

Tab 1	CS/SB 384 by CA, Burton (CO-INTRODUCERS) Brodeur ; Similar to H 00275 Annexing State-owned Lands					
183920	A	S	RCS	EN, Burton	Delete L.31:	03/17 06:09 PM
Tab 2	SB 834 by Truenow ; Identical to H 00673 Recreational Fishing Vessel Licenses					
Tab 3	SB 978 by Berman ; Similar to H 00861 Advanced Wastewater Treatment					
308288	D	S	RCS	EN, Berman	Delete everything after	03/17 06:13 PM
Tab 4	SB 1208 by Truenow ; Similar to H 01187 Service Lateral Assessment and Rehabilitation					
Tab 5	SB 1822 by Martin ; Identical to H 00565 Regulation of Auxiliary Containers					
Tab 6	SB 1008 by Avila ; Identical to H 01609 Waste Incineration					
Tab 7	CS/SB 594 by TR, Rodriguez ; Similar to H 00795 Anchoring or Mooring at Seaports					
567442	A	S	RS	EN, Rodriguez	Delete L.43:	03/17 06:36 PM
696246	SA	S	RCS	EN, Rodriguez	Delete L.43:	03/17 06:36 PM
Tab 8	SB 830 by Rodriguez ; Similar to H 01285 Lost or Abandoned Property					
Tab 9	SB 1142 by Rodriguez ; Compare to H 01175 Release of Conservation Easements					
Tab 10	SB 1148 by Rodriguez ; Similar to H 01063 Carbon Sequestration					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Rodriguez, Chair
Senator Ingoglia, Vice Chair

MEETING DATE: Monday, March 17, 2025
TIME: 4:00—6:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Rodriguez, Chair; Senator Ingoglia, Vice Chair; Senators Arrington, Avila, Brodeur, DiCeglie, Harrell, Polsky, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 384 Community Affairs / Burton (Similar H 275)	Annexing State-owned Lands; Requiring a municipality proposing to annex state-owned lands to notify each member of the legislative delegation of the county at a certain time, etc. CA 03/03/2025 Fav/CS EN 03/17/2025 Fav/CS RC	Fav/CS Yeas 8 Nays 0
2	SB 834 Truenow (Identical H 673)	Recreational Fishing Vessel Licenses; Requiring licensure to operate a freshwater fishing vessel under certain circumstances; providing freshwater fishing vessel licensure fees, etc. EN 03/17/2025 Favorable AEG FP	Favorable Yeas 8 Nays 0
3	SB 978 Berman (Similar H 861)	Advanced Wastewater Treatment; Requiring the Department of Environmental Protection, in consultation with the water management districts and sewage disposal facilities, to submit to the Governor and Legislature specified reports on certain sewage disposal facilities in the state, etc. EN 03/17/2025 Fav/CS AEG FP	Fav/CS Yeas 8 Nays 0
4	SB 1208 Truenow (Similar H 1187)	Service Lateral Assessment and Rehabilitation; Requiring all utility systems to establish and maintain a comprehensive condition assessment program for service laterals under their jurisdiction; providing applicability; authorizing utility systems to contract the assessments to certain entities; providing requirements for such entities, etc. EN 03/17/2025 Favorable RI FP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, March 17, 2025, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1822 Martin (Identical H 565)	Regulation of Auxiliary Containers; Removing obsolete provisions requiring the Department of Environmental Protection to review and update a specified report; prohibiting local regulation of auxiliary containers; preempting such regulation to the state, etc. EN 03/17/2025 Favorable CA RC	Favorable Yeas 5 Nays 3
6	SB 1008 Avila (Identical H 1609)	Waste Incineration; Prohibiting a local government or the Department of Environmental Protection, respectively, from issuing a construction permit for a certain new solid waste disposal facility or a waste-to-energy facility in specified areas, etc. EN 03/17/2025 Favorable CA RC	Favorable Yeas 8 Nays 0
7	CS/SB 594 Transportation / Rodriguez (Similar H 795)	Anchoring or Mooring at Seaports; Authorizing the governing bodies of certain seaports to apply to the Fish and Wildlife Conservation Commission to prohibit anchoring or mooring within specified boundary limits for specified purposes; authorizing the commission to consult with certain entities when considering an application for seaports where anchoring and mooring will be prohibited and the boundaries of such prohibited areas; requiring certain seaports annually to review the boundaries of approved prohibitions and notify the commission of such review and proposed modifications if necessary, etc. TR 03/04/2025 Fav/CS EN 03/17/2025 Fav/CS FP	Fav/CS Yeas 8 Nays 0
8	SB 830 Rodriguez (Similar H 1285)	Lost or Abandoned Property; Defining the terms "irregularly constructed vessel" and "migrant vessel"; prohibiting persons, firms, and corporations from leaving any migrant vessel upon the waters of this state; authorizing the Fish and Wildlife Conservation Commission to implement a plan to procure federal disaster funds to remove migrant vessels; requiring law enforcement officers to place a certain notice on migrant vessels under certain circumstances, etc. EN 03/17/2025 Favorable AEG FP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, March 17, 2025, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	SB 1142 Rodriguez (Compare H 1175)	Release of Conservation Easements; Requiring certain water management districts, upon application by the fee simple owner of a parcel subject to a conservation easement, to release the conservation easement if specified conditions are met; providing for the valuation of the property upon such release; specifying that land released from the conservation easement may be used for development consistent with certain zoning, etc. EN 03/17/2025 Favorable JU RC	Favorable Yeas 8 Nays 0
10	SB 1148 Rodriguez (Similar H 1063)	Carbon Sequestration; Creating the Carbon Sequestration Task Force adjunct to the Department of Environmental Protection; providing for task force membership, meetings, and duties; requiring the task force to submit specified reports to the Secretary of Environmental Protection and to the Governor and the Legislature by specified dates, etc. EN 03/17/2025 Favorable AEG RC	Favorable Yeas 8 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/CS/SB 384

INTRODUCER: Environment and Natural Resources Committee; Community Affairs Committee; and
Senator Burton

SUBJECT: Annexing State-owner Lands

DATE: March 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 384 amends the procedure for municipal annexation to require a municipality to notify each member of the local legislative delegation prior to the first public hearing on a proposal to annex state-owned lands.

The bill takes effect on July 1, 2025.

II. Present Situation:

Municipal Annexation

A municipality may propose to annex any area of contiguous, compact, unincorporated territory by ordinance or may be petitioned for annexation by owner(s) of “contiguous... and reasonably compact” real property.¹ An area is considered “contiguous” if a substantial part of its boundary is coterminous with a part of the boundary of the municipality.² An area is compact if it is concentrated in a single area and does not create enclaves, pockets, or finger areas.³ All lands to be annexed must be in the same county as the annexing municipality.⁴

¹ Sections. 171.0413(1) and 171.044(1), F.S.

² Section 171.031(11), F.S.

³ Section 171.031(12), F.S.

⁴ Section 171.045, F.S.

The governing body of a municipality may only propose annexation of an area that is contiguous, reasonably compact, and is either:⁵

- Developed for “urban purposes,” which is defined as having a resident population or at least two persons per acre, having a resident population of at least one person per acre if the area is subdivided into lots where at least 60 percent of the total number of lots are 1 acre or less in size, or at least 60 percent of the total number of lots meet one of the preceding definitions and at least 60 percent of the total acreage not used for non-residential “urban purposes” is subdivided into lots of 5 acres or less;
- Lies between the municipal boundary and an area developed for “urban purposes”; or
- Adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and areas developed for “urban purposes.”

A municipality may begin the annexation process by adopting a non-emergency ordinance.⁶ The municipality is required to hold two advertised public meetings before the adoption of the ordinance, one held on a weekday at least 7 days after the publication of the first advertisement and one held on a weekday at least 5 days after the publication of the second advertisement. At least 10 days prior to the first public meeting, the governing body of the municipality must provide written notice to all residents and property owners in the area proposed for annexation.⁷ The notice must contain the annexation proposal, the time and location of the public meeting, and locations where the proposed ordinance may be inspected by the public.

Before adopting an annexation ordinance, a municipality is required to prepare a feasibility study containing:⁸

- Plans to provide urban services to the area to be annexed;
- A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;
- A statement certifying the area meets the annexation criteria specified in s. 171.043, F.S.; and
- A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation.

The governing body of the municipality must file a copy of the report with the governing body of the county within 15 days of the commencement of annexation procedures.⁹ Failure to submit the report to the county in a timely manner may invalidate the annexation.

The municipality must submit the adopted annexation ordinance to a referendum in the area to be annexed.¹⁰ The municipality may also choose to submit the ordinance to the voters of the municipality for approval. If more than 70 percent of the area to be annexed is not owned by

⁵ Section 171.043, F.S.

⁶ Section 171.0413(1), F.S. A non-emergency ordinance is adopted using standing procedures specified by s. 166.041, F.S.

⁷ Section 171.042(3), F.S.

⁸ Section 171.042(1), F.S.

⁹ Section 171.042(2), F.S.

¹⁰ Section 171.0413(2), F.S.

registered voters, the municipality must obtain the consent of landowners owning at least 50 percent of the area to be annexed before conducting the referendum.¹¹

The referendum may be conducted during the next regularly scheduled election or at a special election.¹² The referendum must not be held until at least 30 days after the adoption of the ordinance and must be advertised in a newspaper of general circulation in the area to be annexed.¹³ If the referendum is approved by the voters, the annexation occurs on the effective date provided by the ordinance.¹⁴ If the voters reject annexation, the municipality may not propose annexation of the same area in the 2 years following the referendum.

If the area to be annexed has no registered electors, the area may be annexed without a referendum if the municipality obtains the consent of landowners representing both 50 percent of acreage and 50 percent of the parcels in the area to be annexed.¹⁵

Alternatively, the owner(s) of real property in a contiguous, reasonably compact and unincorporated area of the county may petition a municipality for annexation.¹⁶ The municipality must determine that all landowners in the area to be annexed have signed the petition and publish notice of the annexation before passing an ordinance annexing the area. A copy of the ordinance, including a map and a metes and bounds legal description of the area, must be filed with the clerk of the circuit court, the chief administrative officer of the county, and the Department of State within 7 days after adopting the annexation ordinance. An area may not be annexed using this process if the annexation would result in the creation of an enclave.¹⁷

III. Effect of Proposed Changes:

Section 1 amends s. 171.0413, F.S., to provide that, upon advertising for the first public hearing on adopting an ordinance proposing to annex state-owned lands, a municipality must notify by writing or e-mail the legislative delegation of the county in which the land is located.

Sections 2 and 3 reenact ss. 101.6102 and 171.042, F.S. for the purpose of incorporation.

Section 4 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹¹ Section 171.0413(5), F.S.

¹² Section 171.0413(2)(a), F.S.

¹³ Section 171.0413(2)(a)-(b), F.S.

¹⁴ Section 171.0413(2)(e), F.S.

¹⁵ Section 171.0413(6), F.S.

¹⁶ Section 171.044, F.S.

¹⁷ Section 171.044(5), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends s. 171.0413, Florida Statutes. The bill reenacts ss. 101.6102 and 171.042, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Environment and Natural Resources on March 17, 2025:

The underlying bill provides that each ordinance proposing annexation *may* propose only one reasonably compact area to be annexed. The amendment reverts this change back to

current law, which requires each ordinance to propose only one reasonably compact area to be annexed.

CS by Community Affairs on March 3, 2025:

The committee substitute specifies that notice must be given to each member of the delegation, as opposed to the delegation generally.

B. Amendments:

None.

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



183920

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2025	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Burton)
recommended the following:

Senate Amendment

Delete line 31
and insert:
second advertisement is published. Each such ordinance shall

By the Committee on Community Affairs; and Senator Burton

578-02102-25

2025384c1

A bill to be entitled
An act relating to annexing state-owned lands;
amending s. 171.0413, F.S.; requiring a municipality
proposing to annex state-owned lands to notify each
member of the legislative delegation of the county at
a certain time; reenacting ss. 101.6102(5) and
171.042, F.S., relating to mail ballot elections and
limitations and prerequisites to annexation,
respectively, to incorporate the amendment made to s.
171.0413, F.S., in references thereto; providing an
effective date.

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

Section 1. Subsection (1) of section 171.0413, Florida
Statutes, is amended to read:

171.0413 Annexation procedures.—Any municipality may annex
contiguous, compact, unincorporated territory in the following
manner:

(1) An ordinance proposing to annex an area of contiguous,
compact, unincorporated territory must ~~shall~~ be adopted by the
governing body of the annexing municipality pursuant to the
procedure for the adoption of a nonemergency ordinance
established by s. 166.041.

(a) Before ~~Prior to~~ the adoption of the ordinance of
annexation, the local governing body shall hold at least two
advertised public hearings. The first public hearing must ~~shall~~
be on a weekday at least 7 days after the day that the first
advertisement is published. The second public hearing must ~~shall~~

578-02102-25

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30 be held on a weekday at least 5 days after the day that the
31 second advertisement is published. Each such ordinance may ~~shall~~
32 propose only one reasonably compact area to be annexed.

33 (b) A municipality seeking to annex state-owned lands must,
34 in writing or by e-mail, notify each member of the legislative
35 delegation of the county in which the land is located when the
36 advertisement for the first public hearing is published.

37 (c) Before ~~However, prior to~~ the ordinance of annexation
38 becomes ~~becoming~~ effective, a referendum on annexation must
39 ~~shall~~ be held as set out below, and, if approved by the
40 referendum, the ordinance shall become effective 10 days after
41 the referendum or as otherwise provided in the ordinance, but
42 not more than 1 year following the date of the referendum.

43 Section 2. For the purpose of incorporating the amendment
44 made by this act to section 171.0413, Florida Statutes, in a
45 reference thereto, subsection (5) of section 101.6102, Florida
46 Statutes, is reenacted to read:

47 101.6102 Mail ballot elections; limitations.—

48 (5) Nothing in this section shall be construed to prohibit
49 the use of a mail ballot election in a municipal annexation
50 referendum requiring separate vote of the registered electors of
51 the annexing municipality and of the area proposed to be
52 annexed. If a mail ballot election is authorized for a municipal
53 annexation referendum, the provisions of ss. 101.6101-101.6107
54 shall control over any conflicting provisions of s. 171.0413.

55 Section 3. For the purpose of incorporating the amendment
56 made by this act to section 171.0413, Florida Statutes, in
57 references thereto, section 171.042, Florida Statutes, is
58 reenacted to read:

578-02102-25

2025384c1

171.042 Prerequisites to annexation.—

(1) Before commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall prepare a feasibility study setting forth the plans to provide urban services to any area to be annexed, and the feasibility study must include the following:

(a) A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, as required in paragraph (c), and the general land use pattern in the area to be annexed.

(b) A statement certifying that the area to be annexed meets the criteria in s. 171.043.

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans must:

1. Provide for extending urban services except as otherwise provided in this subsection to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality before annexation.

2. Provide for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or

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subdivisions.

3. If extension of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

(2) Not fewer than 15 days before commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall file a copy of the feasibility study required by this section with the board of county commissioners of the county in which the municipality is located. Failure to timely file the feasibility study as required in this subsection may be the basis for a cause of action to invalidate the annexation.

(3) The governing body of the municipality shall, not less than 10 days prior to the date set for the first public hearing required by s. 171.0413(1), mail a written notice to each person who resides or owns property within the area proposed to be annexed. The notice must describe the annexation proposal, the time and place for each public hearing to be held regarding the annexation, and the place or places within the municipality where the proposed ordinance may be inspected by the public. A copy of the notice must be kept available for public inspection during the regular business hours of the office of the clerk of the governing body.

Section 4. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Judiciary, *Vice Chair*
Agriculture
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Health and
Human Services
Banking and Insurance
Fiscal Policy
Rules

SENATOR COLLEEN BURTON

12th District

February 28, 2025

The Honorable Ana Maria Rodriguez
410 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Chair Rodriguez,

I respectfully request SB 384 Annexing State-owned Lands be placed on the Environment and Natural Resources agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink that reads "Colleen Burton".

Colleen Burton

CC: Ellen Rogers, Staff Director
Kim Bonn, Committee Administrative Assistant

REPLY TO:

- ☐ 1375 Havendale Boulevard, NW, Winter Haven, Florida 33881 (863) 413-1529
- ☐ 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Judiciary, *Vice Chair*
Agriculture
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Health and
Human Services
Banking and Insurance
Fiscal Policy
Rules

SENATOR COLLEEN BURTON

12th District

Ellen Rogers
404 South Monroe Street
325 Knott Building
Tallahassee, Florida 32399

Good Afternoon Ellen,

I have several bills up in committee today March 17th 2025 and Senator Brodeur has agreed to present SB 384 Annexing State Owned Lands. Please let me know if you need any further Information.

Thank you,

A handwritten signature in blue ink that reads "Colleen Burton".

REPLY TO:

- ☐ 1375 Havendale Boulevard, NW, Winter Haven, Florida 33881 (863) 413-1529
- ☐ 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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 Environment and Natural Resources

BILL: SB 834

INTRODUCER: Senator Truenow

SUBJECT: Recreational Fishing Vessel Licenses

DATE: March 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Favorable
2.			AEG	
3.			FP	

I. Summary:

SB 834 extends vessel license requirements and options to freshwater fishing vessels.

The bill requires a freshwater fishing vessel license for the operation of a vessel where customers pay a fee to take, attempt to take, or possess any freshwater fish for noncommercial purposes. The bill provides that the fees for saltwater fishing vessel licenses also apply to freshwater fishing vessel licenses. The bill also provides that if the operator of a vessel that carries scuba divers for a fee, either indirectly or directly, maintains the appropriate vessel license and the applicable permits, the divers taking or attempting to take freshwater products are not required to obtain individual fishing licenses or applicable permits.

The bill exempts any person freshwater fishing from a vessel with a freshwater fishing vessel license or whose operator has a freshwater fishing vessel license from individual fishing license or permit requirements.

The bill also provides that, for the purposes of the use tax, the presumption that tangible personal property was not purchased for use in Florida if it was used in another state, U.S. territory, or the District of Columbia for at least six months before being imported into Florida does not apply to any vessel for which a freshwater fishing vessel license fee is required take, attempt to take, or possess freshwater fish for noncommercial purposes.

II. Present Situation:

Fishing in Florida

Florida Fish and Wildlife Conservation Commission (FWC) data from 2017-2018 shows that there were approximately four million fresh and saltwater anglers in Florida at the time.¹ In the 2019-2020 fiscal year there were 1.5 million recreational saltwater fishing licenses sold for a total value of \$37.8 million and approximately 2.4 million residents and nonresidents had active saltwater fishing licenses. In 2020, the saltwater recreational fishing industry alone had a 9.2 billion economic impact and supported over 88,500 jobs.² Florida also had 1.2 million freshwater anglers who generated a \$1.7 billion economic impact and supported more than 14,000 jobs.³



Tarpon. Image courtesy of the Bonefish & Tarpon Trust

Florida offers countless opportunities to fish for fresh and saltwater fish species.⁴ Fish move and behave differently based on factors like species, weather, temperature, tide, moon phase, salinity, and season.⁵ Many anglers find it useful to hire fishing guides and charters who have local expertise and there are thousands of fishing guides and charters available for hire throughout Florida.⁶

Saltwater Fishing Vessel Licenses

A person who operates a vessel for customers who either directly or indirectly pay a fee for the purpose of taking, attempting to take, or possessing any saltwater fish for noncommercial purposes must first obtain a license for each vessel used for that purpose and must pay the associated fees.⁷ The associated vessel license fees are as follows:

- \$800 per year for a vessel licensed to carry more than ten customers. The license must be kept on board the vessel at all times.⁸

¹ Florida Fish and Wildlife Conservation Commission (FWC), *The Economic Impacts of Saltwater Fishing in Florida*, <https://myfwc.com/conservation/value/saltwater-fishing/> (last visited March 11, 2025).

² *Id.*

³ FWC, *Freshwater Fishing*, <https://myfwc.com/conservation/value/freshwater-fishing/> (last visited March 11, 2025).

⁴ FWC, *Where to Saltwater Fish*, <https://myfwc.com/fishing/saltwater/outreach/wheretofish/> (last visited March 11, 2025); FWC, *Freshwater Fisheries Habitat*, <https://myfwc.com/wildlifehabitats/habitat/freshwater/> (last visited March 11, 2025).

The image on this page can be found on the Bonefish and Tarpon Trust's website. Bonefish and Tarpon Trust, *Best Practices for Catch and Release Fishing for Tarpon*, <https://www.bonefishtarpontrust.org/education-outreach-tarpon-catch-release/> (last visited March 11, 2025).

⁵ FWC, *Where to Saltwater Fish*.

⁶ *Id.*; FWC, *FL Outfitters and Guides*, <https://app.myfwc.com/hgm/outfitters/Home/SearchResults> (last visited March 11, 2025); Fishing Booker, *Fishing in Florida: the Ultimate Guide for 2024*, <https://fishingbooker.com/blog/fishing-in-florida/> (last visited March 11, 2025).

⁷ Section 379.354(7)(a), F.S. The owner, operator, or custodian of a vessel must maintain and report any statistical data required by FWC rules if the vessel's operator has obtained a vessel license. Section 379.354(7)(e), F.S.

⁸ Section 379.354(7)(b), F.S.

- \$400 per year for a vessel licensed to carry no more than ten customers or for any person licensed to operate a vessel carrying no more than six customers.⁹
- \$200 per year if a person is licensed to operate a vessel carrying no more than six customers, but they only operate a vessel carrying four or fewer customers. The license must be kept on board the vessel at all times.¹⁰

The person operating the licensed vessel may obtain the license in their own name.¹¹ The license will be transferable and will apply to any vessel operated by whomever purchased the license, provided the purchaser has paid the appropriate licensing fee.¹²

Additionally, a vessel license for a recreational vessel not for hire and for which no fee is paid, either directly or indirectly, by guests for the purpose of taking or attempting to take saltwater fish noncommercially costs \$2,000 per year.¹³ The license is not required and may be purchased at the option of the vessel owner. The license must be kept on board the vessel at all times. A log must of any species taken and the date which they were taken must be kept and filed with the Florida Fish and Wildlife Conservation Commission (FWC) when the license is renewed.¹⁴

If the operator of a vessel that carries scuba divers who pay a direct or indirect fee maintains the appropriate vessel license and the applicable permits, the divers taking or attempting to take saltwater products are not required to obtain individual fishing licenses or any applicable permits.¹⁵ However, individual divers will be required to obtain individual fishing licenses and any applicable permits if the vessel operator does not have a vessel license and applicable permits.¹⁶

Any person saltwater fishing from a vessel with a saltwater fishing vessel license or from a vessel operated by a person with a saltwater fishing vessel license will not be required to have an individual saltwater fishing license.¹⁷

Florida Use Tax

Use tax is owed for the use or consumption of taxable goods or services when sales tax was not paid at the time the goods or services were purchased.¹⁸ A person owes use tax if they:

- Buy a taxable item in Florida and do not pay sales tax;
- Buy a tax-exempt item with the intent to resell it, but then use the item for business or personal use; and

⁹ Section 379.354(7)(c), F.S.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Section 379.354(7)(d), F.S.

¹⁴ *Id.*

¹⁵ Section 379.354(7)(f), F.S.

¹⁶ *Id.*

¹⁷ Section 379.353(2)(i), (j), F.S.

¹⁸ Florida Department of Revenue, *Florida Sales and Use Tax*, https://floridarevenue.com/taxes/taxesfees/Pages/sales_tax.aspx (last visited March 8, 2025).

