

Committee on Environmental Preservation and Conservation

CS/SB 10 — Water Resources

by Appropriations Committee and Senators Bradley and Flores

Everglades Agricultural Area reservoir project

The bill (Chapter 2017-10, L.O.F.) directs the expedited design and construction of a water storage reservoir in the Everglades Agricultural Area (EAA) to provide for a significant increase in southern storage to reduce the high-volume discharges from Lake Okeechobee. The reservoir is a project component of the Comprehensive Everglades Restoration Plan (CERP) and is designed to hold at least 240,000 acre-feet of water and include water quality features necessary to meet state and federal water quality standards. Upon the effective date of the act, the bill requires the South Florida Water Management District (SFWMD) to identify the lessees and landowners of specified land in the EAA near the A-2 parcel.

The SFWMD is required to contact such lessees and landowners by July 31, 2017, to express its interest in acquiring land through the purchase or exchange of lands or by the amendment or termination of lease agreements. The bill authorizes the SFWMD and the Board of Trustees of the Internal Improvement Trust Fund (TIITF) to negotiate the amendment or termination of leases on lands within the EAA for exchange or use for the EAA reservoir project. The bill requires that lease agreements relating to land in the EAA leased to the Prison Rehabilitative Industries and Diversified Enterprises, Inc., for an agricultural work program be terminated in accordance with the terms of the lease agreement.

The SFWMD is required to request that the United States Army Corps of Engineers (USACE) jointly develop a post-authorization change report for the A-2 project component of the Central Everglades Planning Project, using the additional land identified, with the goal of increasing the water storage provided by such project component to a minimum of 240,000 acre-feet. The post-authorization change report may include modification to the A-1 parcel if the SFWMD and the USACE determine that such configuration would provide for a minimum of 360,000 acre-feet of water storage. If the post-authorization change report does not receive the approval of USACE or Congressional approval by certain dates, the SFWMD is required to request that the USACE initiate a project implementation report for the EAA reservoir project.

The SFWMD is required to terminate the Second Amended and Restated Agreement for Sale and Purchase between U.S. Sugar and the SFWMD at the request of the seller if:

- o The post-authorization change report receives Congressional approval; or
- o The SFWMD certifies to the TIITF and the Legislature that the acquisition of land necessary for the EAA reservoir project has been completed.

The SFWMD is required to give preferential consideration to displaced agricultural workers for the construction and operation of the EAA reservoir project. The bill creates the Everglades Restoration Agricultural Community Employment Training Program within the Department of

Economic Opportunity to provide grants to stimulate and support training and employment programs.

The bill provides a total appropriation of \$33 million for the 2017-2018 fiscal year to the SFWMD to implement the EAA reservoir project. Additionally, beginning in the 2018-2019 fiscal year, and each fiscal year thereafter, the sum of \$64 million is available for the EAA reservoir project and is authorized to be used for debt service payments on up to \$800 million in Florida Forever bonds.

C-51 reservoir project

The C-51 reservoir project is located in western Palm Beach County and is designed to provide 60,000 acre-feet of water storage. The bill authorizes the SFWMD to negotiate with the owners of the C-51 reservoir project for the acquisition of the project or to enter into a public-private partnership. The SFWMD is authorized to acquire land near the C-51 reservoir as necessary to implement Phase II of the project. If state funds are appropriated for the C-51 reservoir project:

- o The district shall operate the reservoir to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries, in addition to providing relief to the Lake Worth Lagoon;
- o Water made available by the reservoir shall be used for natural systems in addition to any allocated amounts for water supply; and
- o Any water received from Lake Okeechobee may not be available to support consumptive use permits.

The bill appropriates \$30 million for the 2017-2018 fiscal year from the General Revenue Fund to the Water Resource Protection and Sustainability Program Trust Fund for the purpose of providing a loan to implement Phase I of the C-51 reservoir project. Additionally, \$1 million is provided to the SFWMD to negotiate Phase II of the project.

The bill creates the water storage facility revolving loan fund within the Department of Environmental Protection (DEP). Under the program, the DEP will provide funding assistance to local governments or water supply entities for the development and construction of water storage facilities, including water storage reservoirs, to increase the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems. The loan for Phase I of the C-51 reservoir project is provided through the water storage facility revolving loan fund.

