the Everglades Forever Act (EFA). The bill allows the SFWMD to continue to use ad-valorem funds currently collected in accordance with the EFA for the continued implementation of the Long-Term Plan. The bill also extends the agricultural privilege tax in the Everglades Agricultural Area as follows:

- \$25 an acre for tax notices mailed November 2014 to November 2026;
- \$20 per acre for tax notices mailed November 2027 to November 2029;
- \$15 per acre for tax notices mailed November 2030 to November 2035; and
- \$10 per acre for tax notices mailed on or after November 2036.

The bill appropriates \$12 million in recurring general revenue funds and \$20 million in recurring funds from the Water Management Lands Trust Fund for the Restoration Strategies Regional Water Quality Plan starting in Fiscal Year 2013-2014 and each year thereafter through Fiscal Year 2023-2024. The bill also directs the SFWMD to conduct a use attainability analysis after all of the projects and improvements in the Long-Term Plan are complete.

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

Vote: Senate 39-0; House 114-0

Committee on Environmental Preservation and Conservation

HB 7157 — Ratification of Rules Implementing Total Maximum Daily Loads for Impaired Water Bodies

by Rulemaking Oversight and Repeal Subcommittee and Rep. Santiago (SB 1864 by Environmental Preservation and Conservation Committee)

The bill provides for the legislative ratification of a set of rules establishing total maximum daily loads by the Department of Environmental Protection for various impaired waterbodies in the state. A Statement of Estimated Regulatory Costs was produced for each rule and because they each have economic impacts that exceed the thresholds listed in s. 120,541(2), F.S., they may not go into effect until they are ratified by the Legislature. The scope of the bill is limited to this rulemaking condition and does not amend any section of statute or adopt the substance of any rule into statute.

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

Vote: Senate 35-2; House 118-0