- Buy a taxable item outside Florida without paying sales tax on it and subsequently bring it into or have it delivered to Florida.¹⁹

Use tax is due on tangible personal property imported into Florida for its use, consumption, distribution, or storage in the state.²⁰ For tangible personal property that is used in another state, U.S. territory, or the District of Columbia for six or more months before being imported into Florida, there is a presumption that the property was not purchased for use in Florida.²¹ This presumption does not apply to any vessel for which a saltwater fishing license fee is required to be directly or indirectly paid for the purpose of taking, attempting to take, or possessing any saltwater fish for noncommercial purposes.²²

Use tax will be due and proof of payment must be shown prior to a vessel's first saltwater fishing vessel licensure, registration, and titling.²³ A vessel that is first licensed within one year of purchase will be subject to use tax on the full amount of the purchase price. A vessel licensed in the second year will be subject to use tax on 90 percent of the purchase price. The percentage is reduced by ten percent for year additional year until the sixth year.²⁴

III. Effect of Proposed Changes:

Section 1 amends s. 379.354, F.S., to require a freshwater fishing vessel license for the operation of a vessel where customers pay a fee to take, attempt to take, or possess any freshwater fish for noncommercial purposes. Current law requires a vessel license to operate a fishing vessel where a fee is paid directly or indirectly, for the purpose of taking, attempting to take, or possessing any *saltwater* fish for noncommercial purposes, and the following requirements that the bill applies to freshwater fishing currently all apply to saltwater fishing.

The bill provides that a license for any person who operates any vessel licensed to carry more than ten customers, wherein a fee is paid directly or indirectly, for the purpose of taking or attempting to take freshwater fish costs \$800 per year. The fee is \$400 per year if the vessel is licensed to carry no more than ten customers, or if the person is licensed to operate a vessel carrying six or fewer customers. The fee is \$200 if the person is licensed to operate a vessel carrying six or fewer customers but operates a vessel carrying four or fewer customers.

The bill provides that a license for a recreational vessel not for hire and for which no direct or indirect fee is paid by guests to take or attempt to take freshwater fish noncommercially is \$2,000 per year.

If the operator of a vessel that carries scuba divers for a fee, either indirectly or directly, maintains the appropriate vessel license based on the number of persons the vessel is licensed to carry and the applicable permits, the scuba divers taking or attempting to take freshwater

¹⁹ *Id.*

²⁰ Section 212.06(8)(a), F.S.

²¹ *Id.*

²² Section 212.06(8)(b), F.S.

²³ *Id.*

²⁴ *Id.* If the purchaser fails to provide the purchase invoice on the vessel, the fair market value of the vessel at the time the vessel was imported into Florida will be used to calculate the tax. *Id.*

products are not required to obtain individual fishing licenses or applicable permits. If the operator does not have the appropriate license and applicable permits, the scuba divers must have individual fishing licenses or applicable permits.

Section 2 amends s. 212.06, F.S., relating to sales, storage, and use tax. The bill provides that the presumption that tangible personal property was not purchased for use in Florida if it was used in another state, U.S. territory, or the District of Columbia for six months or more before being imported into Florida does not apply to any vessel for which a freshwater fishing vessel license fee is required to be paid either directly or indirectly, for the purpose of taking, attempting to take, or possessing freshwater fish for noncommercial purposes. The use tax shall apply and be due on such a vessel. Current law does not apply the presumption only to vessels for which saltwater fishing vessel license fees are required.

Section 3 amends s. 379.353, F.S., to provide that a person freshwater fishing from a vessel with a freshwater fishing vessel license or from a vessel operated by a person with a freshwater fishing vessel license will be exempt from individual freshwater fishing licenses or permit requirements. This exemption currently applies only to saltwater fishing from a vessel with a saltwater fishing vessel license or from a vessel operated by a person with a saltwater fishing vessel license.

Section 4 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, section 19 of the State Constitution requires any legislation imposing or authorizing a new state tax or fee, or raising an existing state tax or fee, to be approved by two-thirds of the membership of both houses of the Legislature. A state tax or fee that is so imposed, authorized, or raised must be contained in a separate bill that contains no other subject. A “fee” is any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.

SB 834 imposes a new state tax and fee relating to freshwater fishing vessel licenses. Freshwater fishing vessel licenses will be required for the operation of a vessel where customers pay a fee to take, attempt to take, or possess any freshwater fish for

noncommercial purposes. The bill also provides that use tax will be due on a vessel with a freshwater fishing vessel license purchased outside of and imported to Florida. The bill addresses only freshwater fishing vessel licenses.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

SB 834 requires fees for freshwater fishing vessel licenses and will require use tax to be paid on vessels imported into Florida and licensed pursuant to the bill.

B. Private Sector Impact:

Operators of freshwater fishing vessels where customers pay a fee to take, attempt to take, or possess any freshwater fish for noncommercial purposes will be required to pay a fee for a freshwater fishing vessel license. Certain operators of freshwater fishing vessels will not be required to obtain the vessel license but will have the option to obtain one. A use tax will also be due on vessels with a freshwater fishing vessel license that are purchased outside of and imported to Florida.

C. Government Sector Impact:

The state will receive a positive fiscal impact from the imposition of the freshwater fishing vessel license fees, as well as the use tax on certain vessels imported into Florida and licensed pursuant to the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 212.06, 379.353, and 379.354 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Truenow

13-01146-25

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1 A bill to be entitled
2 An act relating to recreational fishing vessel
3 licenses; amending s. 379.354, F.S.; requiring
4 licensure to operate a freshwater fishing vessel under
5 certain circumstances; providing an exception;
6 providing freshwater fishing vessel licensure fees;
7 amending ss. 212.06 and 379.353, F.S.; conforming
8 provisions to changes made by the act; providing an
9 effective date.

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

12
13 Section 1. Subsection (7) of section 379.354, Florida
14 Statutes, is amended to read:

15 379.354 Recreational licenses, permits, and authorization
16 numbers; fees established.—

17 (7) VESSEL LICENSES.—

18 (a) Except as provided in paragraph (f), a person may not
19 operate any vessel wherein a fee is paid, either directly or
20 indirectly, for the purpose of taking, attempting to take, or
21 possessing any saltwater or freshwater fish for noncommercial
22 purposes unless she or he has obtained a license for each vessel
23 for that purpose, and has paid the license fee pursuant to
24 paragraphs (b) and (c) for such vessel.

25 (b) A license for any person who operates any vessel
26 licensed to carry more than 10 customers, wherein a fee is paid,
27 either directly or indirectly, for the purpose of taking or
28 attempting to take saltwater or freshwater fish, is \$800 per
29 year. The license must be kept aboard the vessel at all times.

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(c)1. A license for any person who operates any vessel licensed to carry no more than 10 customers, or for any person licensed to operate any vessel carrying 6 or fewer customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take saltwater or freshwater fish, is \$400 per year.

2. A license for any person licensed to operate any vessel carrying 6 or fewer customers but who operates a vessel carrying 4 or fewer customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take saltwater or freshwater fish, is \$200 per year. The license must be kept aboard the vessel at all times.

3. A person who operates a vessel required to be licensed pursuant to paragraph (b) or this paragraph may obtain a license in her or his own name, and such license shall be transferable and apply to any vessel operated by the purchaser, provided that the purchaser has paid the appropriate license fee.

(d) A license for a recreational vessel not for hire and for which no fee is paid, either directly or indirectly, by guests for the purpose of taking or attempting to take saltwater or freshwater fish noncommercially is \$2,000 per year. The license may be purchased at the option of the vessel owner and must be kept aboard the vessel at all times. A log of species taken and the date the species were taken must ~~shall~~ be maintained and a copy of the log filed with the commission at the time of renewal of the license.

(e) The owner, operator, or custodian of a vessel the operator of which has been licensed pursuant to paragraph (a) must maintain and report such statistical data as required by,

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and in a manner set forth in, the rules of the commission.

(f) If the operator of a vessel that carries scuba divers for a fee, either directly or indirectly, maintains the appropriate vessel license under this subsection based upon the number of persons the vessel is licensed to carry and the applicable permits, the individual scuba divers engaging in taking or attempting to take saltwater or freshwater products are not required to obtain individual fishing licenses or any applicable permits. However, if the operator of such a vessel does not have the appropriate license and applicable permits, the individual scuba divers engaging in taking or attempting to take saltwater or freshwater products must have individual fishing licenses and any applicable permits.

Section 2. Paragraph (b) of subsection (8) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(8)

(b) The presumption that tangible personal property used in another state, territory of the United States, or the District of Columbia for 6 months or longer before being imported into this state was not purchased for use in this state does not apply to any boat for which a saltwater or freshwater fishing license fee is required to be paid pursuant to s. 379.354(7), either directly or indirectly, for the purpose of taking, attempting to take, or possessing any saltwater or freshwater fish for noncommercial purposes. Use tax shall apply and be due on such a boat as provided in this paragraph, and proof of

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88 payment of such tax must be presented before ~~prior to~~ the first
89 such licensure of the boat, registration of the boat pursuant to
90 chapter 328, and titling of the boat pursuant to chapter 328. A
91 boat that is first licensed within 1 year after purchase is
92 ~~shall be~~ subject to use tax on the full amount of the purchase
93 price; a boat that is first licensed in the second year after
94 purchase is ~~shall be~~ subject to use tax on 90 percent of the
95 purchase price; a boat that is first licensed in the third year
96 after purchase is ~~shall be~~ subject to use tax on 80 percent of
97 the purchase price; a boat that is first licensed in the fourth
98 year after purchase is ~~shall be~~ subject to use tax on 70 percent
99 of the purchase price; a boat that is first licensed in the
100 fifth year after purchase is ~~shall be~~ subject to use tax on 60
101 percent of the purchase price; and a boat that is first licensed
102 in the sixth year after purchase, or later, is ~~shall be~~ subject
103 to use tax on 50 percent of the purchase price. If the purchaser
104 fails to provide the purchase invoice on such boat, the fair
105 market value of the boat at the time of importation into this
106 state must ~~shall~~ be used to compute the tax.

107 Section 3. Paragraphs (i) and (j) of subsection (2) of
108 section 379.353, Florida Statutes, are amended to read:

109 379.353 Recreational licenses and permits; exemptions from
110 fees and requirements.—

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

113 (i) Any person saltwater or freshwater fishing from a
114 vessel licensed pursuant to s. 379.354(7).

115 (j) Any person saltwater or freshwater fishing from a
116 vessel the operator of which is licensed pursuant to s.

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117 379.354(7).

118 Section 4. This act shall take effect July 1, 2025.

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 Environment and Natural Resources

BILL: CS/SB 978

INTRODUCER: Environment and Natural Resources Committee and Senator Berman

SUBJECT: Advanced Wastewater Treatment

DATE: March 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Fav/CS
2.			AEG	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 978 provides that, by December 31, 2025, the Department of Environmental Protection (DEP), in collaboration with water management districts and wastewater facilities, must submit to the Governor and Legislature a report detailing specific information about all sewage disposal facilities with a permitted capacity of greater than 1 million gallons per day. The report must include, among other things, the year of construction and any maintenance or upgrades, permitted and actual wastewater treatment volumes, current treatment levels with concentrations of specified contaminants, pollutant load estimates, disposal methods and volumes discharged to receiving waterbodies, spill history, and facility location relative to floodplains and coastal hazards.

The bill provides that, by December 31, 2026, DEP must submit a report to the Governor and Legislature outlining a priority ranking process for upgrading all sewage disposal facilities with a permitted capacity of greater than 1 million gallons per day in the state to advanced waste treatment by 2036.

The bill also directs DEP to provide a progress report to the Governor and Legislature on the status of upgrades by June 30, 2027. This progress report must include a list of the sewage disposal facilities required to upgrade to advanced wastewater treatment, preliminary cost estimates, projected timelines for upgrade commencement and completion, and the anticipated operational start dates of the upgraded facilities.

II. Present Situation:

Wastewater

Domestic sewage contains toxicants, solid waste, plastics, and bacterial contaminants.¹ It also contains nutrients such as nitrogen and phosphorus.² Once wastewater is treated to standards set and monitored by state and federal officials, it is typically released into a local waterbody.³ However, conventional wastewater treatment is often ineffective at removing certain pollutants, such as contaminants of emerging concern,⁴ heavy metals, *Escherichia coli* (e. coli), pharmaceuticals, pesticides, and microplastics.⁵ As a result, the discharge of conventionally treated wastewater can be a significant source of pollution in aquatic ecosystems, leading to documented declines in biodiversity and essential ecosystem functions.⁶

Advanced wastewater treatment (AWT) has been shown to be more effective at reducing effluent toxicity than conventional treatment.⁷ There are several types of AWT technologies. Some AWT methods such as membrane bioreactor filtration can treat wastewater to match the physical, chemical, and biological properties of the waterbody the treated water will be discharged into.⁸

¹ Mehtab Haseena et al., *Water pollution and human health*, Environmental Risk Assessment and Remediation, vol. 1, 16, 18 (2017), available at https://www.researchgate.net/publication/326828651_Water_pollution_and_human_health. See also C. Chahal et al., *Pathogen and particle Associations in wastewater: Significance and Implications for Treatment and Disinfection Processes*, Advances in Applied Microbiology, vol. 97, 68 (2016), available at <https://www.sciencedirect.com/science/article/pii/S0065216416300971>.

² See EPA, *Nutrient Pollution: Sources and Solutions: Wastewater*, <https://www.epa.gov/nutrientpollution/sources-and-solutions-wastewater> (last visited Mar. 7, 2025).

³ EPA, *Nutrient Pollution: Sources and Solutions: Wastewater*, <https://www.epa.gov/nutrientpollution/sources-and-solutions-wastewater> (last visited Mar. 7, 2025).

⁴ Contaminants of Emerging Concern (CECs) are chemicals that are being discovered in water that previously had not been detected or are being detected at levels that may be different than expected. While there are no regulatory limits, there may be a long-term potential risk to human health or the environment associated with CECs. EPA prioritizes CECs for research and data collection. DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Mar. 6, 2025).

⁵ See Joshua Matesun et al., *Limitations of wastewater treatment plants in removing trace anthropogenic biomarkers and future directions: A review*, Ecotoxicology and Environmental Safety, 1 (2024), available at <https://www.sciencedirect.com/science/article/pii/S0147651324006869>; Jonas Margot et al., *Treatment of micropollutants in municipal wastewater: Ozone or powdered activated carbon?*, Science of The Total Environment, 480 (2013), available at <https://www.sciencedirect.com/science/article/abs/pii/S0048969713005779?via%3Dihub>; Sunanda Mishra et al., *Membrane bioreactor (MBR) as an advanced wastewater treatment technology for removal of synthetic microplastics*, Development in Wastewater Treatment Research and processes, 45 (2022), available at <https://www.sciencedirect.com/science/article/abs/pii/B9780323855839000223>.

⁶ See Daniel Stalter et al., *Do Contaminants Originating from State-of-the-Art Treated Wastewater Impact the Ecological Quality of Surface Waters?*, Plos One, vol. 8, 8 (2013), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0060616>; Katja Bunzel et al., *Effects of organic pollutants from wastewater treatment plants on aquatic invertebrate communities*, Water Research, vol. 47, 597 (2013), available at <https://www.sciencedirect.com/science/article/abs/pii/S0043135412007610?via%3Dihub>; Dania Albin et al., *The combined effects of treated sewage discharge and land use on rivers*, Global Change Biology, 6415 (2023), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC10946937/>.

⁷ Johannes Völker et al., *Systematic Review of Toxicity Removal by Advanced Wastewater Treatment Technologies via Ozonation and Activated Carbon*, American Chemical Society ES&T, vol. 53, 7226 (2019), available at <https://pubs.acs.org/doi/full/10.1021/acs.est.9b00570>.

⁸ University of Florida Institute of Food and Agricultural Sciences, *Advanced Wastewater Treatment (AWT)*, <https://blogs.ifas.ufl.edu/sarasotaco/2020/07/30/advanced-wastewater-treatment-awt/>.

Membrane bioreactors and other AWT technologies, including oxidation processes and powdered activated carbon, have also been shown to be effective at removing micropollutants such as pharmaceuticals, pesticides, and microplastics,⁹ and nutrients like phosphorus.¹⁰ Adsorption processes have also been shown to be potential solutions for the removal of micropollutants in advanced treatment plants.¹¹

Domestic Wastewater Treatment Facilities in Florida

The majority of the state's wastewater is controlled and treated by centralized treatment facilities regulated by the Department of Environmental Protection (DEP).¹² Florida has approximately 2,000 permitted domestic wastewater treatment facilities.¹³

Wastewater treatment facilities are required to provide secondary treatment prior to reuse or disposal.¹⁴ Such treatment requires that carbonaceous biochemical oxygen demand (CBOD5) and total suspended solids (TSS) not exceed specific levels based on the method of disposal (i.e., surface water disposal, reuse, land application, or groundwater discharge).¹⁵ For example, for land application or groundwater discharge, the annual average of CBOD5 and total suspended solids may not exceed 20.0 milligrams per liter (mg/L), and the maximum-permissible concentration in any single sample may not exceed 60.0 mg/L.¹⁶

AWT provides a reclaimed water product containing no more than the following concentrations of pollutants:

- 5 mg/L of Biochemical Oxygen Demand;
- 5 mg/L of Suspended Solids;
- 3 mg/L of total nitrogen; and
- 1 mg/L of total phosphorous.¹⁷

AWT is required before discharging into certain impaired waterbodies, including, but not limited to, the Indian River Lagoon beginning July 1, 2025, and by January 1, 2033, waterbodies that are

⁹ See Margot, *Treatment of micropollutants in municipal wastewater: Ozone or powdered activated carbon?* at 480; Radhakrishnan Krishnan et al., *Recent approaches and advanced wastewater treatment technologies for mitigating emerging microplastics contamination—A critical review*, *Science of the Total Environment*, vol. 858 (2023), available at <https://www.sciencedirect.com/science/article/abs/pii/S004896972206781X?via%3DiHub>.

¹⁰ EPA, *Advanced Wastewater Treatment to Achieve Low Concentration of Phosphorus*, 3 (2007), available at <https://www.epa.gov/sites/default/files/2019-02/documents/advanced-wastewater-treatment-low-concentration-phosphorus.pdf>.

¹¹ Biniam Belete et al., *Micropollutant Removal Efficiency of Advanced Wastewater Treatment Plants: A Systematic Review*, *Environmental Health Insights*, vol. 17, 1 (2023), available at <https://journals.sagepub.com/doi/full/10.1177/11786302231195158>.

¹² DEP, *Domestic Wastewater Program*, <https://floridadep.gov/water/domestic-wastewater> (last visited Mar. 6, 2025).

¹³ DEP, *General Facts and Statistics about Wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Mar. 6, 2025).

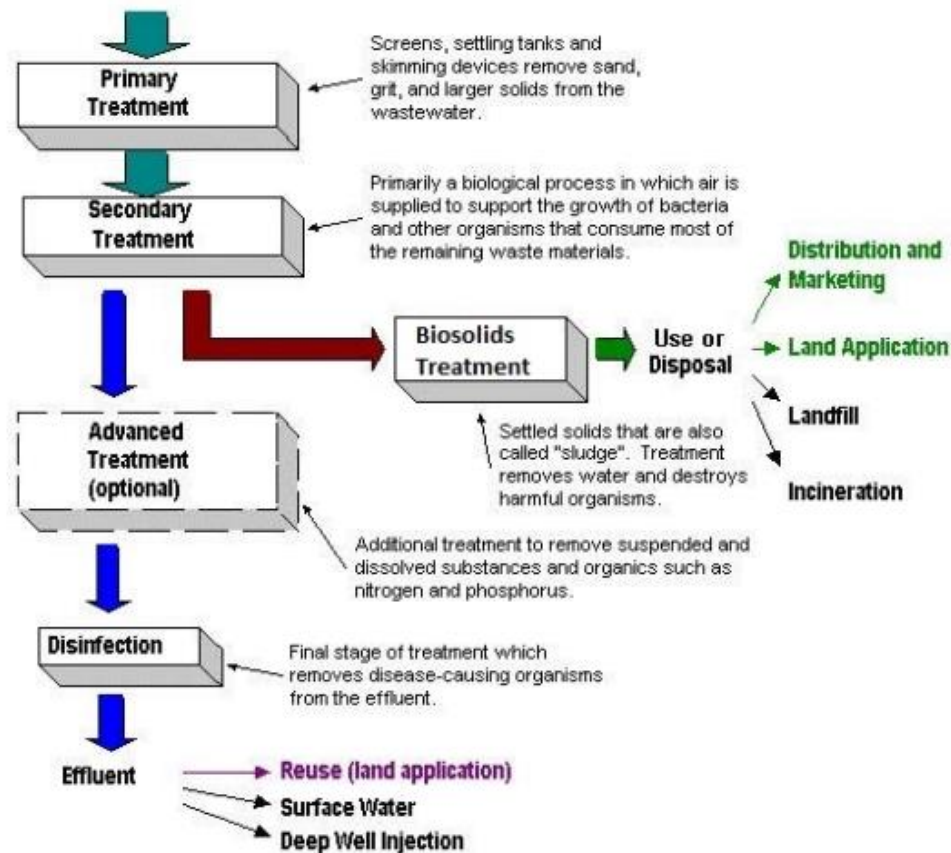
¹⁴ Sections 403.086(1)(a) and (2), F.S.; Fla. Admin. Code R. 62-600.420.

¹⁵ CBOD5 is the quantity of oxygen utilized in the carbonaceous biochemical oxidation of organic matter present in water or wastewater, reported as a five-day value determined using approved methods. Fla. Admin. Code R. 62-600.200(8).

¹⁶ Fla. Admin. Code R. 62-600.420(3).

¹⁷ Section 403.086(4)(a), F.S. DEP, *Domestic Wastewater Treatment Process*, available at <https://floridadep.gov/water/domestic-wastewater/documents/domestic-wastewater-treatment-process> (showing flowchart of wastewater treatment process).

not attaining nutrient-related standards or that are subject to a nutrient basin management action plan (BMAP) or reasonable assurance plan.¹⁸ In addition, in 2024, the Legislature passed a law requiring that by July 1, 2034, wastewater treatment facilities providing reclaimed water for irrigation or land application in areas within a nutrient BMAP or a reasonable assurance plan must meet AWT standards for total nitrogen and total phosphorus if DEP determines that the use of reclaimed water is causing or contributing to nutrient impairment.¹⁹ For such determinations made by DEP after July 1, 2024, the facility has 10 years to meet AWT standards.²⁰ DEP may also order AWT if deemed necessary.²¹



Wastewater treatment facilities may be required to provide additional treatment to satisfy water quality standards for receiving surface and ground waters.²² Systems within Monroe County are subject to different treatment requirements.²³

Wastewater treatment facilities must monitor the flow, the influent for CBOD5 and TSS, and the effluent for all effluent parameters as required by the permit.²⁴ The minimum schedule for sampling is based on the facility's permitted capacity. For example, for facilities with a permitted

¹⁸ Section 403.086(1)(c)1. and 2., F.S.

¹⁹ Chapter 2024-180, s. 13, Laws of Fla.; section 403.086(1)(c)3., F.S.

²⁰ *Id.*

²¹ Section 403.086(1)(a), F.S.

²² Fla. Admin. Code R. 62-600.430.

²³ Section 403.086(11), F.S.