These provisions became law upon approval by the Governor on May 9, 2017.

Vote: Senate 33-0; House 99-19

Committee on Environmental Preservation and Conservation

CS/CS/CS/HB 185 — State Park Fees

by Government Accountability Committee; Agriculture and Natural Resources Appropriations Subcommittee; Natural Resources and Public Lands Subcommittee; and Rep. Lee, Albritton, and others (CS/CS/SB 64 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Bean, Mayfield, Negron, Baxley, Benacquisto, Book, Bracy, Bradley, Brandes, Braynon, Broxson, Campbell, Clemens, Farmer, Flores, Gainer, Galvano, Garcia Gibson, Grimsley, Hutson, Latvala, Lee, Montford, Passidomo, Perry, Powell, Rader, Rodriguez, Rouson, Simmons, Simpson, Stargel, Steube, Stewart, Thurston, Torres, and Young)

The bill (Chapter 2017-27, L.O.F.) requires the Division of Recreation and Parks (division) of the Department of Environmental Protection to provide free annual state park entrance passes and a 50 percent discount on state park base campsite fees to foster families. In addition, the bill requires the division to provide a one-time free annual state park entrance pass at the time of adoption to families who adopt certain special needs children from the Department of Children and Families (DCF). The bill requires the division, in consultation with DCF, to identify the types of written documentation sufficient to establish eligibility for the free state park passes and discounted campsite fees and to establish a procedure for obtaining the discounts. Finally, the bill requires the division to continue its partnership with the DCF to promote fostering and adoption of special needs children with events held each year during National Foster Care Month and National Adoption Month.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 38-0; House 117-0

Committee on Environmental Preservation and Conservation

CS/HB 335 — Resource Recovery and Management

by Natural Resources and Public Lands Subcommittee and Rep. Clemons and others (CS/CS/SB 1104 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Perry)

The bill (Chapter 2017-167, L.O.F.) adds post-use polymers and pyrolysis facilities to those materials and facilities that are exempt from solid waste regulations. A majority of the post-use polymers at a facility must be sold, used, or reused within one year. The post-use polymers and the pyrolysis facility must meet the other existing statutory criteria applicable to recovered materials and recovered materials processing facilities. The bill specifies that the terms “used” or “reused” include, but are not limited to, the conversion by gasification or pyrolysis of post-use polymers into crude oil, fuels, feedstocks, or other raw materials or intermediate or final products.

The bill adds new definitions for the following terms:

- Gasification to fuels, chemicals, and feedstocks;
- Post-use polymers;
- Pyrolysis; and
- Pyrolysis facility.

The bill also amends existing definitions of terms to add references based on the exemption from solid waste regulations for converting post-use polymers by gasification or pyrolysis to fuels, chemicals, and feedstocks.

Finally, the bill clarifies that DEP and local governments must regulate post-use polymers and pyrolysis facilities according to the same provisions that govern recovered materials and recovered materials processing facilities.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 38-0; House 119-0

Committee on Environmental Preservation and Conservation

HB 379 — Underground Facilities

by Rep. Leek and others (CS/SB 446 by Environmental Preservation and Conservation Committee and Senators Passidomo and Stargel)

The bill (Chapter 2017-102, L.O.F.) amends ch. 556, F.S., the “Underground Facility Damage Prevention and Safety Act” by:

- Requiring an excavator that causes contact with or damage to any pipe or other underground facility to immediately report the contact or damage by calling 911 if any natural gas or other hazardous substance or hazardous material regulated by the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the U.S. Department of Transportation (USDOT) has escaped;
- Requiring a member operator to file a report with the Sunshine State One-Call of Florida (SSOCF) system of all events it has received notice of through the system which have resulted in damages to its underground facilities. The report must be submitted at least on an annual basis or more frequently at the option and sole discretion of the member operator and must include, if known, the cause, nature, and location of the damage;
- Providing that, if a citation is issued by a state law enforcement officer, 80 percent of the civil penalty collected by the clerk of the court for the citation will be distributed to the governmental entity whose employee issued it; and
- Requiring the Sunshine State One-Call of Florida (SSOCF) board of director’s annual progress report to the Legislature and the Governor on the participation by municipalities and counties in the one-call notification system, to include a summary of the damage reporting data received by the system for the preceding year and any analysis of the data by the board.