²⁴ Fla. Admin. Code R. 62-600.660(1).

capacity of 5 million gallons per day (mgd) up to 15 mgd, sampling must be conducted according to the following parameters:²⁵

- Continuous testing for flow, pH, and chlorine residual;²⁶
- Weekly testing for e. coli or enterococci;
- Daily (seven days per week) testing for TSS, CBOD5, nutrients, chlorine residual, and total coliform.²⁷

Impaired Waters, Total Maximum Daily Loads (TMDLs), and BMAPs

Under section 303(d) of the federal Clean Water Act, states must establish water quality standards for waters within their borders and develop a list of impaired waters that do not meet such water quality standards.²⁸ States must also develop a list of threatened waters that may not meet water quality standards in the following reporting cycle.²⁹

Due to limited funds and the wide variety of surface waters in Florida, DEP sorted those waters into 29 major watersheds, or basins, and further organized them into five basin groups for assessment purposes.³⁰ If DEP determines that any waters are impaired, the waterbody must be placed on the verified list of impaired waters, and a TMDL must be calculated.³¹ A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards.³² A waterbody may be removed from the verified list at any time during the TMDL process if it attains water quality standards.³³ If DEP determines that a waterbody is impaired but further study is needed to determine the causative pollutants or other factors contributing to impairment before the waterbody is placed on the verified list, the waterbody will be placed on a statewide comprehensive study list.³⁴

²⁵ *Id.* at Figure 1.

²⁶ Total chlorine residual measured for disinfection effectiveness. *Id.* at n. 2.

²⁷ Fecal coliform must be tested five days per week, but total coliform must be tested seven days per week. *Id.* at Figure 1.

²⁸ EPA, *Overview of Identifying and Restoring Impaired Waters under Section 303(d) of the CWA*, <https://www.epa.gov/tmdl/overview-identifying-and-restoring-impaired-waters-under-section-303d-cwa> (last visited Mar. 9, 2025); 40 C.F.R. 130.7. Following the development of the list of impaired waters, states must develop a total maximum daily load for every pollutant/waterbody combination on the list. DEP, *Watershed Evaluation and Total Maximum Daily Loads (TMDL) Section*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Mar. 9, 2025).

²⁹ *Id.*

³⁰ DEP, *Assessment Lists*, <https://floridadep.gov/dear/watershed-assessment-section/content/assessment-lists> (last visited Jan. 26, 2024).

³¹ *Id.*; DEP, *Verified List Waterbody Ids (WBIDs)*, <https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about> (last visited Mar. 9, 2025); section 403.067(4), F.S.

³² Section 403.067(6)(a), F.S. *See also* 33 U.S.C. § 1251, s. 303(d) (the Clean Water Act).

³³ Section 403.067(5), F.S.

³⁴ Section 403.067(2), F.S.; ch. 62-303.150, F.A.C.

BMAPs are one of the primary mechanisms DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges,³⁵ for a watershed. There are currently 34 adopted BMAPs in Florida.³⁶

DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody. First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole, or to each identified point source or category of nonpoint sources.³⁷ Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations.³⁸ Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by implementing appropriate best management practices or conducting water quality monitoring.³⁹

Public Notification of Pollution Releases

Florida law requires public notification of certain pollution releases.⁴⁰ A reportable pollution release is any unauthorized release or discharge of a substance into the air, land, or waters of the state that must be reported to the Division of Emergency Management's State Watch Office under applicable rules, permits, orders, or variances.⁴¹ If an owner or operator of an installation discovers such a release, they must notify DEP within 24 hours.⁴² If no notification is made, DEP may take enforcement action against all parties subject to the notification requirement.⁴³ If the pollution release migrates beyond the facility's property, the owner or operator must provide an additional notice to DEP within 24 hours of the discovery of the migration.⁴⁴

DEP must publish all pollution notifications on its websites within 24 hours of receipt and maintain an electronic mailing list for local governments, health departments, news media, and other interested parties to receive announcements of any notices.⁴⁵ DEP must also provide an online form and email submission option for reporting pollution releases.⁴⁶

³⁵ "Point source" is defined as any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Nonpoint sources of pollution are sources of pollution that are not point sources. Fla. Admin. Code R. 62-620.200(37).

³⁶ DEP, *Basin Management Action Plans (BMAPs)*, <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps> (last visited Jan. 26, 2024).

³⁷ *Id.*

³⁸ *Id.*

³⁹ Section 403.067(7)(b)2.g., F.S. For example, BMPs for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

⁴⁰ Section 403.077, F.S.

⁴¹ Section 403.077(1), F.S.

⁴² Section 403.077(2)(a), F.S.

⁴³ Section 403.077(2)(b), F.S.

⁴⁴ Section 403.077(2)(d), F.S.

⁴⁵ Section 403.077(3)(a) and (b), F.S. See DEP, *Public Notice of Pollution*, <https://floridadep.gov/sec/sec/content/public-notice-pollution> (last visited Mar. 9, 2025).

⁴⁶ Section 403.077(3)(c), F.S.

Providing notice of a pollution release does not constitute an admission of liability or harm.⁴⁷ However, failure to provide the required notification can result in civil penalties.⁴⁸

Contaminants of Emerging Concern

Contaminants of Emerging Concern (CECs) are chemicals that are being discovered in water that previously had not been detected or are being detected at levels that may be different than expected.⁴⁹ While there are no regulatory limits, there may be a long-term potential risk to human health or the environment associated with CECs. Additional studies may also bring new or changing health exposure information. The United States Environmental Protection Agency prioritizes CECs for research and data collection. As part of this data collection, all large and selected smaller public water systems across the U.S. are required to monitor for the targeted CECs.⁵⁰

III. Effect of Proposed Changes:

Section 1 includes the following legislative findings:

- The discharge of inadequately treated wastewater and aging sewage disposal facilities compromise the quality of the environment, including freshwater, brackish water, and nearshore and offshore salt waters, and threatens the quality of life and local economies in the state that depend on those resources.
- The only practical and cost-effective way to fundamentally improve wastewater management is to implement advanced wastewater treatment or better at all sewage disposal facilities with a permitted capacity of greater than 1 million gallons per day in the state.

The bill provides that, in order to prioritize the upgrade of sewage disposal facilities, by December 31, 2025, the Department of Environmental Protection (DEP), in consultation with the water management districts and wastewater facilities, must submit to the Governor and the Legislature a report detailing all of the following for all sewage disposal facilities with a permitted capacity of greater than 1 million gallons per day in the state:

- Year of construction for the facility and any maintenance or upgrades.
- Total permitted volume of wastewater treated daily.
- Actual permitted volume of wastewater treated daily including the most recent 1-year and 5-year averages.
- Current level of treatment, including concentrations for each of the following:
 - Biochemical oxygen demand.
 - Suspended solids.
 - Total nitrogen.
 - Total phosphorus.
 - 1,4-dioxane.
 - Perfluorooctanoic acid.

⁴⁷ Section 403.077(4), F.S.

⁴⁸ Section 403.077(5), F.S.

⁴⁹ DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Jan. 18, 2024).

⁵⁰ *Id.*

- Perfluorooctanesulfonic acid.
- Molybdenum.
- Other contaminants of emerging concern as determined by DEP.
- Estimated total pollutant load based on permitted volume and concentrations.
- Disposal methods and the volume discharged to any receiving waterbodies, if applicable, pursuant to s. 403.064(16), F.S.⁵¹
- Impairment status of any receiving waterbodies within the watershed.
- Implementation status of total maximum daily loads (TMDL) and basin management action plans (BMAPs) and recommended reductions for load allocations and wasteload allocations for pollutants of concern.
- Total volume and concentration of any permitted and nonpermitted wastewater spills since 2010.
- Elevation of the facility and supporting infrastructure.
- Location within a floodplain, flood zone, or coastal high-hazard area and, if applicable, the corresponding zone number.

The bill provides that, by December 31, 2026, DEP, in consultation with the water management districts and sewage disposal facilities, must submit to the Governor and Legislature a report outlining a priority ranking process to upgrade all sewage disposal facilities with a permitted capacity of greater than 1 million gallons per day in the state to advanced waste treatment by 2036, based on all the following:

- Overall environmental benefit of a project based on:
 - Water quality in receiving waterbodies, including impairment status;
 - Severity and duration of documented algal blooms;
 - Loss of submerged vegetation;
 - Death of fish and wildlife;
 - Public health advisories;
 - Quantity and concentration of permitted and nonpermitted spills; and
 - Risk of failure.
- Estimated reduction in nutrient and pollutant loads with advanced waste treatment.
- An explanation of additional projects necessary to meet any adopted TMDL and BMAPs if upgrading to advanced waste treatment is not sufficient.
- Cost-effectiveness as determined by a planning-level cost estimate.
- Potential financial assistance available, including the water quality improvement grant program and availability of local matching funds.
- Project readiness and the estimated date of completion.

The bill provides that, by June 30, 2027, DEP, in consultation with the water management districts and sewage disposal facilities, must submit to the Governor and Legislature a progress report on the status of upgrades established through the priority ranking process for each sewage disposal facility with a permitted capacity of greater than 1 million gallons per day in this state. The report must include:

- The priority list identified by DEP in its 2026 report;

⁵¹ Section 403.064(16), F.S., requires domestic wastewater utilities to eliminate nonbeneficial surface water discharges by January 1, 2032.

- The preliminary cost estimates for the upgrades;
- A projected timeline of the dates by which the upgrades would begin and be completed; and
- The date by which operations of the upgraded sewage disposal facility would begin.

Section 2 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The Department of Environmental Protection may incur costs to prepare the reports required by this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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

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

CS by Environment and Natural Resources on March 17, 2025:

- Clarifies that the bill does not require sewage disposal facilities to upgrade to advanced wastewater treatment;
- Clarifies that “the department” refers to the Department of Environmental Protection (DEP) and that DEP’s report outlining a priority ranking process must include all sewage disposal facilities with a permitted capacity of greater than 1 million gallons per day.
- Corrects a statutory reference, changing it from s. 403.064(17), F.S., to s. 403.064(16), F.S.

B. Amendments:

None.



308288

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2025	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Berman)
recommended the following:

Senate Amendment

Delete everything after the enacting clause
and insert:

Section 1. (1) The Legislature finds that the discharge of
inadequately treated wastewater and aging sewage disposal
facilities compromise the quality of the environment, including
freshwater, brackish water, and nearshore and offshore salt
waters, and threatens the quality of life and local economies in
the state that depend on those resources. The Legislature also



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finds that the only practical and cost-effective way to fundamentally improve wastewater management is to implement advanced wastewater treatment or better at all sewage disposal facilities with a permitted capacity of greater than 1 million gallons per day in the state.

(2) In order to prioritize the upgrade of sewage disposal facilities, by December 31, 2025, the Department of Environmental Protection, in consultation with the water management districts and wastewater facilities, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing all of the following for all sewage disposal facilities with a permitted capacity of greater than 1 million gallons per day in the state:

(a) Year of construction for the facility and any maintenance or upgrades.

(b) Total permitted volume of wastewater treated daily.

(c) Actual permitted volume of wastewater treated daily including the most recent 1-year and 5-year averages.

(d) Current level of treatment, including concentrations for each of the following:

1. Biochemical oxygen demand.

2. Suspended solids.

3. Total nitrogen.

4. Total phosphorus.

5. 1,4-dioxane.

6. Perfluorooctanoic acid.

7. Perfluorooctanesulfonic acid.

8. Molybdenum.

9. Other contaminants of emerging concern as determined by



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the Department of Environmental Protection.

(e) Estimated total pollutant load based on permitted volume and concentrations.

(f) Disposal methods and the volume discharged to any receiving waterbodies, if applicable, pursuant to s. 403.064(16), Florida Statutes.

(g) Impairment status of any receiving waterbodies within the watershed.

(h) Implementation status of total maximum daily loads and basin management action plans and recommended reductions for load allocations and wasteload allocations for pollutants of concern.

(i) Total volume and concentration of any permitted and nonpermitted wastewater spills since 2010.

(j) Elevation of the facility and supporting infrastructure.

(k) Location within a floodplain, flood zone, or coastal high-hazard area and, if applicable, the corresponding zone number.

(3) By December 31, 2026, the Department of Environmental Protection, in consultation with the water management districts and sewage disposal facilities, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report outlining a priority ranking process to upgrade all sewage disposal facilities with a permitted capacity of greater than 1 million gallons per day in the state to advanced waste treatment by 2036, based on all of the following:

(a) Overall environmental benefit of a project based on:

1. Water quality in receiving waterbodies, including



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impairment status;

2. Severity and duration of documented algal blooms;

3. Loss of submerged vegetation;

4. Death of fish and wildlife;

5. Public health advisories;

6. Quantity and concentration of permitted and nonpermitted
spills; and

7. Risk of failure.

(b) Estimated reduction in nutrient and pollutant loads
with advanced waste treatment.

(c) An explanation of additional projects necessary to meet
any adopted total maximum daily loads and basin management
action plans if upgrading to advanced waste treatment is not
sufficient.

(d) Cost-effectiveness as determined by a planning-level
cost estimate.

(e) Potential financial assistance available, including the
water quality improvement grant program under s. 403.0673,
Florida Statutes, and availability of local matching funds.

(f) Project readiness and the estimated date of completion.

(4) By June 30, 2027, the Department of Environmental
Protection, in consultation with the water management districts
and sewage disposal facilities, shall submit to the Governor,
the President of the Senate, and the Speaker of the House of
Representatives a progress report on the status of upgrades
established under subsection (3) for each sewage disposal
facility with a permitted capacity of greater than 1 million
gallons per day in this state. The report must include the
priority list identified pursuant to subsection (3), the



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preliminary cost estimates for the upgrades, a projected
timeline of the dates by which the upgrades would begin and be
completed, and the date by which operations of the upgraded
sewage disposal facility would begin.

Section 2. This act shall take effect July 1, 2025.

By Senator Berman

26-00769-25

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A bill to be entitled
An act relating to advanced wastewater treatment;
providing legislative findings; requiring the
Department of Environmental Protection, in
consultation with the water management districts and
sewage disposal facilities, to submit to the Governor
and Legislature specified reports on certain sewage
disposal facilities in the state; providing an
effective date.

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

Section 1. (1) The Legislature finds that the discharge of
inadequately treated wastewater and aging sewage disposal
facilities compromise the quality of the environment, including
freshwater, brackish water, and nearshore and offshore salt
waters, and threatens the quality of life and local economies in
the state that depend on those resources. The Legislature also
finds that the only practical and cost-effective way to
fundamentally improve wastewater management is to require
advanced wastewater treatment or better at all sewage disposal
facilities with a permitted capacity of greater than 1 million
gallons per day in the state.

(2) In order to prioritize the upgrade of sewage disposal
facilities, by December 31, 2025, the Department of
Environmental Protection, in consultation with the water
management districts and wastewater facilities, shall submit to
the Governor, the President of the Senate, and the Speaker of
the House of Representatives a report detailing all of the

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following for all sewage disposal facilities with a permitted capacity of greater than 1 million gallons per day in the state:

(a) Year of construction for the facility and any maintenance or upgrades.

(b) Total permitted volume of wastewater treated daily.

(c) Actual permitted volume of wastewater treated daily including the most recent 1-year and 5-year averages.

(d) Current level of treatment, including concentrations for each of the following:

1. Biochemical oxygen demand.

2. Suspended solids.

3. Total nitrogen.

4. Total phosphorus.

5. 1,4-dioxane.

6. Perfluorooctanoic acid.

7. Perfluorooctanesulfonic acid.

8. Molybdenum.

9. Other contaminants of emerging concern as determined by the department.

(e) Estimated total pollutant load based on permitted volume and concentrations.

(f) Disposal methods and the volume discharged to any receiving waterbodies, if applicable, pursuant to s.

403.064(17), Florida Statutes.

(g) Impairment status of any receiving waterbodies within the watershed.

(h) Implementation status of total maximum daily loads and basin management action plans and recommended reductions for load allocations and wasteload allocations for pollutants of

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concern.

(i) Total volume and concentration of any permitted and nonpermitted wastewater spills since 2010.

(j) Elevation of the facility and supporting infrastructure.

(k) Location within a floodplain, flood zone, or coastal high-hazard area and, if applicable, the corresponding zone number.

(3) By December 31, 2026, the department, in consultation with the water management districts and sewage disposal facilities, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report outlining a priority ranking process to upgrade all sewage disposal facilities in the state to advanced waste treatment by 2036, based on all of the following:

(a) Overall environmental benefit of a project based on:

1. Water quality in receiving waterbodies, including impairment status;

2. Severity and duration of documented algal blooms;

3. Loss of submerged vegetation;

4. Death of fish and wildlife;

5. Public health advisories;

6. Quantity and concentration of permitted and nonpermitted spills; and

7. Risk of failure.

(b) Estimated reduction in nutrient and pollutant loads with advanced waste treatment.

(c) An explanation of additional projects necessary to meet any adopted total maximum daily loads and basin management

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88 action plans if upgrading to advanced waste treatment is not
89 sufficient.

90 (d) Cost-effectiveness as determined by a planning-level
91 cost estimate.

92 (e) Potential financial assistance available, including the
93 water quality improvement grant program under s. 403.0673,
94 Florida Statutes, and availability of local matching funds.

95 (f) Project readiness and the estimated date of completion.

96 (4) By June 30, 2027, the department, in consultation with
97 the water management districts and sewage disposal facilities,
98 shall submit to the Governor, the President of the Senate, and
99 the Speaker of the House of Representatives a progress report on
100 the status of upgrades established under subsection (3) for each
101 sewage disposal facility with a permitted capacity of greater
102 than 1 million gallons per day in this state. The report must
103 include a list of the sewage disposal facilities with a
104 permitted capacity of greater than 1 million gallons per day
105 required to upgrade to advanced wastewater treatment, the
106 preliminary cost estimates for the upgrades, a projected
107 timeline of the dates by which the upgrades will begin and be
108 completed, and the date by which operations of the upgraded
109 sewage disposal facility will begin.

110 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Ana Maria Rodriguez, Chair
Committee on Environment and Natural Resources

Subject: Committee Agenda Request

Date: March 3, 2025

I respectfully request that **Senate Bill #978**, relating to Advanced Wastewater Treatment, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink that reads "Lori Berman". The signature is written in a cursive style and is followed by a horizontal line.

Senator Lori Berman
Florida Senate, District 26

cc:
Senator Blaise Ingoglia, Chair
Ellen Rogers, Staff Director

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 Environment and Natural Resources

BILL: SB 1208

INTRODUCER: Senator Truenow

SUBJECT: Service Lateral Assessment and Rehabilitation

DATE: March 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Favorable
2.			RI	
3.			FP	

I. Summary:

SB 1208 establishes the Florida Service Lateral Assessment and Rehabilitation Act. The bill requires all utility systems to implement a condition assessment program for service laterals. A condition assessment program is a structured inspection, data collection, and risk evaluation methodology designed to identify and prioritize structural and infiltration and inflow issues in sewer laterals. Utilities may either conduct assessments directly or contract licensed entities certified by the National Association of Sewer Service Companies (NASSCO). Each service lateral must be inspected at least once every seven years and include a full assessment from the mainline sewer connection to the building structure. Inspections must use closed-circuit television technology and NASSCO assessment protocols. Each service lateral must receive a pipeline severity score indicating any observed or potential structural defects, infiltration, or inflow concerns. Inspection videos, reports, condition ratings, and other data must be recorded and stored in a secure, cloud-based platform. Condition assessment data must be maintained in a publicly accessible database for properties where defective, damaged, or deteriorated service laterals are identified.

The bill also requires utility systems to establish a lateral monolithic repair program for laterals with a high risk of failure or infiltration and inflow events. Under the program, the utility system must rehabilitate or replace such service laterals using trenchless technology methods. Any lateral identified for rehabilitation must be repaired within 12 months by a certified general contractor using specified methods and materials that meet industry standards.

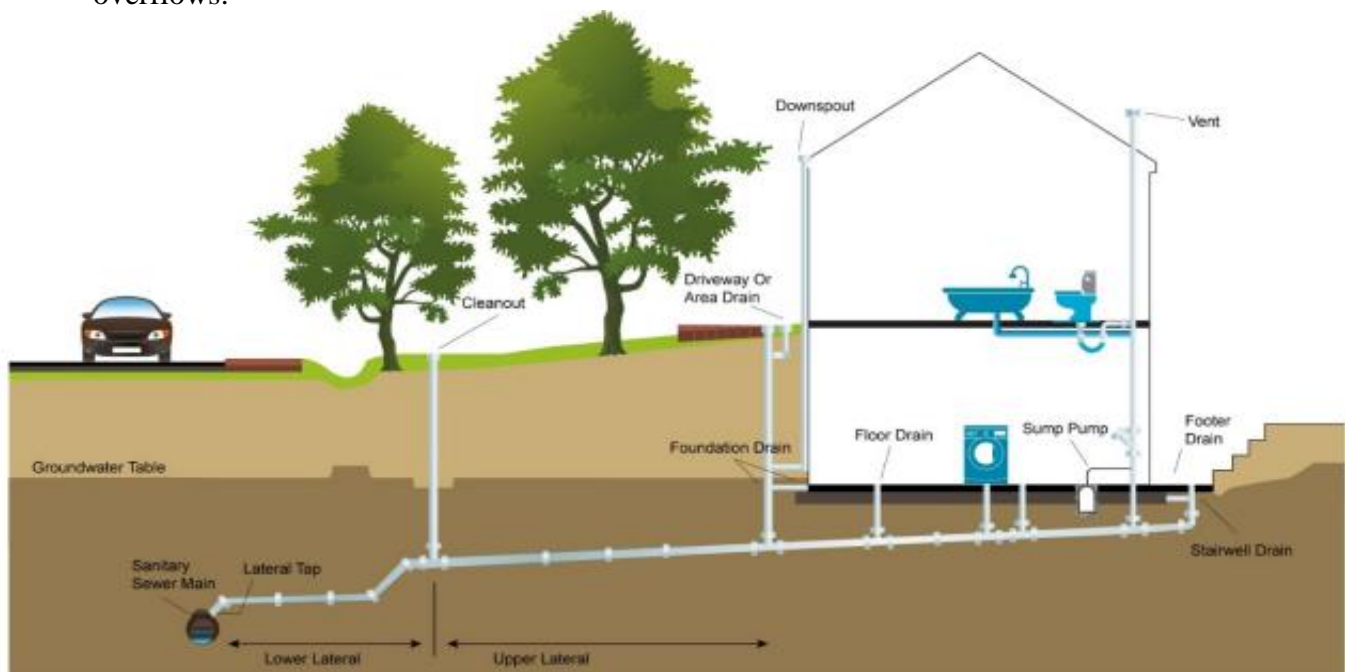
The bill requires utility systems to submit annual compliance reports. The bill also directs the Department of Environmental Protection to enforce the act's provisions. Utility systems found to be noncompliant may be subject to penalties, permit suspensions, or funding restrictions. The bill allows for the establishment of state-funded incentives, grants, or matching funds to support condition assessment and repair efforts. State or local funds for environmental preservation or protection of water quality may also be applied to this program.

II. Present Situation:

Sanitary Sewer Laterals

Sanitary sewers convey wastewater from homes and businesses to a centralized treatment plant.¹ Sewer laterals are the portion of the sewer network connecting individual and private properties to the public sewer system.² Private laterals typically make up half of the total length of a sewer system.³

Defects in sewer laterals can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices.⁴ Such defects can have a significant impact on the performance of the sewer system and treatment plant.⁵ Cracked or broken laterals can allow groundwater and infiltrating rainwater to enter the sewer system which, at high levels, can cause problems at the treatment facility and overload sewer systems, leading to sanitary sewer overflows.⁶



Sewer rehabilitation involves repairing structural defects and extending the useful life of the pipe.⁷ Traditional sewer rehabilitation methods typically require full excavation of the existing

¹ Water Environment Federation, *Sanitary Sewer Rehabilitation Fact Sheet*, 1 (2017), available at <https://www.wef.org/globalassets/assets-wef/direct-download-library/public/03---resources/wsec-2017-fs-009---csc---sewer-rehabilitation---final---9.27.17.pdf>.

² U.S. Environmental Protection Agency (EPA), *Private Sewer Laterals*, 1 (2014), available at <https://www3.epa.gov/region1/sso/pdfs/PrivateSewerLaterals.pdf> (showing graphic of sewer lateral).

³ *Id.*

⁴ Water Environment Federation, *Sanitary Sewer Rehabilitation Fact Sheet* at 1-2.

⁵ EPA, *Private Sewer Laterals* at 1.

⁶ *Id.*

⁷ See EPA, *State of Technology for Rehabilitation of Wastewater Collection Systems*, iv (2010), available at <https://nepis.epa.gov/Adobe/PDF/P1008C45.pdf>.

pipeline to replace it or install a parallel sewer line.⁸ While these traditional methods require unearthing and replacing the deficient pipe (the dig-and-replace method), trenchless methods of rehabilitation use the existing pipe as a host for a new pipe or liner.⁹ Trenchless sewer rehabilitation techniques offer a method of correcting pipe deficiencies that require less restoration and cause less disturbance and environmental degradation than traditional methods.¹⁰ Examples of trenchless sewer rehabilitation methods include:

- Pipe bursting or in-line expansion, where the existing pipe is forced outward and opened by a bursting tool and a new pipe is inserted;
- Sliplining, where a new liner of smaller diameter is inserted inside the existing pipe;
- Cured-in-place pipe or pipelining, where a flexible fabric liner coated with resin is inserted into the existing pipeline and curing it to form a new liner;
- Modified cross section liner, where the pipe's cross sectional profile is modified or reduced so that the liner can be extruded through the existing pipe.¹¹

There are no statewide requirements for inspections of sanitary sewer laterals. Generally, local governments are responsible for maintaining sewer mains and the portions of sewer laterals in public rights-of-way, but the property owner is responsible for the maintenance and repair of laterals on their private property.¹² Some local governments offer rebates for the costs of private sewer lateral replacement or rehabilitation.¹³

Inspection Technologies

Before camera and robotic equipment became widely available, sewer inspections relied upon visual and lamping approaches.¹⁴ Workers would enter a maintenance access point (manhole) and visually examine the pipes. Sometimes workers would also attempt to illuminate the interior of a pipe to determine whether the light could reach the adjacent manhole (an approach known as lamping). If light was observed, the pipe was assumed to be relatively free from obstructions, but if light was not observed, the pipe was assumed to have a blockage that could obstruct flow.¹⁵

Smoke has also been used to test sewer lines. Smoke testing of sewer lines is primarily used to find places where groundwater and stormwater runoff can enter the sewer system.¹⁶ It involves forcing smoke into the sewer pipes to detect leaks, breaks, and defects in the lines.¹⁷

⁸ See EPA, *Collection Systems O&M Fact Sheet: Trenchless Sewer Rehabilitation*, 1 (1999), available at <https://www3.epa.gov/npdes/pubs/rehabl.pdf>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 1-3. See also EPA, *State of Technology for Rehabilitation of Wastewater Collection Systems* at 16-36.

¹² See ss. 125.569 and 166.0481, F.S.

¹³ See Pinellas County, *Private Sewer Lateral Program*, <https://pinellas.gov/programs/private-sewer-lateral-program/> (last visited Mar. 8, 2025); Emerald Coast Utilities Authority, *Private Sewer Lateral Program*, <https://ecua.fl.gov/services/private-sewer-lateral-program> (last visited Mar. 8, 2025).

¹⁴ EPA, *Demonstration of Innovative Sewer System Inspection Technology: SL-RAT*, s. 1.2 (2014), available at <https://nepis.epa.gov/Adobe/PDF/P100IY1P.pdf>.

¹⁵ *Id.*

¹⁶ City of Tallahassee, *Smoke Testing of Sewer Lines*, <https://www.talgov.com/projects/smoketesting> (last visited Mar. 13, 2025).

¹⁷ *Id.*

More recently, workers conduct remote, non-entry, camera-based inspections using closed-circuit television (CCTV), laser profiling, or sonar assessment.¹⁸ Workers mount a camera on a pole and lower it into a manhole; an equipment operator can then remotely view what the camera observes in the pipe. Another option is to use robotic systems mounted with CCTV camera equipment, which can be remotely operated, controlled, and monitored.¹⁹ Laser profiling goes beyond visual inspection and allows for geometric measurements to be obtained. Sonar profiling equipment requires the sensing apparatus to be completely submerged and only provides an assessment of the pipe condition under the water level; therefore, sonar equipment is often coupled with CCTV equipment so that the pipe above and below the water level can be inspected.²⁰

Sanitary Sewer Lateral Inspection Programs for Counties and Municipalities

Counties and municipalities are encouraged to establish an evaluation and rehabilitation program for sanitary sewer laterals²¹ on residential and commercial properties to identify and reduce extraneous flow from leaking sanitary sewer laterals.²² Counties and municipalities that opt to establish such a program are authorized to do the following:

- Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within their respective jurisdictions;
- Consider economical methods for a property owner to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral; and
- Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is not limited to, the address of the property, the names of any persons the county or municipality notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.²³

National Association of Sewer Service Company (NAASCO) Certification

Established in 1976 as a trade association, NAASCO specializes in underground infrastructure and trenchless technology.²⁴ NAASCO provides training and resources to the industry and administers several certification programs, including for pipeline assessment, manhole assessment, and lateral assessment. To maintain certification, professionals must be recertified every three years.²⁵

¹⁸ EPA, *Demonstration of Innovative Sewer System Inspection Technology: SL-RAT* at s. 1.2, available at <https://nepis.epa.gov/Adobe/PDF/P100IY1P.pdf>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ A sanitary sewer lateral is defined in Florida law as a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner. Section 125.569(1), F.S.

²² See generally ss. 125.569 and 166.0481, F.S.

²³ Sections 125.569(2) and 166.0481(2), F.S.

²⁴ NAASCO, *About NAASCO*, <https://www.nassco.org/about/> (last visited Mar. 8, 2025).

²⁵ NAASCO, *Recertification*, <https://nassco.org/education-and-training/pacp-lacp-macp/pacp-lacp-macp-recertification/> (last visited Mar. 8, 2025).

III. Effect of Proposed Changes:

The bill contains several whereas clauses that provide the following:

- Numerous studies, including data from the Department of Environmental Protection (DEP) and Water Environment Federation case analyses, indicate that a substantial percentage of infiltration and inflow into wastewater collection systems originates from private-side service laterals and that lack of oversight and limited enforcement authority over privately owned lateral segments compound this issue.
- In the past 20 years, the state's wastewater systems have spilled or improperly discharged over 2.5 billion gallons of raw or partially treated sewage into the environment and a significant portion reached waterways, causing catastrophic environmental damage and public health threats.
- The state is projected to exceed 3 billion gallons of sewage leakage since 2000, most of which can be traced back to failing or leaky lateral pipelines.
- Excessive infiltration from deteriorated service laterals frequently overloads utility treatment capacities, leading to sanitary sewer overflows and environmental hazards and these overflows compromise water quality, harm aquatic ecosystems, and pose severe public health risks.
- Insufficient monitoring and lack of clear remedial protocols for laterals have allowed structural defects and infiltration and inflow sources to remain largely unaddressed.
- This act aims to rectify these deficiencies through uniform inspection, public transparency, and mandatory rehabilitation requirement.

Section 1 creates s. 403.4156, F.S., which establishes the Florida Service Lateral Assessment and Rehabilitation Act. The bill provides that the act's purpose is to:

- Ensure that all utility systems, public and private, deploy comprehensive inspection methods to evaluate the structural integrity and infiltration and inflow risks of service laterals from the utility mainline connection to the edge of each building structure.
- Establish minimum requirements for data collection, long-term archiving, and accessible reporting, thereby enhancing infrastructure reliability and protecting Florida's water resources.
- Promote complete and proper structural rehabilitation of service laterals, ensuring a monolithic seal at the main-lateral connection point that mitigates infiltration, enhances infrastructure lifecycles, ensures environmental compliance, and lowers the risk of sanitary sewer overflow events.

The bill requires every utility system²⁶ operating within this state to establish and maintain a comprehensive condition assessment program²⁷ for all service laterals²⁸ under its jurisdiction. This requirement applies uniformly to all utility systems, regardless of public or private ownership, size, or service area.

²⁶ The bill defines "utility system" as a government agency, a municipality, a private utility entity, or an entity under contract with such agencies or entities which owns, operates, or maintains sewer infrastructure in this state.

²⁷ The bill defines "condition assessment program" means a structured inspection, data collection, and risk evaluation methodology designed to identify and prioritize structural and infiltration and inflow issues in sewer laterals.

²⁸ The bill defines "service lateral" or "lateral" as the underground sewer pipeline that connects a property or building to a utility's mainline sewer pipe. The term includes the entire length of the lateral pipe from the utility system's mainline sewer to the edge of the building structure, and not just up to the property line or utility easement.

The bill provides that, if a utility system chooses not to undertake the condition assessment program assessments directly, it may contract the assessments to a reputable licensed entity holding either a general contractor's license with a plumbing license, or an underground utility license. All contractors and technicians performing assessments must be certified by the National Association of Sewer Service Company (NASSCO) Pipeline Assessment Certification Program, Lateral Assessment Certification Program, or Manhole Assessment Certification Program to ensure quality and consistency with industry standards.

The bill requires each service lateral within the utility system to be inspected at least once every seven years. Inspections must include a full assessment from the mainline sewer connection point to the edge of the building structure.

The bill also requires utilities to develop and maintain a proactive schedule ensuring that 100 percent of all service laterals are inspected within each seven-year cycle. Closed-circuit television lateral launch camera systems²⁹ must be used to perform all inspections. The bill requires all inspections to follow the NASSCO Lateral Assessment Certification Program protocols,³⁰ including standardized coding and condition ratings.

The bill requires each service lateral to be assigned a unique pipe identification or asset identification number which must appear on all corresponding condition assessment documentation and inspection reports. This unique identifier must be compatible with and easily integrable into any existing geographic information system or asset management database maintained by the utility system. Each lateral must receive a pipeline severity score³¹ indicating any observed or potential structural defects, infiltration, or inflow concerns.

The bill requires all inspection videos, reports, condition ratings, and supplementary data to be recorded and retained in a secure, cloud-based platform. The data must be maintained for at least two full inspection cycles, a minimum of 14 years, ensuring availability for regulatory review and historical reference. In addition, condition assessment data must be maintained in a publicly accessible database for properties where defective, damaged, or deteriorated service laterals are identified. For each property, the database must include, at a minimum:

- The property address.
- The date of inspection.
- The pipeline severity score.
- The general condition summary.
- The unique pipe identification or asset identification number.

²⁹ The bill defines "CCTV lateral launch camera system" as a closed-circuit television inspection system capable of traversing from the mainline sewer into the service lateral for the purpose of visual evaluation.

³⁰ The bill defines "NASSCO LACP protocols" as the guidelines for standardized inspection, coding, and condition rating of sewer laterals.

³¹ The bill defines "pipeline severity score" as a composite condition rating applied to each lateral pipeline after a proper assessment under NASSCO LACP protocols which includes both the pipe rating index score and the likelihood of failure score.

The bill provides that any lateral with a pipe rating index score above 3.5 or a likelihood of failure score at or above 4 must be flagged for immediate consideration under the lateral monolithic repair³² program.

The bill requires each utility system to establish and maintain a lateral monolithic repair program. The program applies to any service lateral identified during the condition assessment program to have a pipe rating index score above 3.5 or a likelihood of failure score at or above 4. The bill provides that such laterals are deemed to have a detrimental effect on the utility system's capacity and are at high risk for infiltration and inflow events likely to contribute to sanitary sewer overflows, environmental damage, and public health threats.

The bill provides that, under the lateral monolithic repair program, the utility system must execute timely rehabilitation or replacement of the flagged service laterals using non-disruptive trenchless technology methods, thereby mitigating infiltration, restoring structural integrity, and minimizing community impact and costs. A complete seal at the main and lateral connection point must be ensured to create a monolithic system that prevents infiltration and extends asset lifecycle.

The bill provides that, for any lateral placed into the lateral monolithic repair program, rehabilitation must be completed within 12 months from the date the issues are discovered. The rehabilitation work must be performed by a certified general contractor who also holds either a certified plumbing or underground utility license. A two-way cleanout must be installed at the property and utility easement line to facilitate future inspections and minimize further disruptions. A seamless, single-piece lateral connection seal must be installed at the main-lateral connection point to fully close the annular space. This seal may not rely on any additional mechanical means such as hydrophilic gaskets. The service lateral itself must be rehabilitated to create a fully monolithic system from the mainline sewer to the structure, bonded to the host pipe for maximum structural durability and longevity. All materials used must have a minimum life expectancy of 50 years and comply with American Society for Testing and Materials standards governing cured-in-place pipe in alignment with the Florida Building Code.

The bill requires DEP or any successor agency to implement and enforce the provisions of this bill. Utility systems must submit annual compliance reports to DEP detailing progress toward meeting inspection schedules, summary of condition findings, and any follow-up actions, particularly under the lateral monolithic repair program, for at-risk laterals.

The bill provides that utility systems found to be noncompliant with any provision of this bill may be subject to administrative fines, notices of violation, or other enforcement measures deemed appropriate by DEP. Continued noncompliance may result in escalated penalties, including, but not limited to, suspension of certain operational permits and eligibility for state funding or grants.

³² The bill defines "monolithic repair" as pipe repair or rehabilitation resulting in no joints or seams, including all points where the lateral connects to the structure, the mainline, and any required cleanouts, ensuring a fully sealed and continuous system.

The bill allows the state to establish incentive programs, grants, or matching funds to support utility systems in developing or enhancing their condition assessment programs and monolithic repair efforts.

The bill provides that state or local funds allocated for environmental preservation or protection of water quality may be applied to this program in order to expedite sewer system improvements and reduce infiltration and inflow impacts.

Section 3 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The municipality/county mandates provision of Art. VII, s. 18(a) of the Florida Constitution may apply to this bill. The Florida Constitution limits the ability of the State to impose unfunded mandates on local governments. This bill requires municipalities and other government agencies to expend funds to implement a comprehensive condition assessment program and inspect and repair sewer laterals. However, because the bill would have the same impact on all sewer utility systems, it likely complies with the constitutional exception for all persons similarly situated. Therefore, an exception to Art. VII, s. 18(a) of the Florida Constitution may apply if the Legislature determines that the bill fulfills an important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private utility entities will incur costs to implement a comprehensive condition assessment program and inspect and repair sewer laterals.

C. Government Sector Impact:

Government entities will incur costs to implement a comprehensive condition assessment program and inspect and repair sewer laterals. The Department of Environmental Protection may also incur costs to enforce the provisions of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Sections 125.569 and 166.0481, F.S., encourage counties and municipalities to establish evaluation and rehabilitation programs for sanitary sewer laterals on residential and commercial properties. This bill may render ss. 125.569 and 166.0481, F.S., unnecessary.

VIII. Statutes Affected:

This bill creates section 403.4156 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Truenow

13-01439A-25

20251208__

A bill to be entitled

An act relating to service lateral assessment and rehabilitation; creating s. 403.4156, F.S.; providing a purpose; defining terms; requiring all utility systems to establish and maintain a comprehensive condition assessment program for service laterals under their jurisdiction; providing applicability; authorizing utility systems to contract the assessments to certain entities; providing requirements for such entities; providing requirements for such assessments; requiring each service lateral to be inspected on a certain cycle; providing requirements for such inspections; requiring each service lateral to be assigned a unique pipe identification or asset identification number; providing construction; requiring each inspected lateral to receive a certain score; requiring certain inspection data to be recorded and maintained in a secure cloud-based platform; requiring data to be maintained for a certain timeframe; providing requirements for how condition assessment data must be maintained; requiring certain lateral pipes to be flagged for immediate consideration under a certain program; requiring each utility system to maintain a lateral monolithic repair program; providing applicability; requiring the utility system to execute the rehabilitation or replacement of flagged service laterals using certain methods; providing for a complete seal at certain points; requiring such

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rehabilitation take place in a certain timeframe;
providing construction; providing for enforcement and
compliance; requiring utility systems to annually
submit specified reports to the Department of
Environmental Protection; providing penalties;
authorizing the state to establish incentive programs,
grants, or to match funds to support utility systems
in developing or enhancing their condition assessment
programs; providing for funding; providing an
effective date.

WHEREAS, numerous studies, including data from the
Department of Environmental Protection and Water Environment
Federation case analyses, indicate that a substantial percentage
of infiltration and inflow into wastewater collection systems
originates from private-side service laterals and that lack of
oversight and limited enforcement authority over privately owned
lateral segments compound this issue, and

WHEREAS, in the past 20 years, the state's wastewater
systems have spilled or improperly discharged over 2.5 billion
gallons of raw or partially treated sewage into the environment
and a significant portion reached waterways, causing
catastrophic environmental damage and public health threats, and

WHEREAS, the state is projected to exceed 3 billion gallons
of sewage leakage since 2000, most of which can be traced back
to failing or leaky lateral pipelines, and

WHEREAS, excessive infiltration from deteriorated service
laterals frequently overloads utility treatment capacities,
leading to sanitary sewer overflows and environmental hazards

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and these overflows compromise water quality, harm aquatic ecosystems, and pose severe public health risks, and

WHEREAS, insufficient monitoring and lack of clear remedial protocols for laterals have allowed structural defects and infiltration and inflow sources to remain largely unaddressed, and

WHEREAS, this act aims to rectify these deficiencies through uniform inspection, public transparency, and mandatory rehabilitation requirements, NOW, THEREFORE,

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

Section 1. Section 403.4156, Florida Statutes, is created to read:

403.4156 Florida Service Lateral Assessment and Rehabilitation Act.—

(1) PURPOSE.—It is the purpose of this section to:

(a) Ensure that all utility systems, public and private, deploy comprehensive inspection methods to evaluate the structural integrity and infiltration and inflow risks of service laterals from the utility mainline connection to the edge of each building structure.

(b) Establish minimum requirements for data collection, long-term archiving, and accessible reporting, thereby enhancing infrastructure reliability and protecting Florida's water resources.

(c) Promote complete and proper structural rehabilitation of service laterals, ensuring a monolithic seal at the main-lateral connection point that mitigates infiltration, enhances

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88 infrastructure lifecycles, ensures environmental compliance, and
89 lowers the risk of sanitary sewer overflow events.

90 (2) DEFINITIONS.—For purposes of this section, the term:

91 (a) "CCTV lateral launch camera system" means a closed-
92 circuit television inspection system capable of traversing from
93 the mainline sewer into the service lateral for the purpose of
94 visual evaluation.

95 (b) "Condition assessment program" means a structured
96 inspection, data collection, and risk evaluation methodology
97 designed to identify and prioritize structural and infiltration
98 and inflow issues in sewer laterals.

99 (c) "Monolithic repair" means pipe repair or rehabilitation
100 resulting in no joints or seams, including all points where the
101 lateral connects to the structure, the mainline, and any
102 required cleanouts, ensuring a fully sealed and continuous
103 system.

104 (d) "NASSCO LACP protocols" means the National Association
105 of Sewer Service Companies' Lateral Assessment Certification
106 Program guidelines for standardized inspection, coding, and
107 condition rating of sewer laterals.

108 (e) "Pipeline severity score" means a composite condition
109 rating applied to each lateral pipeline after a proper
110 assessment under NASSCO LACP protocols which includes both of
111 the following:

112 1. The pipe rating index score.

113 2. The likelihood of failure score.

114 (f) "Service lateral" or "lateral" means the underground
115 sewer pipeline that connects a property or building to a
116 utility's mainline sewer pipe. The term includes the entire

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length of the lateral pipe from the utility system's mainline sewer to the edge of the building structure, and not just up to the property line or utility easement.

(g) "Utility system" means a government agency, a municipality, a private utility entity, or an entity under contract with such agencies or entities which owns, operates, or maintains sewer infrastructure in this state.

(3) CONDITION ASSESSMENT PROGRAM REQUIREMENTS.—

(a) Every utility system operating within this state shall establish and maintain a comprehensive condition assessment program for all service laterals under its jurisdiction.

1. This paragraph applies uniformly to all utility systems, regardless of public or private ownership, size, or service area.

2. If a utility system chooses not to undertake the condition assessment program assessments directly, it may contract the assessments to a reputable licensed entity holding either a general contractor's license with a plumbing license, or an underground utility license. All contractors and technicians performing assessments must be certified by the NASSCO Pipeline Assessment Certification Program, Lateral Assessment Certification Program, or Manhole Assessment Certification Program to ensure quality and consistency with industry standards.

(b) Each service lateral within the utility system shall be inspected at least once every 7 years.

1. Inspections shall include a full assessment from the mainline sewer connection point to the edge of the building structure.

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146 2. Utilities must develop and maintain a proactive schedule
147 ensuring that 100 percent of all service laterals are inspected
148 within each 7-year cycle.

149 3. CCTV lateral launch camera systems shall be used to
150 perform all inspections.

151 4. All inspections must follow the NASSCO LACP protocols,
152 including standardized coding and condition ratings.

153 (c)1. Each service lateral must be assigned a unique pipe
154 identification or asset identification number which shall appear
155 on all corresponding condition assessment documentation and
156 inspection reports. This unique identifier must be compatible
157 with and easily integrable into any existing geographic
158 information system or asset management database maintained by
159 the utility system.

160 2. Each lateral shall receive a pipeline severity score
161 indicating any observed or potential structural defects,
162 infiltration, or inflow concerns.

163 (d) All inspection videos, reports, condition ratings, and
164 supplementary data shall be recorded and retained in a secure,
165 cloud-based platform.

166 1. Data shall be maintained for at least two full
167 inspection cycles, a minimum of 14 years, ensuring availability
168 for regulatory review and historical reference.

169 2. Condition assessment data must be maintained in a
170 publicly accessible database for properties where defective,
171 damaged, or deteriorated service laterals are identified. For
172 each property, the database shall include, at a minimum:

173 a. The property address.

174 b. The date of inspection.

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175 c. The pipeline severity score.

176 d. The general condition summary.

177 e. The unique pipe identification or asset identification
178 number.

179 (e) Any lateral with a pipe rating index score above 3.5 or
180 a likelihood of failure score at or above 4 must be flagged for
181 immediate consideration under the lateral monolithic repair
182 program.

183 (f) Each utility system shall establish and maintain a
184 lateral monolithic repair program.

185 1. The lateral monolithic repair program applies to any
186 service lateral identified during the condition assessment
187 program to have a pipe rating index score above 3.5 or a
188 likelihood of failure score at or above 4. Such laterals are
189 deemed to have a detrimental effect on the utility system's
190 capacity and are at high risk for infiltration and inflow events
191 likely to contribute to sanitary sewer overflows, environmental
192 damage, and public health threats.

193 2. Under the lateral monolithic repair program, the utility
194 system shall execute timely rehabilitation or replacement of the
195 flagged service laterals using non-disruptive trenchless
196 technology methods, thereby mitigating infiltration, restoring
197 structural integrity, and minimizing community impact and costs.
198 A complete seal at the main and lateral connection point must be
199 ensured to create a monolithic system that prevents infiltration
200 and extends asset lifecycle.

201 3. For any lateral placed into the lateral monolithic
202 repair program, rehabilitation must be completed within 12
203 months from the date the issues are discovered. The

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rehabilitation work must be performed by a certified general contractor who also holds either a certified plumbing or underground utility license.

a. A two-way cleanout must be installed at the property and utility easement line to facilitate future inspections and minimize further disruptions.

b. A seamless, single-piece lateral connection seal must be installed at the main-lateral connection point to fully close the annular space. This seal may not rely on any additional mechanical means such as hydrophilic gaskets.

c. The service lateral itself must be rehabilitated to create a fully monolithic system from the mainline sewer to the structure, bonded to the host pipe for maximum structural durability and longevity. All materials used shall have a minimum life expectancy of 50 years and comply with American Society for Testing and Materials standards governing cured-in-place pipe in alignment with the Florida Building Code.