These provisions were approved by the Governor and take effect July 1, 2017.

Vote: Senate 37-0; House 114-1

Committee on Environmental Preservation and Conservation

CS/CS/HB 573 — Water Protection and Sustainability

by Agriculture and Natural Resources Appropriations Subcommittee; Natural Resources and Public Lands Subcommittee; and Rep. Burton and others (CS/SB 928 by Environmental Preservation and Conservation Committee and Senators Stargel and Mayfield)

The bill requires the Polk County Regional Water Cooperative (PRWC), in coordination with all of its member county and municipal governments, to prepare a comprehensive annual report on water resource projects identified for state funding consideration within its members’

jurisdictions. The report must include:

- A list of projects, identified by the PRWC for state funding consideration for each of the following categories:
 - o Drinking water supply;
 - o Wastewater;
 - o Stormwater and flood control;
 - o Environmental restoration; and
 - o Conservation.

A project may be listed in more than one category.

- A priority ranking for each listed project that will be ready to proceed in the upcoming fiscal year identified by the project categories.
- The estimated cost of each listed project.
- The estimated completion date of each listed project.
- The source and amount of financial assistance to be provided by the PRWC, the member county or municipal governments, or other entity for each listed project.

The bill requires the PRWC to submit its annual report beginning December 1, 2017 to the Governor, the Legislature, the Department of Environmental Protection (DEP), and appropriate water management districts (WMDs). The bill also requires the PRWC to coordinate with appropriate WMDs on the inclusion in consolidated WMD annual reports of a status report on projects receiving priority state funding.

These provisions were approved by the Governor and take effect on July 1, 2017

Vote: Senate 38-0; House 115-0

Committee on Environmental Preservation and Conservation

CS/CS/SB 884 — Shark Fins

by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Hutson

The bill (Chapter 2017-24, L.O.F.) prohibits possessing in or on the waters of the state a shark fin that has been separated from a shark or landing a separated shark fin (shark finning), unless such possession is authorized by the Florida Fish and Wildlife Conservation Commission or such fin has been lawfully obtained on land and prepared by taxidermy and is possessed for the purposes of display. The bill provides the following enhanced penalties for violations:

- For a first violation:
 - o A misdemeanor of the second degree, punishable by up to 60 days imprisonment or a \$500 fine; and
 - o An administrative fine of \$4,500 and a suspension of all the person's license privileges for 180 days.
- For a second violation:
 - o A misdemeanor of the second degree punishable by up to 60 days imprisonment or a \$500 fine; and
 - o An administrative fine of \$9,500 and a suspension of all the person's license privileges for 365 days.
- For a third or subsequent violation:
 - o A misdemeanor of the first degree, punishable by up to one year imprisonment or a \$1,000 fine; and
 - o An administrative fine of \$9,500 and a permanent revocation of all the person's license privileges.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 39-0; House 115-0

Committee on Environmental Preservation and Conservation

CS/CS/SB 1018 — Pollution

by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Grimsley and Galvano

The bill (Chapter 2017-95, L.O.F.) creates the Public Notice of Pollution Act. It requires the owner or operator of an installation where a reportable pollution release has occurred to provide a notice of the release to the Department of Environmental Protection (DEP) within 24 hours after the release's discovery. The definition of a reportable release is limited to releases not authorized by law that are required to be reported to the State Watch Office pursuant to a DEP rule, permit, order, or variance. The owner or operator of the installation, in its notice of a release, must provide DEP the same information which is reported to the State Watch Office. The bill also requires additional notice to DEP if a release migrates outside the property boundaries of the installation.

The bill establishes requirements for DEP to accept these notices and to provide notice electronically. The bill also provides enforcement provisions including up to \$10,000 per day in civil penalties for violations of the notice requirements. The bill authorizes DEP to adopt rules to implement its responsibilities under the Act.

The bill creates the State Watch Office within the Division of Emergency Management. The office is a clearinghouse of information, the primary purpose of which is to record, analyze, and share information with federal, state, and county entities for appropriate response to emergencies.