(4) ENFORCEMENT, COMPLIANCE, REPORTS.—

(a) The department or any successor agency shall implement and enforce this section.

(b) Utility systems shall submit annual compliance reports to the department detailing progress toward meeting inspection schedules, summary of condition findings, and any follow-up actions, particularly under the lateral monolithic repair program, for at-risk laterals.

(5) PENALTIES.—

(a) Utility systems found to be noncompliant with any provision of this section may be subject to administrative fines, notices of violation, or other enforcement measures

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20251208__

233 deemed appropriate by the department.

234 (b) Continued noncompliance may result in escalated
235 penalties, including, but not limited to, suspension of certain
236 operational permits and eligibility for state funding or grants.

237 (6) INCENTIVES.—The state may establish incentive programs,
238 grants, or matching funds to support utility systems in
239 developing or enhancing their condition assessment programs and
240 monolithic repair efforts.

241 (7) FUNDING.—State or local funds allocated for
242 environmental preservation or protection of water quality may be
243 applied to this program in order to expedite sewer system
244 improvements and reduce infiltration and inflow impacts.

245 Section 2. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

March 3, 2025

Senator Ana Maria Rodriguez
410 Senate Office Building
Tallahassee, FL 32399

Chair Rodriguez,

I would like to request that SB 1208 Service Lateral Assessment and Rehabilitation be placed on agenda at your earliest convenience. The bill requires all utility systems to establish and maintain a comprehensive condition assessment program for service laterals under their jurisdiction and authorizes utility systems to contract the assessments to certain entities.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/er

CC: Ellen Rogers, Staff Director
Kim Bonn, AA

REPLY TO:

- ☐ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- ☐ 16207 State Road 50, Suite 401, Clermont, Florida 34711
- ☐ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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3/17
Meeting Date
Senate ENR
Committee

SB-1208
Bill Number or Topic

Name Jared Grigas Phone (850) 322-0229

Address 100 S Monroe St
Street
Tallahassee FL 32301
City State Zip

Email jgrigas@fl-counties.com

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL. Assoc. of Counties

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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APPEARANCE RECORD

1208

Bill Number or Topic

3/17/25

Meeting Date

Deliver both copies of this form to
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ENJ NATL RSRC

Committee

Amendment Barcode (if applicable)

Name

LUCAS PARSONS

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Street

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City

FL

State

32311

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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NATL UTILITY CONTRACTORS ASS'N of FLA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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 Environment and Natural Resources

BILL: SB 1822

INTRODUCER: Senator Martin

SUBJECT: Regulation of Auxiliary Containers

DATE: March 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 1822 provides that the regulation of auxiliary containers is expressly preempted to the state. The bill defines “auxiliary containers” as a reusable or single-use bag, cup, bottle, can, or other packaging that is:

- Made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; corrugated material; molded fiber; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates; and
- Designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment, a food establishment, or a retailer, as defined by Florida law.

The bill removes a provision requiring the Department of Environmental Protection (DEP) to review and update its 2010 retail bags report that analyzed the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags. The bill also removes a provision that prohibits a local government, local government agency, or state government agency from enacting any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of auxiliary containers until the Legislature adopts DEP’s recommendations in the updated retail bags report.

II. Present Situation:

Auxiliary Containers

Plastics are found in a variety of nondurable products, such as disposable diapers, trash bags, cups, utensils, medical devices, and household items.¹ Plastic food service items are generally made of clear or foamed polystyrene, while trash bags are made of high-density polyethylene or low-density polyethylene.²

Plastics are a rapidly growing segment of municipal solid waste.³ The United Nations has estimated that the world consumes between 1 trillion and 5 trillion plastic bags per year.⁴ In the United States, fewer than 10 percent of plastic bags are recycled per year.⁵ In Florida, about 5-6 million tons of collected municipal solid waste per year are single-use carryout packaging (SUCP).⁶

Improperly managed SUCP can end up in Florida's environment, littering roads, clogging stormwater systems, polluting freshwater sources, and harming the state's marine ecosystems.⁷ One estimate places the amount of all plastics entering Florida's marine environment in 2020 at roughly 7,000 tons.⁸ Based on citizen science data, the total number of large litter items collected in 2020 from Florida shorelines was 542,544 units (reported as 102 tons), of which SUCP comprised approximately 10 percent (on a unit basis).⁹

The environmental damage caused by auxiliary containers and single-use plastics has prompted a global effort to limit their use.¹⁰

¹ U.S. Environmental Protection Agency (EPA), *Plastics: Material-Specific Data*, <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data> (last visited Mar. 11, 2025).

² *Id.*

³ *Id.*

⁴ United Nations Environment Programme, *Single-Use Plastics: A Roadmap for Sustainability*, viii (2018), available at <https://www.unep.org/resources/report/single-use-plastics-roadmap-sustainability>.

⁵ EPA, *Advancing Sustainable Materials Management: 2016 and 2017 Tables and Figures*, 40 (2019), available at https://www.epa.gov/sites/default/files/2019-11/documents/2016_and_2017_facts_and_figures_data_tables_0.pdf.

⁶ Florida Dep't of Environmental Protection (DEP), *Update of the 2010 Retail Bags Report*, 3 (2021), available at <https://floridadep.gov/sites/default/files/FDEP%20Plastic%20Bag%20Report%20Final%20v4.pdf>. In its report, DEP defines SUCP as including (1) auxiliary containers (a secondary container into which a product is placed for transport by a consumer. It includes, but is not limited to, reusable bags, paper bags, gift bags, gift boxes, hat boxes, cloth bags, and food takeout boxes and clamshells. Disposable plastic bags have been intentionally excluded from this definition); (2) wrappings (plastic films that are used to protect and transport the items within them; including, but not limited to, dry-cleaning, meats, fruits, bulk products, sandwiches, and newspaper. The focus for wrappings is on the external wrappings and not materials such as bubble wrap and tissue paper); and (3) disposable plastic bags (disposable plastic film bags used by the consumer to carry products from restaurants and retail establishments in the sale of products and goods. These bags are not necessarily meant to be reused multiple times but may have beneficial secondary uses and may be recycled at certain retail establishments). *Id.* at 2.

⁷ *Id.* at 4.

⁸ *Id.* at 5.

⁹ *Id.*

¹⁰ See United Nations Environment Programme, *Resolution adopted by the United Nations Assembly on 15 March 2019: Resolution 4/9: Addressing single-use products pollution*, 1-2 (2019), available at <https://wedocs.unep.org/bitstream/handle/20.500.11822/28473/English.pdf?sequence=3&isAllowed=y>.

State Regulation of Auxiliary Containers

In response to growing concerns regarding the impact of retail plastic bags on the environment, the Legislature enacted s. 403.7033, F.S., in 2008, which required DEP to analyze the need for new or different regulations on auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments.¹¹ DEP's initial report was submitted in 2010, and in 2021, the Legislature directed DEP to review and update its 2010 report by December 31, 2021.¹² DEP submitted the updated report with its conclusions and recommendations on December 27, 2021.¹³

Section 403.7033, F.S., also prohibits local governments, local governmental agencies, and state government agencies from enacting any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of auxiliary containers, wrappings, or disposable plastic bags until the Legislature adopts DEP's recommendations.¹⁴ To date, the Legislature has not adopted any recommendations contained in the report and the prohibition remains in effect.¹⁵

Further, s. 500.90, F.S., provides that the regulation of the use or sale of polystyrene products by entities regulated under the Florida Food Safety Act (chapter 500, F.S.) is preempted to the Department of Agriculture and Consumer Services.¹⁶ In addition, s. 403.708(9), F.S., provides that the packaging of products manufactured or sold in the state may not be controlled by governmental rule, regulation, or ordinance adopted after March 1, 1974, other than as expressly provided by law.

Some cities in Florida have passed ordinances that regulate single-use plastics or polystyrene on city property.¹⁷ In 2016, the City of Coral Gables enacted an ordinance prohibiting food service providers and stores from selling or using expanded polystyrene (i.e. Styrofoam) containers.¹⁸ In 2019, the Third District Court of Appeal held that ss. 500.90, 403.7033, and 403.708(9), F.S., expressly preempted the city's ordinance regulating polystyrene.¹⁹

¹¹ Ch. 2008-227, s. 96, Laws of Fla.; section 403.7033, F.S.

¹² See ch. 2021-125, s. 1, Laws of Fla.

¹³ DEP, *Update of the 2010 Retail Bags Report* (2021), available at <https://floridadep.gov/sites/default/files/FDEP%20Plastic%20Bag%20Report%20Final%20v4.pdf>.

¹⁴ Section 403.7033, F.S.

¹⁵ *Id.*

¹⁶ This preemption does not apply to local ordinances enacted before January 1, 2016, and does not limit the authority of a local government to restrict the use of polystyrene by individuals on public property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services, unless such use is otherwise preempted by law. Section 500.90, F.S.

¹⁷ See, e.g., City of Atlantic Beach, Fla., Code of Ordinances, § 5-5 (prohibiting the use, sale, or distribution of polystyrene foam products on city properties and the beach); City of Boca Raton, Fla., Code of Ordinances, § 9-110 (prohibiting the sale or distribution of polystyrene foam products); City of Deerfield Beach, Fla., Code of Ordinances, § 34-170 (prohibiting the sale or use of Styrofoam/expanded polystyrene food service articles by city contractors and special event permittees); City of Fort Lauderdale, Fla., Code of Ordinances, §§ 16-153 and 16-154 (prohibiting the use of polystyrene products by individuals, temporary vendors, city contractors, and special event permittees while located or operating on city property or city facilities); City of Gainesville, Fla., Code of Ordinances, §§ 27-90 and 27-92 (prohibiting the use of single-use plastic straws and the use of expanded polystyrene containers on city property).

¹⁸ *Fla. Retail Federation v. City of Coral Gables*, 282 So. 3d 889, 891 (Fla. 3d DCA 2019).

¹⁹ *Id.* at 896.

State Preemption

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law.²⁰ In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.²¹

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.²² Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors.²³ Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide services, and exercise any power for municipal purposes except as otherwise provided by law.²⁴

County governments have authority to provide fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.²⁵ Municipalities are afforded broad home rule powers with the exception of annexation, merger, exercise of extraterritorial power, or subjects prohibited or preempted by the Federal or State Constitution, county charter, or statute.²⁶

III. Effect of Proposed Changes:

Section 1 amends s. 403.703, F.S., which provides definitions for part IV of chapter 403, F.S. The bill defines “auxiliary container” as a reusable or single-use bag, cup, bottle, can, or other packaging that is:

- Made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; corrugated material; molded fiber; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates; and

²⁰ *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006).

²¹ *Sarasota Alliance for Fair Elections v. Browning*, 28 So. 3d 880, 886 (Fla. 2010) (quoting *Phantom of Clearwater v. Pinellas County*, 894 So. 2d 1011, 1019 (Fla. 2d DCA 2005)).

²² FLA. CONST., art. VIII, s. 1.(f).

²³ FLA. CONST., art. VIII, s. 1.(g).

²⁴ FLA. CONST., art. VIII, s. 2.(b); *see also* s. 166.021(1), F.S.

²⁵ Sections 125.01(1)(d)(e)(f) and (k)1., F.S.

²⁶ Section 166.021(3), F.S.

- Designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment,²⁷ a food establishment,²⁸ or a retailer.²⁹

Section 2 amends s. 403.7033, F.S., which regulates the analysis of certain recyclable materials by the Department of Environmental Protection (DEP). The bill provides that the regulation of auxiliary containers is expressly preempted to the state. In addition, the bill removes the language that:

- Emphasized legislative intent that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy;
- Required DEP to review and update their 2010 report on retail bags that included input from stakeholders analyzing the need for new or different regulation of auxiliary containers;
- Prohibited local or state government agencies from enacting any rule, regulation, or ordinance, until the Legislature adopts DEP's recommendations.

Section 3 makes conforming changes.

Section 4 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

²⁷ "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption. Section 509.013(5)(a), F.S. The definition excludes several types of entities, such as places maintained and operated by churches and public or private schools, colleges, or universities, or any theater or place of business where the food available for consumption is limited to beverages, popcorn, or prepackaged items. Section 509.013(5)(b), F.S.

²⁸ "Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, storing, or preparing food or selling food at wholesale or retail. Certain exceptions apply. Section 500.03(1)(p), F.S.

²⁹ "Retailer" means and includes every person engaged in the business of making sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state. Section 212.02(13), F.S.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill may preempt certain local regulations outside the scope of its legislative intent, such as health and safety regulations related to the use of glassware on public beaches.³⁰

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.703, 403.7033, and 403.707.

IX. Additional Information:**A. Committee Substitute – Statement of 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.

³⁰ For example, the Jacksonville Code of Ordinances s. 28-720(a) provides "It shall be unlawful for any person to bring, or to have in his or her possession, any glass bottle or glass container, in any park, beach, dock, marina or other recreational facility."

By Senator Martin

33-01273-25

20251822__

A bill to be entitled
An act relating to regulation of auxiliary containers;
amending s. 403.703, F.S.; defining the term
"auxiliary container"; amending s. 403.7033, F.S.;
removing obsolete provisions requiring the Department
of Environmental Protection to review and update a
specified report; prohibiting local regulation of
auxiliary containers; preempting such regulation to
the state; amending s. 403.707, F.S.; conforming
cross-references; providing an effective date.

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

Section 1. Present subsections (2) through (48) of section
403.703, Florida Statutes, are redesignated as sections (3)
through (49), respectively, a new subsection (2) is added to
that section, and present subsection (35) of that section is
amended, to read:

403.703 Definitions.—As used in this part, the term:

(2) "Auxiliary container" means a reusable or single-use
bag, cup, bottle, can, or other packaging that meets both of the
following requirements:

(a) Is made of cloth; paper; plastic, including, but not
limited to, foamed plastic, expanded plastic, or polystyrene;
cardboard; corrugated material; molded fiber; aluminum; glass;
postconsumer recycled material; or similar material or
substrates, including coated, laminated, or multilayer
substrates.

(b) Is designed for transporting, consuming, or protecting

33-01273-25

20251822__

merchandise, food, or beverages from or at a public food service establishment as defined in s. 509.013(5), a food establishment as defined in s. 500.03(1), or a retailer as defined in s. 212.02(13).

(36) ~~(35)~~ "Solid waste" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in subsection (29) ~~(28)~~ and post-use polymers as defined in subsection (25) ~~(24)~~ are not solid waste.

Section 2. Section 403.7033, Florida Statutes, is amended to read:

403.7033 Preemption of regulation for auxiliary containers ~~Departmental analysis of particular recyclable materials. The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall review and update its 2010 report on retail bags analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The updated report must include input from state and local government agencies, stakeholders, private businesses, and citizens and must evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure~~

33-01273-25

20251822__

59 ~~consistent and effective implementation, the department shall~~
60 ~~submit the updated report with conclusions and recommendations~~
61 ~~to the Legislature no later than December 31, 2021. Until such~~
62 ~~time that the Legislature adopts the recommendations of the~~
63 ~~department,~~ A local government, local governmental agency, or
64 state governmental agency may not enact any rule, regulation, or
65 ordinance regarding use, disposition, sale, prohibition,
66 restriction, or tax of ~~such~~ auxiliary containers. The regulation
67 of auxiliary containers is expressly preempted to the state,
68 ~~wrappings, or disposable plastic bags.~~

69 Section 3. Paragraph (j) of subsection (9) of section
70 403.707, Florida Statutes, is amended to read:

71 403.707 Permits.—

72 (9) The department shall establish a separate category for
73 solid waste management facilities that accept only construction
74 and demolition debris for disposal or recycling. The department
75 shall establish a reasonable schedule for existing facilities to
76 comply with this section to avoid undue hardship to such
77 facilities. However, a permitted solid waste disposal unit that
78 receives a significant amount of waste prior to the compliance
79 deadline established in this schedule shall not be required to
80 be retrofitted with liners or leachate control systems.

81 (j) The Legislature recognizes that recycling, waste
82 reduction, and resource recovery are important aspects of an
83 integrated solid waste management program and as such are
84 necessary to protect the public health and the environment. If
85 necessary to promote such an integrated program, the county may
86 determine, after providing notice and an opportunity for a
87 hearing prior to April 30, 2008, that some or all of the

33-01273-25

20251822__

88 material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be
89 excluded from the definition of "construction and demolition
90 debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction
91 of such county. The county may make such a determination only if
92 it finds that, prior to June 1, 2007, the county has established
93 an adequate method for the use or recycling of such wood
94 material at an existing or proposed solid waste management
95 facility that is permitted or authorized by the department on
96 June 1, 2007. The county is not required to hold a hearing if
97 the county represents that it previously has held a hearing for
98 such purpose, or if the county represents that it previously has
99 held a public meeting or hearing that authorized such method for
100 the use or recycling of trash or other nonputrescible waste
101 materials and that such materials include those materials
102 described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~. The county shall
103 provide written notice of its determination to the department by
104 no later than April 30, 2008; thereafter, the materials
105 described in s. 403.703(7) ~~s. 403.703(6)~~ shall be excluded from
106 the definition of "construction and demolition debris" in s.
107 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county.
108 The county may withdraw or revoke its determination at any time
109 by providing written notice to the department.

110 Section 4. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Committee on Criminal and Civil
Justice, *Chair*
Appropriations
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN

33rd District

March 7, 2025

Chair Ana Maria Rodriguez
Committee on Environment and Natural Resources
325 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1822 Regulation of Auxiliary Containers

Dear Chair Rodriguez,

Please allow this letter to serve as my respectful request to place SB 1822 Regulation of Auxiliary Containers on the next committee agenda.

SB 1822 removes obsolete provisions requiring the Department of Environmental Protection to review and update a specified report. It also prohibits local regulation of auxiliary containers; preempting such regulation to the state.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin".

Jonathan Martin
Senate District 33

REPLY TO:

- ☐ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- ☐ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

03/17/25

Meeting Date

Environment + Natural Resources

Committee

Deliver both copies of this form to
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SB 1822

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jackson Oberlink

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida
Rising



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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3-17-25

Meeting Date

1822

Bill Number or Topic

Environment & Natural
Resources
Committee

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Amendment Barcode (if applicable)

Name TRAVIS MOORE

Phone 727.421.6902

Address P.O. Box 2020
Street

Email travis@moore-relations.com

St. Petersburg FL 33731
City State Zip

Speaking: ☐ For ☒ Against ☐ Information OR Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Oceana & Florida Native Plant Society

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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SB 1822

Bill Number or Topic

3-17-25

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ENVIRONMENTAL & NATURAL RESOURCES

Committee

Amendment Barcode (if applicable)

Name

DAVE DOEBLER

Phone

954-415-7434

Address

8000 West Drive

Email

DAVE@VOLUNTEER
CLEANUP.ORG

Street

NORTH BAY VILLAGE FL 33141

City

State

Zip

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☒I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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Meeting Date

ENR

Committee

1822

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Katie Bauman

Phone

904 881 2531

Address

3896 Richmond St

Street

Email

kbauman@surfrider.org

JACKSONVILLE FL

City

State

32205

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Surfrider Fdn

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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Meeting Date

SB 1822

Bill Number or Topic

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Environment & Natural
Committee Resources

Amendment Barcode (if applicable)

Name Stacey Gallagher

Phone 352-373-6441

Address 4581 NW 6TH St., Suite A

Email Stacey@conserveturtles.org

Gainesville

FL

32653

Street

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Sea Turtle Conservancy

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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Meeting Date

ENR

Committee

SB 1822

Bill Number or Topic

Amendment Barcode (if applicable)

Name Miya Luebke

Phone 321 442 3877

Address 926 Learning Way
Street

Email miya.luebke@gmail.com

Tallahassee
City

FL
State

32304
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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APPEARANCE RECORD

1822

Bill Number or Topic

3/17/25

Meeting Date

Environment + Natural Resources

Committee

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Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Coll St.
Street

Email fcfe@jyadoo.com

Tallahassee, FL
City State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Sierra Club

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

3/17/2025

Meeting Date

Environment + Natural Resources

Committee

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SB 1822

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Yenisbel Viloria

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Six Action

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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3/17/25
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Bill Number or Topic

Environment & Natural Resources
Committee

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Amendment Barcode (if applicable)

Name Chad Kunde

Phone (850) 766-7896

Address 136 S Bronough St
Street

Email ckunde@flchamber.com

Tallahassee FL
City State

32308
Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Chamber of
Commerce

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

March 17, 2025

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

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1822

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Lorena Holley**

Phone **850-443-1173**

Address **227 S. Adams St.**

Email **Lorena@FRF.org**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Retail Federation

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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3/17/25

Meeting Date

SB 1822

Bill Number or Topic

Environment + Natural Resources

Committee

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Amendment Barcode (if applicable)

Name Andy Palmer

Phone (850) 205-9000

Address 119 S. Monroe St., Suite 200
Street

Email andy.palmer@mhdfirm.com

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

American Recyclable
Plastic Bag Alliance

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

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 Environment and Natural Resources

BILL: SB 1008

INTRODUCER: Senator Avila

SUBJECT: Waste Incineration

DATE: March 14, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2. _____	_____	<u>CA</u>	_____
3. _____	_____	<u>RC</u>	_____

I. Summary:

SB 1008 prohibits the Department of Environmental Protection and local governments from issuing construction permits for a new solid waste disposal facility that uses an ash-producing incinerator or a waste-to-energy facility if the proposed location of such facility is sited within a one-half mile radius of any residential property, commercial property, or school.

II. Present Situation:

Incinerators and Waste-to-Energy Facilities

Energy recovery from waste is the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through processes, including combustion, gasification, pyrolyzation, anaerobic digestion, and landfill gas recovery.¹ This process is often called waste-to-energy (WTE).²

Municipal solid waste (MSW) can be used to produce energy at WTE plants and landfills.³ MSW can contain:

- Biomass, or biogenic (plant or animal products) materials such as paper, cardboard, food waste, grass clippings, leaves, wood, and leather products;
- Nonbiomass combustible materials such as plastics and other synthetic materials made from petroleum; and
- Noncombustible materials such as glass and metals.⁴

¹ U.S. Environmental Protection Agency (EPA), *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, <https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw> (last visited Mar. 3, 2025).

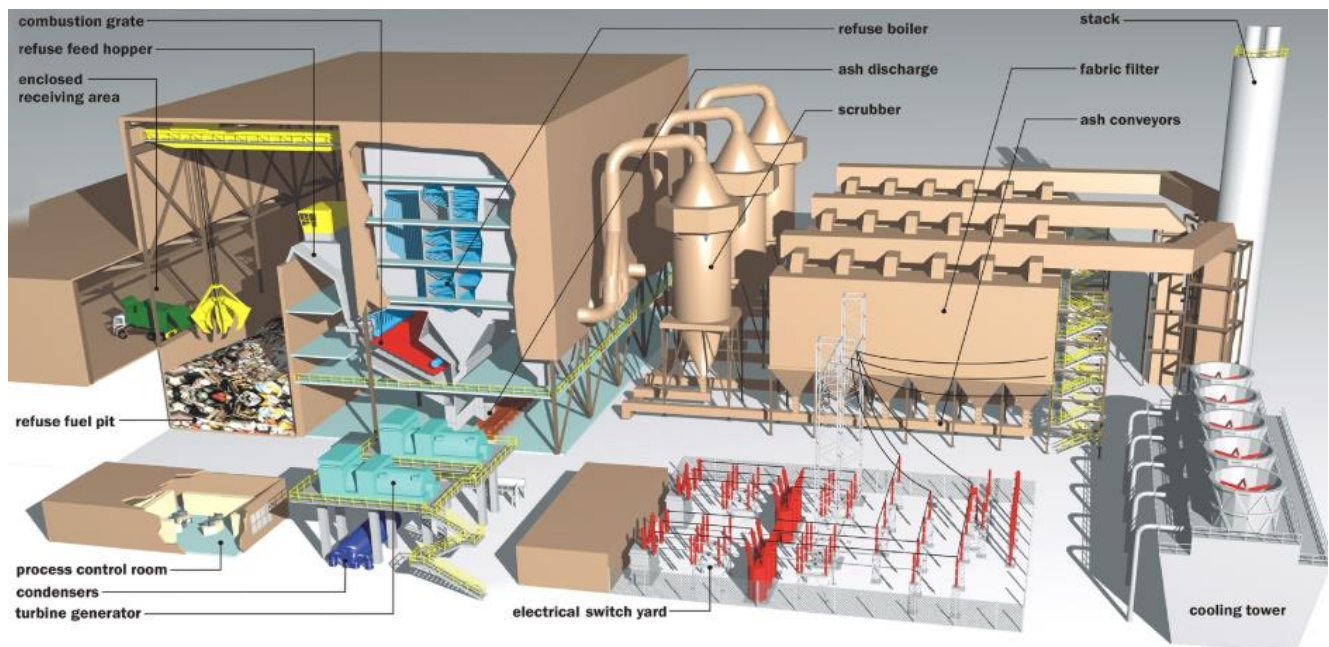
² *Id.*

³ U.S. Energy Information Administration (EIA), *Biomass explained, Waste-to-energy (Municipal Solid Waste), Basics*, <https://www.eia.gov/energyexplained/biomass/waste-to-energy.php> (last visited Mar. 3, 2025).

⁴ *Id.*

The process of MSW incineration is generally divided into three main parts: incineration, energy recovery, and air-pollution control.⁵ Most modern incinerators are equipped with energy-recovery schemes, which produce WTE ash.⁶ Three major classes of technologies are used to combust MSW: mass burn, refuse-derived fuel, and fluidized-bed combustion.⁷ The most common WTE system in the U.S. is the mass-burn system.⁸

At an MSW combustion facility, MSW is unloaded from collection trucks and placed in a trash storage bunker.⁹ An overhead crane sorts the waste and then lifts it into a combustion chamber to be burned. The heat released from burning converts water to steam, which is then sent to a turbine generator to produce electricity. The remaining ash is collected and taken to a landfill where a high-efficiency baghouse filtering system captures particulates. As the gas stream travels through these filters, more than 99 percent of particulate matter is removed. Captured fly ash particles fall into hoppers (funnel-shaped receptacles) and are transported by an enclosed conveyor system to the ash discharger. They are then wetted to prevent dust and mixed with the bottom ash from the grate. The facility transports the ash residue to an enclosed building where it is loaded into covered, leak-proof trucks and taken to a landfill designed to protect against groundwater contamination.¹⁰



Example of a WTE plant¹¹

⁵ Byoung Cho et al., *Municipal Solid Waste Incineration Ashes as Construction Materials—A review*, *Materials*, vol. 13, 2 (2020), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC7411600/>.

⁶ *Id.*

⁷ *Id.*

⁸ EIA, *Biomass explained: Waste-to-energy (Municipal Solid Waste), In-depth*, <https://www.eia.gov/energyexplained/biomass/waste-to-energy-in-depth.php> (last visited Mar. 3, 2025).

⁹ EPA, *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, <https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw#Technology> (last visited Mar. 10, 2025).

¹⁰ *Id.*

¹¹ Pinellas County, *Waste-to-Energy Facility*, <https://pinellas.gov/waste-to-energy-facility/> (last visited Mar. 3, 2025) (showing graphic of a mass-burn waste-to-energy plant).

About 90 percent of the energy produced by WTE plants is delivered to the electric grid.¹² The remaining 10 percent consists of steam that some WTE facilities send to nearby industrial plants and institutions.¹³

Waste incineration first became popular in the U.S. in the first half of the 20th century as a way to manage waste but declined after the passage of the Clean Air Act in 1963 forced facilities to either adopt costly air pollution controls or shut down.¹⁴ In the 1970s and 1980s, waste-to-energy facilities rose again in popularity as a way to produce a low-cost energy alternative to coal, which was considered by some at the time to be a renewable energy source. Now, the number of incinerators has again declined nationally due to public concern about their environmental and health impacts, as well as a loss in profitability.¹⁵ In Florida, there are currently 10 WTE facilities.¹⁶ Florida has the largest capacity to burn MSW of any state in the country.¹⁷

Solid Waste Facility Permitting in Florida

In Florida, the governing body of a county has the responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.¹⁸ A county may enter into a written agreement with other parties to undertake some or all of its responsibilities.¹⁹

A solid waste management facility may not be operated, maintained, constructed, expanded, modified, or closed without a permit issued by the Department of Environmental Protection (DEP).²⁰ In addition to a solid waste management facility permit, WTE facilities may also require an air construction and operation permits.²¹

DEP may only issue a construction permit to a solid waste management facility that provides the conditions necessary to control the safe movement of wastes or waste constituents into surface or

¹² U.S. Energy Information Administration, *Waste-to-energy plants are a small but stable source of electricity in the United States*, <https://www.eia.gov/todayinenergy/detail.php?id=55900> (last visited Mar. 9, 2025).

¹³ *Id.*

¹⁴ University of Florida, Thompson Earth Systems Institute, *Tell Me About: Waste Incineration in Florida* (2022), <https://www.floridamuseum.ufl.edu/earth-systems/blog/tell-me-about-waste-incineration-in-florida/> (last visited Mar. 3, 2025).

¹⁵ *Id.* The major concern associated with MSW incineration is the air pollution caused by dioxin, furan, and heavy metals originating from MSW. Cho, *Municipal Solid Waste Incineration Ashes as Construction Materials—A review* at 2. See also C. Ferreira et al., *Heavy metals in MSW incineration fly ashes*, *Journal de Physique IV*, vol. 107 (2003), available at <https://jp4.journaldephysique.org/articles/jp4/abs/2003/05/jp4pr5p463/jp4pr5p463.html>; Junjie Zhang et al., *Degradation technologies and mechanisms of dioxins in municipal solid waste incineration fly ash: A review*, *Journal of Cleaner Production*, vol. 250 (2020), available at <https://www.sciencedirect.com/science/article/abs/pii/S095965261934377X>.

¹⁶ DEP, *Waste-to-Energy*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy> (last visited Mar. 3, 2025). The state had 11 WTE facilities until 2023 when a fire destroyed one in Miami-Dade County. See Mayor Daniella Levine Cava, *Memorandum on Site Selection for a Sustainable Solid Waste Campus and Update on Miami-Dade County's Solid Waste Disposal Strategy*, 1 (2024), available at <https://documents.miamidade.gov/mayor/memos/09.13.24-Site-Selection-for-a-Sustainable-Solid-Waste-Campus.pdf>.

¹⁷ DEP, *Waste-to-Energy*.

¹⁸ Section 403.706(1), F.S.

¹⁹ Section 403.706(8), F.S.

²⁰ See section 403.707(1), F.S.

²¹ Sections 403.707(6) and 403.087(1), F.S.; Fla. Admin. Code R. 62-210.300. See also DEP, *Air Construction Permits*, <https://floridadep.gov/sites/default/files/Air-Construction-Permits.pdf> (last visited Mar. 10, 2024).

ground waters or the atmosphere and that will be operated, maintained, and closed by qualified and properly trained personnel.²² Such facility must if necessary:

- Use natural or artificial barriers that can control lateral or vertical movement of wastes or waste constituents into surface or ground waters.
- Have a foundation or base that can provide support for structures and waste deposits and capable of preventing foundation or base failure due to settlement, compression, or uplift.
- Provide for the most economically feasible, cost-effective, and environmentally safe control of leachate, gas, stormwater, and disease vectors and prevent the endangerment of public health and the environment.²³

DEP can exempt certain types of facilities from permit requirements if it determines that construction or operation of the facility is not expected to create any significant threat to the environment or public health.²⁴

DEP must allow WTE facilities to maximize acceptance and processing of nonhazardous solid and liquid waste.²⁵ Ash from WTE facilities must be disposed of in a lined MSW landfill or a lined ash monofill, since an U.S. Environmental Protection Agency (EPA) study showed that ash from WTE facilities should not be classified as hazardous waste.²⁶

Federal Regulations on Waste Incineration

Pursuant to the Clean Air Act, EPA has developed regulations limiting emissions of nine air pollutants—particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium—from four categories of solid waste incineration units: (1) municipal solid waste; (2) hospital, medical and infectious solid waste; (3) commercial and industrial solid waste; and (4) other solid waste.²⁷

Emission limits may vary depending on the size and type of the facility (e.g., large versus small municipal waste combustors) and whether the materials incinerated are hazardous.²⁸ In 2024, EPA proposed stricter standards for large municipal waste combustion units.²⁹ EPA is also

²² Section 403.707(6), F.S.

²³ *Id.*

²⁴ Section 403.707(1), F.S.

²⁵ Section 403.707(1), F.S.

²⁶ DEP, *Waste-to-Energy*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy> (last visited Mar. 10, 2025).

²⁷ EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, <https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance> (last visited Mar. 11, 2025). *See* 71 Fed. Reg. 27325-26 (adopting final rule regarding standards of performance for new stationary sources and emission guidelines for existing sources: large municipal waste combustors); 40 CFR part 60.

²⁸ *See generally* EPA, *Clean Air Act Guidelines and Standards for Waste Management*, <https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-waste-management> (last visited Mar. 11, 2025).

²⁹ 89 Fed. Reg. 4243, 4246 (Jan. 23, 2024) (proposing amendments to 40 CFR part 60). Large municipal waste combustors combust greater than 250 tons per day of municipal solid waste. 40 CFR 60.32b and 60.50b; EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, <https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance> (last visited Mar. 11, 2025).

considering requiring waste incinerators to report toxic releases to the toxic release inventory, which tracks the management of certain toxic chemicals.³⁰

III. Effect of Proposed Changes:

Section 1 amends s. 403.706, F.S., which regulates local government solid waste responsibilities. The bill prohibits local governments from issuing a construction permit for a new solid waste disposal facility that uses an ash-producing incinerator or a waste-to-energy facility, if the proposed location of such facility is sited within a one-half mile radius of any residential property, commercial property, or school.

Section 2 amends s. 403.707, F.S., which regulates solid waste facility permits. The bill prohibits the Department of Environmental Protection from issuing a construction permit for a new solid waste disposal facility that uses an ash-producing incinerator or for a waste-to-energy facility, if the proposed location of such facility is sited within a one-half mile radius of any residential property, commercial property, or school.

Section 3 through 5 provide conforming changes.

Section 6 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

³⁰ EPA, *Memorandum re: Petition for Rulemaking Pursuant to the Administrative Procedure Act and the Emergency Planning and Community Right-to-Know Act, Requiring that Waste Incinerators Report to the Toxics Release Inventory*, 1-2 (2024), available at https://peer.org/wp-content/uploads/2024/12/PET-001757_Incinerators_PetitionResponse_Ltr.pdf; EPA, *What is the Toxics Release Inventory?*, <https://www.epa.gov/toxics-release-inventory-tri-program/what-toxics-release-inventory> (last visited Mar. 11, 2025). U.S. facilities in different industry sectors must report annually how much of each chemical they release into the environment and/or managed through recycling, energy recovery and treatment, as well as any practices implemented to prevent or reduce the generation of chemical waste. *Id.*

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may increase costs associated with siting incinerators and waste-to-energy facilities or relying on other methods of waste management when incineration and waste-to-energy facilities are not feasible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.706, 403.707, 403.703, 403.7049, and 403.705.

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

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

None.

B. Amendments:

None.

By Senator Avila

39-00331B-25

20251008__

A bill to be entitled
An act relating to waste incineration; amending ss.
403.706 and 403.707, F.S.; prohibiting a local
government or the Department of Environmental
Protection, respectively, from issuing a construction
permit for a certain new solid waste disposal facility
or a waste-to-energy facility in specified areas;
amending ss. 403.703, 403.7049, and 403.705, F.S.;
conforming cross-references; providing an effective
date.

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

Section 1. Present subsections (2) through (23) of section
403.706, Florida Statutes, are redesignated as subsections (3)
through (24), respectively, and a new subsection (2) is added to
that section, to read:

403.706 Local government solid waste responsibilities.—

(2) A local government may not issue a construction permit
pursuant to this section for a new solid waste disposal facility
that uses an ash-producing incinerator or for a waste-to-energy
facility, if the proposed location of such facility is sited
within a one-half mile radius of any residential property,
commercial property, or school.

Section 2. Present subsections (6) through (14) of section
403.707, Florida Statutes, are redesignated as subsections (7)
through (15), respectively, and a new subsection (6) is added to
that section, to read:

403.707 Permits.—

39-00331B-25

20251008__

(6) The department may not issue a construction permit pursuant to this section for a new solid waste disposal facility that uses an ash-producing incinerator or for a waste-to-energy facility, if the proposed location of such facility is sited within a one-half mile radius of any residential property, commercial property, or school.

Section 3. Subsections (6), (7), and (21) of section 403.703, Florida Statutes, are amended to read:

403.703 Definitions.—As used in this part, the term:

(6) "Construction and demolition debris" means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. The term also includes:

(a) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;

(b) Except as provided in s. 403.707(10)(j) ~~s. 403.707(9)(j)~~, yard trash and unpainted, nontreated wood scraps and wood pallets from sources other than construction or

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demolition projects;

(c) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and

(d) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

(7) "County," or any like term, means a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution and, when s. 403.706(20) ~~s. 403.706(19)~~ applies, means a special district or other entity.

(21) "Municipality," or any like term, means a municipality created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution and, when s. 403.706(20) ~~s. 403.706(19)~~ applies, means a special district or other entity.

Section 4. Subsection (5) of section 403.7049, Florida Statutes, is amended to read:

403.7049 Determination of full cost for solid waste management; local solid waste management fees.—

(5) In order to assist in achieving the municipal solid waste reduction goal and the recycling provisions of s. 403.706(3) ~~s. 403.706(2)~~, a county or a municipality which owns

39-00331B-25

20251008__

88 or operates a solid waste management facility is hereby
89 authorized to charge solid waste disposal fees which may vary
90 based on a number of factors, including, but not limited to, the
91 amount, characteristics, and form of recyclable materials
92 present in the solid waste that is brought to the county's or
93 the municipality's facility for processing or disposal.

94 Section 5. Paragraph (c) of subsection (2) and subsection
95 (3) of section 403.705, Florida Statutes, are amended to read:

96 403.705 State solid waste management program.—

97 (2) The state solid waste management program shall include,
98 at a minimum:

99 (c) Planning guidelines and technical assistance to
100 counties and municipalities to aid in meeting the municipal
101 solid waste recycling goals established in s. 403.706(3) ~~s.~~
102 ~~403.706(2)~~.

103 (3) The department shall evaluate and report biennially to
104 the President of the Senate and the Speaker of the House of
105 Representatives on the state's success in meeting the solid
106 waste recycling goal as described in s. 403.706(3) ~~s.~~
107 ~~403.706(2)~~.

108 Section 6. This act shall take effect July 1, 2025.



SENATOR BRYAN AVILA
39th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

Avila.bryan.web@flsenate.gov

COMMITTEES: COMMITTEES:

Finance and Tax, *Chair*
Transportation, *Vice Chair*
Appropriations Committee on Transportation,
Tourism, and Economic Development
Environmental and Natural Resources
Ethics and Elections
Fiscal Policy
Rules

March 5th, 2025

The Honorable Senator Ana Maria Rodriguez
The Florida Senate
325 The Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

REF: Request to be Heard

Honorable Chair Rodriguez,

I respectfully request SB 1008 Waste Incineration be placed on the next committee agenda.

Prohibiting local government or the Department of Environmental Protection, respectively, from issuing a construction permit for a certain new solid waste disposal facility or a waste-to-energy facility in specified areas.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Avila".

Bryan Avila
Senator
District 39

CC: Ellen Rogers, Staff Director
Kim Bonn, Committee Administrative Assistant
Luke Strominger, Legislative Aide

□ 309 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

Ben Albritton
President of the Senate

Jason Brodeur
President Pro Tempore

APPEARANCE RECORD

Meeting Date

3-17-25

Bill Number or Topic

10086

Deliver both copies of this form to
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Committee

Environment & Natural Resources

Amendment Barcode (if applicable)

Name

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Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☒I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

The Florida Waste-to-Energy Coalition

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

3-17-25

Meeting Date

ENV. NAT'L RESOURCES

Committee

1008

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
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☒

Against

☐

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Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Miami-Dade County

☐

I am not a lobbyist, but received
something of value for my appearance
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/17/25

Meeting Date

Environmental Not Resources

Committee

1008

Bill Number or Topic

Deliver both copies of this form to

Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Karen Woodall

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Speaking:

☐

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☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

Sierra Club

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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 Environment and Natural Resources

BILL: CS/CS/SB 594

INTRODUCER: Environment and Natural Resources Committee; Transportation Committee; and Senator Rodriguez

SUBJECT: Anchoring or Mooring at Seaports

DATE: March 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 594 authorizes the governing body of a seaport to apply to the Florida Fish and Wildlife Conservation Commission (FWC) to prohibit anchoring or mooring in certain areas for the purposes of safety, security, and maintaining cargo flow. The boundaries of the prohibition of anchoring or mooring may be up to 2,500 feet from a seaport entrance or a pier or wharf adjacent to a seaport channel or turning basin.

Prior to applying to the FWC, the governing body of a seaport must hold two public hearings displaying the boundaries of and hearing comments regarding the proposed zone. Once FWC receives an application, it has 90 days to review the application and approve, or possibly modify the prohibited area. The FWC may consult with federal and state agencies when considering a seaport's application.

After the FWC's approval of a seaport's application, the seaport must annually review its boundaries at a public meeting and notify the FWC of the results of its review. If applicable, the governing body of the seaport must submit a revised application to the FWC with any proposed boundary modifications.

Each seaport must include any approved no anchoring or mooring zones that are in effect in its seaport security plan and in its seaport strategic plan.

The bill gives the FWC rulemaking authority to implement provisions of the bill.

The bill provides that a violation of these anchoring and mooring provision is a noncriminal infraction, punishable as a boating violation.

The bill may have a minimal negative fiscal impact on seaports associated with establishing no anchoring or mooring zones. The bill may also have a negative fiscal impact on the FWC in approving these zones. The Marine Resources Conservation Trust Fund may see a positive fiscal impact associated with penalties for violations. See Section V. Fiscal Impact Statement.

This bill takes effect July 1, 2025.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Florida Fish and Wildlife Conservation Commission (FWC) is governed by a board of seven members who are appointed by the Governor and subject to Senate confirmation.¹ The FWC's Division of Law Enforcement Boating and Waterways Section oversees and coordinates statewide regulatory waterway markers to ensure compliance with uniform markers and state boating and resource protection zones for the benefit of all waterway users and fish and wildlife resources in the state.² The Boating and Waterways Section takes public input and provides notice of proposed local boating-restricted areas.³

The FWC's boating laws are enforced by the Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.⁴ The Division of Law Enforcement manages Florida's waterways to ensure boating safety for residents of and visitors to the state.⁵ This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.⁶

¹ FLA. CONST. art. IV, s. 9; *see also* s. 379.102(1), F.S.

² Florida Fish and Wildlife Conservation Commission (FWC), *Waterway Management*, <https://myfwc.com/boating/waterway/> (last visited Feb. 21, 2025).

³ *Id.*

⁴ Section 327.70(1), F.S.; *see* s. 943.10(1), F.S., which defines “law enforcement officer” as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

⁵ FWC, *Boating*, <https://myfwc.com/boating/> (last visited Feb. 21, 2025).

⁶ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Feb. 21, 2025). *See* s. 327.70(1) and (4), F.S.

Anchoring and Mooring

Anchoring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration.⁷ Anchoring is accomplished using an anchor carried on the vessel.⁸ Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not.⁹

Mooring refers to the process of securing a boat or vessel in a fixed position using anchors, chains, ropes, or other devices. It is a way to temporarily anchor a boat to a specific location, typically in a harbor, marina, or other designated mooring area.¹⁰

State Anchoring and Mooring Prohibitions

Section 327.60, F.S., provides statutory limitations on local regulations regarding vessels, but does not prohibit local governmental authorities from enacting or enforcing regulations that prohibit or restrict the mooring or anchoring of floating structures, live-aboard vessels, or commercial vessels, excluding commercial fishing vessels, within their jurisdictions or of any vessels within the marked boundaries of mooring fields.¹¹

The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility;
- Within 500 feet of a superyacht repair facility;¹² or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the FWC upon request of a local government within which the mooring field is located.¹³

The above prohibitions do not apply to:

- A vessel owned or operated by a governmental entity;
- A construction or dredging vessel on an active job site;
- A commercial fishing vessel actively engaged in commercial fishing; and

⁷ Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2 (Rev. May 2012), available at <https://repository.library.noaa.gov/view/noaa/36907>.

⁸ Section 327.02, F.S., defines the term “vessel” to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

⁹ Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida* at 2.

¹⁰ *Id.*; Martin County, *Martin County Proposed Mooring Field Projects: Definitions*, 2, available at <https://www.martin.fl.us/resources/mooring-field-project-definitions-pdf>; Davis Instruments, *What is mooring?*, <https://www.davisinstruments.com/pages/what-is-mooring#:~:text=Mooring%20refers%20to%20the%20process,or%20other%20designated%20mooring%20area> (last visited Feb. 21, 2025).

¹¹ Section 327.60(3), F.S.

¹² For this purpose, the term “superyacht repair facility” is defined to mean a facility that services or repairs a yacht with a water line of 120 feet or more in length.

¹³ Section 327.4109(1)(a), F.S.

- A vessel actively engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.¹⁴

There are also exceptions related to mechanical failure of a vessel or weather-related conditions.¹⁵

A violation related to anchoring or mooring is a noncriminal infraction,¹⁶ for which the penalty is:

- For a first offense, up to a maximum of \$100.
- For a second offense, up to a maximum of \$250.
- For a third or subsequent offense, up to a maximum of \$500.¹⁷

These penalties are paid into the Marine Resources Conservation Trust Fund for boating safety education and law enforcement purposes.¹⁸

State and Local Anchoring Limitation Areas

State law designates certain densely populated urban areas as anchoring limitation areas.¹⁹ These areas usually have narrow state waterways, residential docking facilities, and significant recreational boating traffic. The listed anchoring limitation areas are:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County;
- Sunset Lake in Miami-Dade County; and
- The sections of Biscayne Bay in Miami-Dade County lying between:
 - Palm Island and State Road A1A,
 - Rivo Alto Island and Di Lido Island,
 - San Marino Island and Di Lido Island,
 - San Marino Island and San Marco Island, and
 - San Marco Island and Biscayne Island.²⁰

Within anchoring limitation areas established by statute, a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise unless otherwise exempt.²¹

¹⁴ Section 327.4109(1)(b), F.S.

¹⁵ Section 327.4109(2), F.S.

¹⁶ Section 327.4109(5), F.S.

¹⁷ Section 327.73(1)(bb), F.S.

¹⁸ Section 327.78(8), F.S.

¹⁹ Section 327.4108(1), F.S.