The bill provides that contractors engaged in site cleanup funded by the Inland Protection Trust Fund (IPTF) have 30 working days, rather than 7 working days, to pay subcontractors before the penalties provided by statutory provisions governing state contracts apply.

The bill provides for the advancement ahead of the priority ranking for the cleanup of petroleum contaminated sites funded from the IPTF for the rehabilitation of individual petroleum contaminated sites proposed for redevelopment. These sites are not subject to the 25 percent cost share requirement. The bill provides application requirements for the advanced cleanup of these contaminated sites proposed for redevelopment projects.

The bill provides a \$5 million increase, from \$25 million to \$30 million, in the annual funding available to DEP for petroleum rehabilitation advanced cleanup work and authorizes up to \$5 million of these funds to be designated for the advanced cleanup of individual sites scheduled for redevelopment. A facility or applicant applying for advanced cleanup of such a site may not be approved for more than \$1 million of cleanup activity in any one fiscal year.

The bill revises provisions related to site bundling.

The bill provides for advanced site assessments for certain sites contaminated with drycleaning solvents. DEP may authorize the performance of a site assessment in advance of the ranking of the site in specified circumstances. The drycleaning solvent cleanup program must assign advanced site assessment program tasks based on the most cost-effective approach. The bill restricts available funding for advanced site assessments to 10 percent of the annual Water Quality Assurance Trust Fund appropriation for the drycleaning solvent cleanup program. Total funds committed to any one site may not exceed \$70,000.

The bill requires DEP to issue a report on the potential use of the IPTF for responding to the damage to underground storage tank systems caused by ethanol or biodiesel. The report must be submitted to the Governor and the Legislature by December 15, 2017 and provides \$25,000 from the IPTF to fund the evaluation and the preparation of the report by DEP.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 38-0; House 117-0

Committee on Environmental Preservation and Conservation

CS/CS/HB 7043 — Vessels

by Government Accountability Committee; Agriculture and Natural Resources Appropriations Subcommittee; Natural Resources and Public Lands Subcommittee; Rep. Raschein and others (CS/CS/SB 1338 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Book)

The bill (Chapter 2017-163, L.O.F.) implements many of the recommendations made by the Florida Fish and Wildlife Conservation Commission (FWC) in its final report on the Anchoring and Mooring Pilot Program. Specifically, the bill implements recommendations relating to the following issues:

- Prevention of derelict vessels by:
 - o Providing an additional condition that would indicate that a vessel is at risk of becoming derelict.
 - o Enhancing the civil penalty for having an expired vessel registration longer than six months.
 - o Prohibiting the Department of Highway Safety and Motor Vehicles from issuing a certificate of title to any applicant for any vessels that has been deemed derelict.
- Anchoring and mooring by:
 - o Creating anchoring limited areas near vessel launching facilities, superyacht repair facilities, or the marked boundaries of public mooring fields.
 - o Prohibiting the anchoring or mooring of a vessel or floating structure within the marked boundary of a public mooring field unless the owner or operator has a lawful right to anchor or moor in the mooring field by contractual agreement or other business arrangement or mooring, tying, or otherwise affixing to an unlawful object that is on or affixed to the bottom of the waters of the state.
- Local governmental authority by authorizing local governments to enact and enforce ordinances that:
 - o Require owners or operators of vessels or floating structures subject to marine sanitation requirements to provide proof of proper sewage disposal if the FWC determines that sufficient facilities are available within the local government's jurisdiction when anchored or moored for more than 10 consecutive days within marked boundaries of permitted mooring fields or designated no discharge zones.
 - o Implement procedures for abandoned or lost property that allow a local government to remove a vessel affixed to a public dock within its jurisdiction which is abandoned or lost property.

In addition to implementing the recommendations of the FWC, the bill:

- Allows private residential multifamily docks that were grandfathered in to use sovereignty submerged lands to exceed the 1:1 ratio for the number of moored boats to the number of units within the private multifamily development.
- Authorizes the FWC to establish boating restricted areas upon request of a private property owner of submerged lands that are adjacent to Outstanding Florida Waters or an

aquatic preserve for the sole purpose of protecting any seagrass and contiguous seagrass habitat within their property boundaries from seagrass scarring due to propeller dredging. The property owner is required to apply for a uniform waterway market permit for the established boating restricted area.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 34-0; House 117-0