²⁰ *Id.*

²¹ *Id.*

Counties, except for Monroe County,²² may also establish anchoring limitation areas adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.²³ The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's delineated navigable-in-fact waterways.²⁴ Each anchoring limitation area must meet the following requirements:

- Be less than 100 acres in size, not including any portion of the marked channel of the Florida Intracoastal Waterway contiguous to the anchoring limitation area;
- Not include any mooring field or marina; and
- Be clearly marked with signs and buoys.²⁵

Unless otherwise exempt, a person may not anchor a vessel for more than 45 consecutive days in any six-month period in an anchoring limitation area established by a county.²⁶

State and Local Boating-Restricted Areas

Under Florida law, boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.²⁷

The FWC may, by rule, establish boating-restricted areas.²⁸

Municipalities and counties may establish, by ordinance, boating-restricted areas including speed and wake restrictions if certain conditions are met.²⁹ Municipalities and counties may establish by ordinance additional boating-restricted areas for safety reasons and vessel exclusion zones for certain purposes.³⁰

Any ordinances establishing boat-restricted areas for safety purposes will not take effect until the FWC has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety. The FWC must review and act on any application within 90 days after receiving a completed application. Within 30 days after a municipality or

²² Monroe County is a designated anchoring limitation area within which no less than once every 90 days each vessel anchored in the county within ten linear nautical miles of a public mooring field or a designated anchoring area must move and re-anchor in a new location that is at least a half nautical mile away or is in a different designated anchoring area. Section 327.4108(3)(a), F.S.

²³ Section 327.4108(2), F.S.

²⁴ *Id.* "Navigable-in-fact waterways" are waterways that are navigable in their natural or unimproved condition over which useful commerce or public recreation of a substantial and permanent character is or may be conducted in the customary mode of trade and travel on water. The term does not include lakes or streams that are theoretically navigable; have a potential for navigability; or are temporary, precarious, and unprofitable, but the term does include lakes or streams that have practical usefulness to the public as highways for transportation. *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Section 327.46(1), F.S.

²⁸ Section 327.46(1)(a), F.S. These areas are established in Rule 68D-24, F.A.C.

²⁹ Section 327.46(1)(b), F.S.

³⁰ Section 327.46(1)(c), F.S.

county submits an application, the FWC must advise the municipality or county as to what information, if any, is needed to deem the application complete. An application is considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. The FWC's action on the application is subject to review under the Administrative Procedures Act.³¹

Each boating-restricted area must be developed in consultation and coordination with the governing body of the county or municipality in which the boating-restricted area is located, and when the proposed boating-restricted area is on the navigable waters of the United States, with the United States Coast Guard and the United States Army Corps of Engineers.³²

Restrictions in a boating-restricted area do not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.³³

Federal Port Safety Regulations

Current federal laws and rules address vessel and port operations, including anchoring, port security, and vessel traffic.³⁴ Regarding vessel traffic, the Secretary of the department in which the U.S. Coast Guard is operating³⁵ may construct, operate, maintain, improve, or expand vessel traffic services in any port or place under the jurisdiction of the U.S., in the navigable waters of the U.S., or in any area covered by an international agreement regarding vessel standards and traffic services.³⁶ The Secretary may also control vessel traffic in areas subject to U.S. jurisdiction that are hazardous or affected by reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances.³⁷ The Secretary may provide for local variances to account for the unique vessel traffic, waterway characteristics, and any additional factors appropriate to enhance navigational safety in any area where vessel traffic services are provided.³⁸

Regarding anchoring, the Secretary of Homeland Security can define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the U.S. whenever

³¹ Section 327.46(1)(c), F.S.

³² Section 327.46(2), F.S.

³³ Section 317.46(4), F.S.

³⁴ See 46 U.S.C. The federal rules include the regulation of federal safety zones, security zones, and regulated navigation areas. They also establish special anchorage areas, wherein vessels not more than 65 feet long are not required to carry or exhibit anchorage lights when at anchor. 33 C.F.R. §§109-110, 165.

³⁵ The Secretary is currently the Secretary of Homeland Security. 46 U.S.C. §70006; The Department of Homeland Security, *Employee Resources: United States Coast Guard (USCG)*, <https://www.dhs.gov/employee-resources/united-states-coast-guard-uscg> (last visited March 13, 2025).

³⁶ 46 U.S.C. §70001.

³⁷ *Id.* The Secretary may control vessel traffic in these areas by specifying times of entry, movement, or departure; establishing vessel traffic routing schemes; establishing vessel size, speed, or draft limitations and vessel operating conditions; and restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Secretary considers necessary for safe operation under the circumstances. *Id.*

³⁸ *Id.* The Captain of the Port covered by a vessel traffic service center may develop and submit to the Secretary regional policies in addition to the national policy to account for variances from the national policy with respect to local vessel traffic conditions and volume, geography, water body characteristics, waterway usage, and any additional factors that the Captain considers appropriate. *Id.* In establishing anchorage grounds, the Secretary must take into account factors like navigational safety, protection of the marine environment, proximity to undersea pipelines and cables, safe and efficient use of the Marine Transportation System, and national security. 46 U.S.C. §70007.

the maritime or commercial interests of the U.S. require such anchorage ground for safe navigation and the establishment of the anchorage ground has been recommended by the Chief of Engineers.³⁹

Regarding port security, the Secretary must prepare a National Maritime Transportation Security Plan that focuses on deterring and responding to a transportation security incident and includes the designation of areas for which the security plans are required to be prepared.⁴⁰ The Secretary is authorized to take certain actions to prevent and respond to acts of terrorism, cyber incidents, transnational organized crime, and foreign state threats.⁴¹ These actions include, but are not limited to, carrying out or requiring inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures.⁴²

Florida's Seaports

The seaports listed in s. 311.09(1), F.S., include: Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

Florida's 16 seaports, through cargo and cruise activities, support 900,000 direct and indirect jobs and contribute \$117.6 billion in economic value, representing 13.3 percent of Florida's Gross Domestic Product.⁴³

Florida's seaport governing bodies may be municipalities, counties, or special districts.

Seaport Security and Strategic Plans

Florida law requires each seaport to adopt, maintain, and periodically revise, a seaport-specific security plan to provide for secure seaport infrastructure to promote the safety and security of state residents and visitors and the flow of legitimate trade and travel.⁴⁴

Florida law requires each seaport to develop a strategic plan with a 10-year horizon, which includes information relating to economic development, infrastructure development and improvement, port-related intermodal transportation facilities, intergovernmental coordination, and the physical, environmental, and regulatory barriers that seaports face.⁴⁵

³⁹ 46 U.S.C. §70006.

⁴⁰ 46 U.S.C. §70103. A "transportation security incident" is defined as a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. 46 U.S.C. §70101.

⁴¹ 46 U.S.C.A. §70116.

⁴² *Id.*

⁴³ Florida Seaport Transportation and Economic Development Council, *2023-2024 Seaport Mission Plan*, p2, available at: <https://flaports.org/wp-content/uploads/Florida-SMP-2024-PRINT-V2.pdf> (last visited February 27, 2025). The report cites the Florida Seaport Transportation and Economic Development Council's December 2016 report on the Statewide Economic Impact of Florida's Seaports.

⁴⁴ Section 311.12(1), F.S. Section 311.13, F.S., provides a public records exemption for seaport security plans.

⁴⁵ Section 311.14(2), F.S.

III. Effect of Proposed Changes:

The bill authorizes the governing body of a seaport to apply to the Florida Fish and Wildlife Conservation Commission (FWC) to prohibit anchoring or mooring in an area, not to exceed 2,500 feet from a seaport entrance or a pier or wharf adjacent to a seaport channel or turning basin, for any of the following purposes:

- Implementing port security measures;
- Ensuring freight and passenger commerce is not impeded;
- Promoting the safety and security of residents and visitors of this state; or
- Maintaining and promoting the flow of legitimate trade and travel at all times.

Before applying to the FWC, the governing body of a seaport must hold at least two public hearings displaying the boundaries of and hearing public comments regarding the area in which the seaport proposes to limit anchoring or mooring. After the required public hearings, a seaport may apply to the FWC, pursuant to the Florida Vessel Safety Law,⁴⁶ to establish areas around the seaport where anchoring or mooring is prohibited.

The FWC may consult with the United States Coast Guard, the United States Army Corps of Engineers, and the Florida Department of Transportation when considering an application for, and the boundaries of, areas around seaports where anchoring or mooring will be prohibited.

When considering an application for a no anchoring or mooring zone, the FWC may modify the proposed boundaries of such prohibition and provide the reasons for such modification.

A prohibition of anchoring or mooring near a seaport may not take effect until the FWC has reviewed the proposed prohibition and determined by substantial competent evidence that the prohibition is necessary for any of the reasons listed above. The FWC must review and act upon an application within 90 days after receiving a completed application. If, within 30 days after a seaport submits an application, the FWC finds such application to be incomplete, the FWC must notify and advise the seaport as to what information is needed to deem the application complete.

A seaport's application is considered complete upon receipt of all requested information or correction of any error or omission for which the applicant was timely notified. An application is deemed complete if the FWC fails to notify and advise the seaport within 30 days after receiving the application. The FWC's action on the application is subject to review under the Administrative Procedures Act.⁴⁷

After FWC's approval of a prohibition on anchoring or mooring and the boundaries of such prohibition, the governing body of the seaport must annually review such prohibitions at a public meeting. After the review, the seaport must notify the FWC of its review, and, if applicable, submit an application to the FWC with any proposed modifications to such boundaries.

The governing body of each seaport must include any FWC-approved limitations on anchoring and mooring in its security plan and in its strategic plan.

⁴⁶ Chapter 427, F.S.

⁴⁷ Chapter 120, F.S.

The bill authorizes the FWC to adopt rules⁴⁸ to implement provisions of the bill.

The bill amends s. 327.4109(1), F.S., incorporating the seaport authorization for a prohibition of anchoring or mooring into existing prohibitions on anchoring or mooring.

The bill reenacts 327.73(1)(bb), F.S., incorporating violations related to these new prohibitions on anchoring or mooring into the current penalty provision. A violation is a noncriminal infraction, punishable as a boating violation, for which the penalty is:

- For a first offense, up to a maximum of \$100.
- For a second offense, up to a maximum of \$250.
- For a third or subsequent offense, up to a maximum of \$500.

These penalties are paid into the Marine Resources Conservation Trust Fund for boating safety education and law enforcement purposes.

This bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁴⁸ Rules are adopted pursuant to ss. 120.136(1) and 120.54, F.S.

C. Government Sector Impact:

The bill will likely have an insignificant negative fiscal impact on seaports to establish prohibitions on anchoring or mooring. The bill will also have an insignificant negative fiscal impact on the Florida Fish and Wildlife Conservation Commission to implement the provisions of the bill.

The bill may have a positive fiscal impact Marine Resources Conservation Trust Fund associated for anchoring or mooring around seaports where such activity is prohibited.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 327.4109, F.S., of the Florida Statutes.

This bill creates section 311.104, F.S., of the Florida Statutes.

This bill reenacts section 327.73, F.S., of the Florida Statutes.

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

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

CS by Environment and Natural Resources on March 17, 2025:

Reduces the permitted size of areas where anchoring and mooring are prohibited to 2,500 feet from a seaport's entrance or pier or wharf adjacent to the seaport channel or turning basin. The underlying bill authorizes the areas to be created up to 5,000 feet from a seaport's entrance or pier or wharf adjacent to the seaport channel or turning basin.

CS by Transportation on March 4, 2025:

- Clarifies that the governing body of the seaport may apply to the Florida Fish and Wildlife Conservation Commission (FWC) to prohibit anchoring and mooring around a seaport.
- Provides a 90-day timeframe for FWC to review and act on a seaport's request.
- Requires the governing body of a seaport to notify FWC of its annual review of its anchoring and mooring prohibitions.
- Provides FWC rulemaking authority to implement the bill.
- Provides for the enforcement of a prohibition on anchoring or mooring around seaports as a boating violation.

B. Amendments:

None.

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



567442

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/17/2025	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Rodriguez)
recommended the following:

Senate Amendment

Delete line 43
and insert:
prohibit anchoring or mooring in an area, not to exceed 1,500



696246

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2025	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Rodriguez)
recommended the following:

Senate Substitute for Amendment (567442)

Delete line 43
and insert:
prohibit anchoring or mooring in an area, not to exceed 2,500

By the Committee on Transportation; and Senator Rodriguez

596-02132-25

2025594c1

A bill to be entitled

An act relating to anchoring or mooring at seaports; creating s. 311.104, F.S.; authorizing the governing bodies of certain seaports to apply to the Fish and Wildlife Conservation Commission to prohibit anchoring or mooring within specified boundary limits for specified purposes; requiring the governing body of a seaport to hold a specified number of public hearings; authorizing the commission to consult with certain entities when considering an application for seaports where anchoring and mooring will be prohibited and the boundaries of such prohibited areas; authorizing the commission to modify zones where anchoring or mooring is prohibited; requiring the commission to provide reasons for any such modification; providing for review by the commission within a certain time frame; requiring the commission to review and act upon an application within a specified timeframe after receipt of the application; requiring the commission to advise the governing body of a seaport if the commission finds an application to be incomplete; providing that the commission's actions are subject to review; requiring certain seaports annually to review the boundaries of approved prohibitions and notify the commission of such review and proposed modifications if necessary; requiring that certain information be included in seaport security plans and seaport strategic plans; providing rulemaking authority; reenacting and amending s. 327.4109, F.S.; conforming

596-02132-25

2025594c1

penalties; reenacting s. 327.73(1)(bb), F.S., relating to noncriminal infractions, to incorporate the amendment made to s. 327.4109, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 311.104, Florida Statutes, is created to read:

311.104 Request for a prohibition of anchoring or mooring by a seaport.—

(1) The governing body of a seaport listed in s. 311.09(1) may apply to the Fish and Wildlife Conservation Commission to prohibit anchoring or mooring in an area, not to exceed 5,000 feet from a seaport entrance or pier or wharf adjacent to a seaport channel or turning basin, for any of the following purposes:

(a) Implementing port security measures;
(b) Ensuring freight and passenger commerce is not impeded;
(c) Promoting the safety and security of residents and visitors of this state; or
(d) Maintaining and protecting the flow of legitimate trade and travel at all times.

(2) Before applying to the commission, the governing body of a seaport shall hold at least two public hearings displaying the boundaries of and hearing public comments regarding the area in which the seaport proposes to prohibit anchoring or mooring.

(3) After the public hearings required in subsection (2), a seaport may apply, pursuant to chapter 327, to the commission to

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2025594c1

59 establish areas around the seaport where anchoring or mooring is
60 prohibited.

61 (4) The commission may consult with the United States Coast
62 Guard, the United States Army Corps of Engineers, and the
63 Department of Transportation when considering an application
64 for, and the boundaries of, areas around seaports where
65 anchoring or mooring will be prohibited.

66 (5) When considering an application to prohibit anchoring
67 or mooring around a seaport, the commission may modify the
68 proposed boundaries of such prohibition and provide the reasons
69 for such modification.

70 (6) A prohibition of anchoring or mooring near a seaport
71 established pursuant to this section may not take effect until
72 the commission has reviewed the proposed prohibition and
73 determined by substantial competent evidence that the
74 prohibition is necessary for any of the reasons listed in
75 subsection (1). An application for a prohibition must be
76 reviewed and acted upon within 90 days after receipt of the
77 completed application. If, within 30 days after the governing
78 body of the seaport submits an application, the commission finds
79 such application is incomplete, the commission must notify and
80 advise the governing body of the seaport as to what information
81 is needed to deem the application complete. An application is
82 considered complete upon receipt of all requested information
83 and correction of any error or omission for which the applicant
84 was timely notified. An application is deemed complete if the
85 commission fails to notify and advise the governing body of the
86 seaport within 30 days after receiving the application. The
87 commission's action on the application is subject to review

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88 under chapter 120.

89 (7) After commission approval of a prohibition on anchoring
90 and mooring and the boundaries of such prohibition, the
91 governing body of the seaport shall review such prohibition
92 annually at a public meeting. After the review, the governing
93 body of the seaport shall notify the commission of the results
94 of its review, and, if applicable, submit an application to the
95 commission with any proposed modifications to such boundaries.

96 (8) The governing body of each seaport shall include in its
97 seaport security plan and its seaport strategic plan, as
98 required under ss. 311.12 and 311.14, respectively, any approved
99 limitations on anchoring and mooring established by the
100 commission.

101 (9) The commission may adopt rules pursuant to ss.
102 120.136(1) and 120.54 to implement this section.

103 Section 2. Paragraph (a) of subsection (1) of section
104 327.4109, Florida Statutes, is amended, and subsection (5) of
105 that section is reenacted, to read:

106 327.4109 Anchoring or mooring prohibited; exceptions;
107 penalties.—

108 (1)(a) The owner or operator of a vessel or floating
109 structure may not anchor or moor such that the nearest approach
110 of the anchored or moored vessel or floating structure is:

111 1. Within 150 feet of any public or private marina, boat
112 ramp, boatyard, or other public vessel launching or loading
113 facility;

114 2. Within 500 feet of a superyacht repair facility. For
115 purposes of this subparagraph, the term "superyacht repair
116 facility" means a facility that services or repairs a yacht with

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2025594c1

117 a water line of 120 feet or more in length; or

118 3. Within 100 feet outward from the marked boundary of a
119 public mooring field or a lesser distance if approved by the
120 commission upon request of a local government within which the
121 mooring field is located. The commission may adopt rules to
122 implement this subparagraph.

123 4. Within a zone established by the commission at the
124 request of a seaport pursuant to s. 311.104.

125 (5) A violation of this section is a noncriminal
126 infraction, punishable as provided in s. 327.73(1)(bb).

127 Section 3. For the purpose of incorporating the amendment
128 made by this act to section 327.4109, Florida Statutes, in a
129 reference thereto, paragraph (bb) of subsection (1) of section
130 327.73, Florida Statutes, is reenacted to read:

131 327.73 Noncriminal infractions.—

132 (1) Violations of the following provisions of the vessel
133 laws of this state are noncriminal infractions:

134 (bb) Section 327.4109, relating to anchoring or mooring in
135 a prohibited area, for which the penalty is:

136 1. For a first offense, up to a maximum of \$100.

137 2. For a second offense, up to a maximum of \$250.

138 3. For a third or subsequent offense, up to a maximum of
139 \$500.

140
141 Any person cited for a violation of this subsection shall be
142 deemed to be charged with a noncriminal infraction, shall be
143 cited for such an infraction, and shall be cited to appear
144 before the county court. The civil penalty for any such
145 infraction is \$100, except as otherwise provided in this

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2025594c1

146 section. Any person who fails to appear or otherwise properly
147 respond to a uniform boating citation, in addition to the charge
148 relating to the violation of the boating laws of this state,
149 must be charged with the offense of failing to respond to such
150 citation and, upon conviction, be guilty of a misdemeanor of the
151 second degree, punishable as provided in s. 775.082 or s.
152 775.083. A written warning to this effect shall be provided at
153 the time such uniform boating citation is issued.

154 Section 4. This act shall take effect July 1, 2025.

March 17, 2025

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 594 Anchoring / Mooring

Bill Number or Topic

696246

Amendment Barcode (if applicable)

Name **Mat Forrest**

Phone **850-577-0444**

Address **201 E. Park Ave.**

Street

Email **mat@ballardpartners.com**

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Town of Palm Beach

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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3/17/2025
Meeting Date
Env. + Nat. Resources
Committee

594-Anchoring
Bill Number or Topic
Sub # 696246
Amendment Barcode (if applicable)

Name Richard Pinsky Phone _____

Address 201 E. Park Ave. #300 Email _____
Street

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Port of Palm Beach

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

3-17-25

Meeting Date

594

Bill Number or Topic

Env & Nat Resources

Committee

Deliver both copies of this form to
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Amendment Barcode (if applicable)

Name Missy Timmins (Margaret)

Phone 850-668-8000

Address 2910 Kerry Forest Pkwy D4-368

Email missy@timminsconsulting.com

JLH

City

FL

State

32307

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

marine Industries Association of Florida

marine Industries Association of Palm Beach

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

594
Bill Number or Topic

Amendment Barcode (if applicable)

3/17/25
Meeting Date
ENV + NAT RESOURCES
Committee

Name Michael Rubin Phone 850-443-0702

Address 502 E. Jefferson St. Email Mike.Rubin@Pons.org

Atlanta GA 30301
City State Zip

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Pons Council

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

3/17/2025

Meeting Date

ENR

Committee

594

Bill Number or Topic

Amendment Barcode (if applicable)

Name Rosanna Catalano

Phone 850.322-4418

Address 215 S. Monroe Street #601

Email rcatalano.arrow@gunster.com

Tallahassee, FL 32301

City

State

Zip

Speaking: ☐ For ☒ Against

☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

Thank you for continuing to work with us.

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

American Great Loop Cruisers' Association

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

March 17, 2025

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 594 Anchoring / Mooring

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Mat Forrest**

Phone **850-577-0444**

Address **201 E. Park Ave.**

Email **Mat@ballardpartners.com**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Town of Palm Beach

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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March 17, 2025

Meeting Date

Env + Nat. Resources

Committee

SB 594

Bill Number or Topic

Amendment Barcode (if applicable)

Name Mark S. Gillespie

Phone 407.339.1026

Address 1608 Hibiscus Ave

Email CaptainMark@OTMys.com

Street

W.F.

City

FL

State

32789

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

594

Bill Number or Topic

3/17/25

Meeting Date

Environment

Committee

Amendment Barcode (if applicable)

Name

Kingsley Ross

Phone

850-300-1378

Address

234 Harbour Pt Dr

Street

Email

kingsleyrr@hotmail.com

Cranfordville, FL 32327

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

S-001 (08/10/2021)

APPEARANCE RECORD

594 Anchoring

Bill Number or Topic

3/17/2025

Meeting Date

Env. + Nat. Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Richard Pinsky

Phone

Address

201 E. Park Ave. #300

Email

Street

Tallahassee FL 32301

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Port of Palm Beach

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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 Environment and Natural Resources

BILL: SB 830

INTRODUCER: Senator Rodriguez

SUBJECT: Lost or Abandoned Property

DATE: March 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Favorable
2.			AEG	
3.			FP	

I. Summary:

SB 830 prohibits a person, firm, or corporation from leaving any migrant vessel upon waters of the state. It defines a “migrant vessel” as an irregularly constructed and equipped maritime vessel designed, intended, or used for the purpose of undocumented immigrant transportation.

The bill provides that a vessel is an irregularly constructed and equipped maritime vessel if it falls under the definition of “irregularly constructed vessel” and if it meets other construction-related criteria. An “irregularly constructed vessel” is a vessel that is built or assembled using or combining makeshift or improvised materials or material components that are not engineered to withstand and resist degradation and failure caused by exposure to the coastal marine environment.

The bill authorizes state funding for the removal of migrant vessels and authorizes the use of federal disaster funds to fund the removal of migrant vessels.

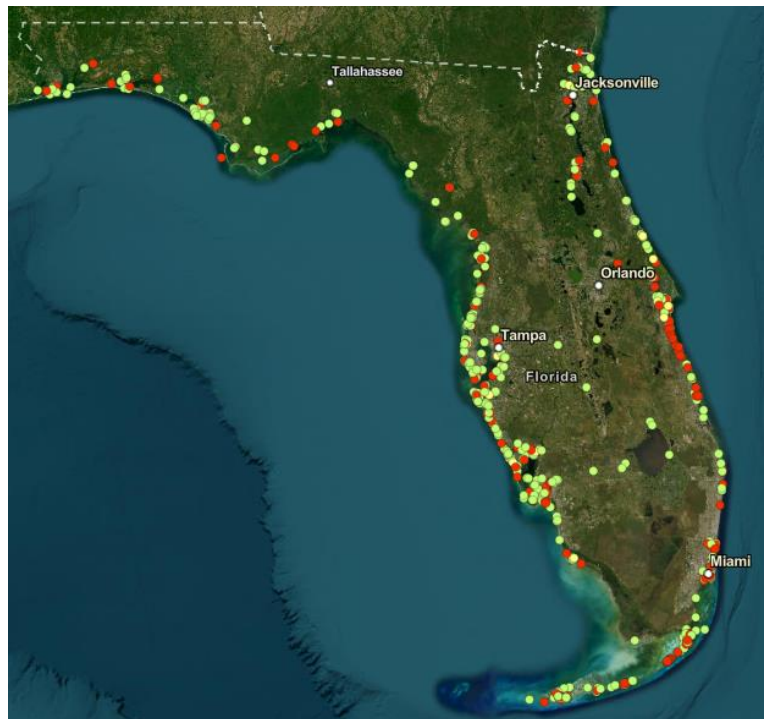
The bill requires a migrant vessel on public property to be removed within five days following a law enforcement officer posting a notice on the vessel. If it is not removed during that timeframe, the bill authorizes a law enforcement agency to remove and dispose of the vessel.

II. Present Situation:

Derelict Vessels

Derelict vessels can endanger marine life and habitats, threaten public safety, cause property damage, and create navigational hazards.¹ As of January 2025, there were 1,040 derelict vessels in the Florida Fish and Wildlife Conservation Commission's (FWC's) derelict vessel database.²

A derelict vessel is a vessel that is in a wrecked,³ junked,⁴ or substantially dismantled⁵ condition upon any public waters of this state;⁶ at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached on the property of another without their consent.⁷ It is unlawful for a person, firm, or corporation to leave any derelict vessel on waters of this state.⁸ An FWC officer, or other law



This map shows the locations of derelict vessels and denotes the status of each vessel. Map courtesy of FWC.

¹ Atkins and Vogel Group, *Florida's Long-Term Stored Vessel Study*, 61 (Sept. 2023), available at <https://myfwc.com/media/longtermstoredvesselstudy/long-term-stored-vessel-study.pdf>.

² FWC, *Derelict Vessels Presentation*, 2 (Feb. 4, 2025), available at https://www.flsenate.gov/Committees/Show/EN/MeetingPacket/6285/10953_MeetingPacket_6285.pdf; See the map on this page for the location and status of derelict vessels. FWC, *Derelict Vessels*, <https://experience.arcgis.com/experience/decfb6b7ca024ac98f6f900d86784d09?views=View-5> (last visited Feb. 20, 2025).

³ A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire. Section 823.11(1)(b), F.S.

⁴ A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

⁵ A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken: the steering system, the propulsion system, or the exterior hull integrity. Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

⁶ "Waters of this state" are defined as any navigable waters of the United States within the territorial limits of this state, the marginal sea adjacent to this state, and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state. Section 327.02(48), F.S.

⁷ Section 823.11(1)(b), F.S.

⁸ Section 823.11(2), F.S. The term "leave" means to allow a vessel to remain occupied or unoccupied on waters of this state for more than 24 hours.

enforcement agency or officer⁹ is authorized to relocate, remove, and store a derelict vessel if it obstructs or might obstruct navigation or if it endangers property, persons, or the environment.¹⁰

If a vessel is the subject of three or more violations issued because of the same condition of being at risk of becoming derelict within an 18-month period, the vessel may be declared a public nuisance.¹¹

Derelict Immigrant Vessel Removal

South Florida has historically been and is now a landing place for immigrants from Caribbean countries like Cuba and Haiti who travel by boat over the Florida Straits.¹² Vessels used by these immigrants are commonly constructed with improvised materials, including sprayed styrofoam and plastic barrels, and often struggle to stay afloat. If the vessels are well built, they are typically overloaded and in danger of capsizing.¹³ Migrant vessels are often left behind on waters of the state or beached on public or private property, where they create environmental hazards like other derelict vessels.¹⁴ Multiple agencies, both federal and state, as well as local governments and private contractors have been involved in removing and disposing of migrant vessels.¹⁵

The Removal Procedure for Lost or Abandoned Property

The statutes require different procedures for articles of lost¹⁶ or abandoned¹⁷ property that *are not* derelict vessels or vessels declared a public nuisance and articles of lost or abandoned property that *are* derelict vessels or vessels declared a public nuisance.¹⁸

⁹ Law enforcement agencies or officers specified in s. 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

¹⁰ Section 823.11(3), F.S.

¹¹ Section 327.73(1), F.S.

¹² U.S. Coast Guard, *Operation Vigilant Sentry: Stopping Illegal Migration at Sea*, <https://www.news.uscg.mil/Press-Releases/Article/3280774/operation-vigilant-sentry-stopping-illegal-migration-at-sea/> (last visited March 13, 2025).

¹³ *Id.*

¹⁴ Gwen Filosa, *The complex task of removing abandoned migrant vessels from Keys' fragile ecosystem*, <https://www.wusf.org/environment/2023-01-14/the-complex-task-of-removing-abandoned-migrant-vessels-from-keys-fragile-ecosystem> (last visited March 13, 2025).

¹⁵ *Id.*; Florida Division of Emergency Management, *State of Florida Issues Updates on Increased Mass Migration Monitoring Along the Florida Coastline*, <https://www.floridadisaster.org/news-media/news/20230118-state-of-florida-issues-updates-on-increased-mass-migration-monitoring-along-the-florida-coastline/> (last visited March 13, 2025). This includes the U.S. Coast Guard, FWC, the Florida Division of Emergency Management, the Florida National Guard, the Florida Department of Law Enforcement, and the Florida Highway Patrol. *Id.*

¹⁶ "Lost property" is defined as "all tangible personal property which does not have an identifiable owner and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition or which has an apparent intrinsic value to the rightful owner." Section 705.101(4), F.S.

¹⁷ "Abandoned property" is defined as "all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner." Derelict and public nuisance vessels fall under this definition. Section 705.101(1), F.S.

¹⁸ Section 705.103(2), F.S.

If a law enforcement officer determines that an article of lost or abandoned property that is *not* a derelict or public nuisance vessel is on public property and cannot be easily removed, the officer must place a notice on the property informing the owner or interested persons that the article of property must be removed within five days or the law enforcement agency will remove and dispose of it at the expense of the owner.

If a law enforcement officer determines that a derelict or public nuisance vessel is present on waters of the state, the officer must place a notice on the vessel informing the owner or interested persons that the vessel must be removed within 21 days or the law enforcement agency will dispose of it at the expense of the owner or legally responsible party.¹⁹ The notice must also inform the owner or interested persons that they have the right to a hearing to challenge the determination that the vessel is derelict or otherwise in violation of the law.²⁰

In addition to posting the notice on the property, a law enforcement officer must make a reasonable effort to ascertain the name and address of the owner.²¹ If the information is reasonably available, the officer must mail a copy of the notice to the owner on the date of posting or as soon thereafter as is practicable.²² If the property is a motor vehicle or a vessel, the law enforcement agency must contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel.²³ After receiving the information from the Department of Highway Safety and Motor Vehicles, the law enforcement agency must mail a copy of the notice by certified mail to the owner and any lienholder, return receipt requested.²⁴

If the article of abandoned property is not a derelict or public nuisance vessel and is not removed by the owner, the law enforcement agency may:

- Retain any or all of the property for its own use or for use by the state or local government,
- Trade the property to another local government or state agency,
- Donate the property to a charitable organization,
- Sell the property, or
- Notify the appropriate refuse removal service.²⁵

If the owner or any interested person has not removed a derelict or public nuisance vessel or requested a hearing within 21 days of the notice being posted and mailed, the law enforcement agency or its designee may:

- Remove, destroy, and dispose of the vessel or authorize another governmental entity or its designee to do so; or
- Authorize the vessel's use as an artificial reef if all necessary authorizations are received.²⁶

¹⁹ Section 705.103(2)(a)1.b., F.S.

²⁰ *Id.*

²¹ Section 705.103(2)(a)2., F.S.

²² *Id.*

²³ Section 705.103(2)(a)2., F.S.

²⁴ *Id.*

²⁵ Section 705.103(2)(a)2.a., F.S.

²⁶ *Id.*

State-Authorized Funding for Derelict Vessel Removals

Derelict vessel removal may be funded in part by grants from the Fuel Tax Collection Trust Fund.²⁷ The Fuel Tax Collection Trust Fund provides an annual disbursement of \$2.5 million to FWC's State Game Trust Fund for recreational boating activities and freshwater fisheries management and research.²⁸ Of those funds, a minimum of \$1.25 million must be used to fund local projects to provide recreational channel marking and other uniform waterway markers, public boat ramps, lifts and hoists, marine railways, and other public launching facilities, derelict vessel removal, and other local, boating-related activities.²⁹ FWC must give priority consideration to unmet needs in counties with populations of 100,000 or less and unmet needs in coastal counties with a high level of boating-related activities from individuals residing in other counties.³⁰ The remaining \$1.25 million may be used for recreational boating activities and freshwater fisheries management and research.³¹

Federal disaster funds procured pursuant to a plan implemented by FWC may also be used to fund the removal of derelict vessels.³² Additionally, FWC is authorized to establish a local government grant program to fund local government efforts to remove, store, and dispose of derelict and public nuisance vessels.³³ If the funds are not used within a given fiscal year, FWC may use the remainder to remove, store, destroy, and dispose of derelict or public nuisance vessels itself.³⁴

III. Effect of Proposed Changes:

Section 1 amends s. 823.11, F.S., relating to derelict vessels, to extend the scope of the section to include migrant vessels.

The bill defines “migrant vessel” as an irregularly constructed and equipped maritime vessel designed, intended, or used for the purpose of undocumented immigrant transportation.

The bill provides that a vessel is an irregularly constructed and equipped maritime vessel if it falls under the definition of “irregularly constructed vessel” and if it meets at least one of the following construction-related criteria:

- The vessel was built or assembled using or combining makeshift or improvised materials or material components.
- The vessel was not constructed by a boat manufacturer.

²⁷ Section 823.11(4)(a), F.S.; section 206.606(1)(b), F.S.

²⁸ Section 206.606(1)(b), F.S. FWC must annually determine where unmet needs exist for boating-related activities and can fund those activities in counties where sufficient financial resources are unavailable due to the number of vessel registrations. *Id.*

²⁹ *Id.*

³⁰ Section 206.606(1)(b)1., F.S.

³¹ Section 206.606(1)(b)2., F.S.

³² Section 823.11(4)(b), F.S.

³³ Section 823.11(4)(c), F.S.

³⁴ *Id.* FWC may also use these funds to hire private contractors to remove, store, destroy, and dispose of derelict or public nuisance vessels. *Id.*

- The vessel was not assigned a hull identification number.³⁵

The bill defines “irregularly constructed vessel” as a vessel that is built or assembled using or combining makeshift or improvised materials or material components that are not engineered to withstand and resist degradation and failure due to damaging and corrosive elements of the coastal marine environment, which include exposure to seawater, sea spray, strong winds, heat, moisture, humidity, and rough contact.

The bill prohibits a person, firm, or corporation from leaving any migrant vessel upon waters of the state.

The bill authorizes funding for the removal of migrant vessels from waters of the state by grants provided from the Fuel Tax Collection Trust Fund³⁶ and specifies that the Florida Fish and Wildlife Conservation Commission (FWC) may use any federal disaster funds procured for the removal of derelict vessels to also fund the removal of migrant vessels. Further, the bill ensures that FWC’s local government grant program for the removal, storage, destruction, and disposal of derelict vessels may also provide grants to local governments for the removal, storage, destruction, and disposal of migrant vessels.

Section 2 amends s. 705.103, F.S., which regulates the procedures a law enforcement officer must follow when an article of lost or abandoned property or a derelict vessel or a vessel declared a public nuisance is found on public property or waters of the state. There are different procedures for an article of lost or abandoned property and derelict or public nuisance vessels, and the bill provides that if a migrant vessel is found on public property, law enforcement officers must follow the procedure for an article of lost or abandoned property.³⁷

The bill provides that if a migrant vessel is present on public property or waters of the state, a law enforcement agency or its designee may remove the vessel and destroy and dispose of it or may authorize another governmental entity or its designee to do so.

The procedures for a derelict or public nuisance vessel require a law enforcement agency to contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner and any person who has filed a lien on the vessel. The bill exempts migrant vessels from this requirement.

Section 3 provides an effective date of July 1, 2025.

³⁵ A hull identification number, or HIN, is required for home-built vessels, kit boats, and all vessels manufactured or imported after November 1, 1972. 46 U.S.C. §4302; 33 C.F.R. §181.23; U.S. Coast Guard, *Hull Identification Number (HIN) Validation & Verification Guidelines*, 15 (Sept. 24, 2020), available at <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fuscgboating.org%2Flibrary%2Fregulations%2FHIN-Validation-Verification-Guide-09162020.pptx&wdOrigin=BROWSELINK>.

³⁶ See section 206.606, F.S.

³⁷ The migrant vessel must be removed within five days of a law enforcement officer posting a notice on the vessel or it will be removed and disposed of by a law enforcement agency. Section 705.103(2)(a)1., F.S.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 705.103 and 823.11 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Rodriguez

40-00910-25

2025830__

A bill to be entitled
An act relating to lost or abandoned property;
amending s. 823.11, F.S.; defining the terms
"irregularly constructed vessel" and "migrant vessel";
prohibiting persons, firms, and corporations from
leaving any migrant vessel upon the waters of this
state; authorizing the removal of migrant vessels to
be funded by specified grants; authorizing the Fish
and Wildlife Conservation Commission to implement a
plan to procure federal disaster funds to remove
migrant vessels; authorizing the commission to
establish a program to provide grants for the removal,
storage, destruction, and disposal of migrant vessels;
amending s. 705.103, F.S.; requiring law enforcement
officers to place a certain notice on migrant vessels
under certain circumstances; authorizing specified law
enforcement agencies or their respective designees to
destroy and dispose of the vessel or to authorize
another governmental entity or its designee to do so;
providing an effective date.

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

Section 1. Section 823.11, Florida Statutes, is amended to
read:

823.11 Derelict and migrant vessels; relocation or removal;
penalty.—

(1) As used in this section, the term:

(a) "Commission" means the Fish and Wildlife Conservation

40-00910-25

2025830__

Commission.

(b) "Derelict vessel" means a vessel, as defined in s. 327.02, that is:

1. In a wrecked, junked, or substantially dismantled condition upon any waters of this state.

a. A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire.

b. A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion as required by s. 327.4107(2)(e) and associated rules.

c. A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken:

(I) The steering system;

(II) The propulsion system; or

(III) The exterior hull integrity.

Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if such motor is not an effective means of propulsion as required by s. 327.4107(2)(e) and associated rules.

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59 2. At a port in this state without the consent of the
60 agency having jurisdiction thereof.

61 3. Docked, grounded, or beached upon the property of
62 another without the consent of the owner of the property.

63 (c) "Gross negligence" means conduct so reckless or wanting
64 in care that it constitutes a conscious disregard or
65 indifference to the safety of the property exposed to such
66 conduct.

67 (d) "Irregularly constructed vessel" means a vessel that is
68 built or assembled using or combining makeshift or improvised
69 materials or material components that are not engineered to
70 withstand and resist degradation and failure due to damaging and
71 corrosive elements of the coastal marine environment, such as
72 exposure to seawater, sea spray, strong winds, heat, moisture,
73 humidity, and rough contact.

74 (e) "Migrant vessel" means an irregularly constructed and
75 equipped maritime vessel designed, intended, or used for the
76 purpose of undocumented immigrant transportation. To constitute
77 an irregularly constructed and equipped maritime vessel under
78 this paragraph, a vessel must meet the definition of irregularly
79 constructed vessel and at least one of the following
80 construction-related criteria:

81 1. The vessel was built or assembled using or combining
82 makeshift or improvised materials or material components;

83 2. The vessel was not constructed by a boat manufacturer;
84 or

85 3. The vessel is not assigned a Hull Identification Number
86 (HIN).

87 (f) "Willful misconduct" means conduct evidencing

40-00910-25

2025830__

carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner.

(2)(a) A person, firm, or corporation may not leave any derelict or migrant vessel upon waters of this state. For purposes of this paragraph, the term "leave" means to allow a vessel to remain occupied or unoccupied on the waters of this state for more than 24 hours.

(b) Notwithstanding paragraph (a), a person who owns or operates a vessel that becomes derelict upon the waters of this state solely as a result of a boating accident that is reported to law enforcement in accordance with s. 327.301 or otherwise reported to law enforcement; a hurricane; or another sudden event outside of his or her control may not be charged with a violation if:

1. The individual documents for law enforcement the specific event that led to the vessel being derelict upon the waters of this state; and

2. The vessel has been removed from the waters of this state or has been repaired or addressed such that it is no longer derelict upon the waters of this state:

a. For a vessel that has become derelict as a result of a boating accident or other sudden event outside of his or her control, within 7 days after such accident or event; or

b. Within 45 days after the hurricane has passed over this ~~the~~ state.

(c) The additional time provided in subparagraph (b)2. for an owner or responsible party to remove a derelict vessel from

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the waters of this state or to repair and remedy the vessel's derelict condition does not apply to a vessel that was derelict upon the waters of this state before the stated accident or event.

(d) Notwithstanding the additional 45 days provided in subparagraph (b)2.b. during which an owner or a responsible party may not be charged for a violation of this section, the commission, an officer of the commission, a law enforcement agency or officer specified in s. 327.70, or, during a state of emergency declared by the Governor, the Division of Emergency Management or its designee, may immediately begin the process set forth in s. 705.103(2)(a) and, once that process has been completed and the 45 days provided herein have passed, any vessel that has not been removed or repaired such that it is no longer derelict upon the waters of this state may be removed and destroyed as provided therein.

(3) The commission, an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, and store or cause to be relocated, removed, and stored a derelict vessel from waters of this state as defined in s. 327.02 if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons. The commission, an officer of the commission, or any other law enforcement agency or officer acting pursuant to this subsection to relocate, remove, and store or cause to be relocated, removed, and stored a derelict vessel from waters of this state shall be held harmless for all damages to the derelict vessel resulting from such action unless the damage results from gross negligence

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or willful misconduct.

(a) All costs, including costs owed to a third party, incurred by the commission, another law enforcement agency, or a governmental subdivision, when the governmental subdivision has received authorization from a law enforcement officer or agency, in the relocation, removal, storage, destruction, or disposal of a derelict vessel are recoverable against the vessel owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition. The Department of Legal Affairs shall represent the commission in actions to recover such costs. As provided in s. 705.103(4), a person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid. A person who has neglected or refused to pay all costs of removal, storage, destruction, or disposal of a derelict vessel as provided in this section, after having been provided written notice via certified mail that such costs are owed, and who applies for and is issued a registration for a vessel or motor vehicle before such costs have been paid in full commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A contractor performing such activities at the direction of the commission, an officer of the commission, a law enforcement agency or officer, or a governmental subdivision, when the governmental subdivision has received authorization for the relocation or removal from a law enforcement officer or agency, pursuant to this section must be licensed in accordance with applicable United States Coast Guard regulations where

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required; obtain and carry in full force and effect a policy from a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions; and be properly equipped to perform the services to be provided.

(4)(a) Removal of derelict or migrant vessels under this subsection may be funded by grants provided in s. 206.606.

(b) The commission may implement a plan for the procurement of any available federal disaster funds and use such funds for the removal of derelict or migrant vessels.

(c) The commission may establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict or migrant vessels from the waters of this state. This grant funding may also be used for the removal, storage, destruction, and disposal of vessels declared a public nuisance pursuant to s. 327.73(1)(aa). The program must be funded from the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund. Notwithstanding s. 216.181(11), funds available for these grants may only be authorized by appropriations acts of the Legislature. In a given fiscal year, if all funds appropriated pursuant to this paragraph are not requested by and granted to local governments for the removal, storage, destruction, and disposal of derelict vessels, migrant vessels, or vessels declared a public nuisance pursuant to s. 327.73(1)(aa) by the end of the third quarter, the Fish and Wildlife Conservation Commission may use the remainder of the funds to remove, store, destroy, and dispose of, or to pay private contractors to remove, store, destroy, and dispose of, derelict vessels,

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204 migrant vessels, or vessels declared a public nuisance pursuant
205 to s. 327.73(1)(aa). The commission shall adopt by rule
206 procedures for local governments to submit a grant application
207 and criteria for allocating available funds. Such criteria must
208 include, at a minimum, the following:

209 1. The number of derelict vessels within the jurisdiction
210 of the applicant.

211 2. The threat posed by such vessels to public health or
212 safety, the environment, navigation, or the aesthetic condition
213 of the general vicinity.

214 3. The degree of commitment of the local government to
215 maintain waters free of abandoned and derelict vessels and to
216 seek legal action against those who abandon vessels in the
217 waters of this state as defined in s. 327.02.

218 (5) When a derelict vessel is docked, grounded, or beached
219 upon private property without the consent of the owner of the
220 property, the owner of the property may remove the vessel at the
221 vessel owner's expense 60 days after compliance with the notice
222 requirements specified in s. 328.17(5). The private property
223 owner may not hinder reasonable efforts by the vessel owner or
224 the vessel owner's agent to remove the vessel. Notice given
225 pursuant to this subsection is presumed to be delivered when it
226 is deposited with the United States Postal Service, certified,
227 and properly addressed with prepaid postage.

228 (6) A person, firm, or corporation violating this section
229 commits a misdemeanor of the first degree and shall be punished
230 as provided by law. A conviction under this section does not bar
231 the assessment and collection of a civil penalty. The court
232 having jurisdiction over the criminal offense, notwithstanding

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any jurisdictional limitations on the amount in controversy, may order the imposition of such civil penalty in addition to any sentence imposed for the first criminal offense.

(7) If an owner or a responsible party of a vessel determined to be derelict through an administrative or criminal proceeding has been charged by an officer of the commission or any law enforcement agency or officer as specified in s. 327.70 under subsection (6) for a violation of subsection (2), a person may not reside or dwell on such vessel until the vessel is removed from the waters of the state permanently or returned to the waters of the state in a condition that is no longer derelict.

Section 2. Paragraph (a) of subsection (2) of section 705.103, Florida Statutes, is amended to read:

705.103 Procedure for abandoned or lost property.—

(2)(a)1. Whenever a law enforcement officer ascertains that:

a. A migrant vessel or an article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days;

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otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description of location)... has been determined to be ...(derelict or a public nuisance)... and is unlawfully upon the waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact information for person who can arrange for a hearing in accordance with this section).... The owner or the party determined to be legally responsible for the vessel being upon the waters of

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291 this state in a derelict condition or as a public
292 nuisance will be liable for the costs of removal,
293 destruction, and disposal if this vessel is not
294 removed by the owner. Dated this: ...(setting forth
295 the date of posting of notice)..., signed: ...(setting
296 forth name, title, address, and telephone number of
297 law enforcement officer)....

298
299 c. A migrant vessel as defined in s. 823.11 is present on
300 public property or the waters of this state, the law enforcement
301 agency or its designee may remove the vessel and destroy and
302 dispose of the vessel or authorize another governmental entity
303 or its designee to do so.

304 2. The notices required under subparagraph 1. may not be
305 less than 8 inches by 10 inches and must be sufficiently
306 weatherproof to withstand normal exposure to the elements. In
307 addition to posting, the law enforcement officer shall make a
308 reasonable effort to ascertain the name and address of the
309 owner. If such is reasonably available to the officer, she or he
310 must ~~shall~~ mail a copy of such notice to the owner on the date
311 of posting or as soon thereafter as is practical. If the
312 property is a motor vehicle as defined in s. 320.01(1) or a
313 vessel as defined in s. 327.02, except a migrant vessel as
314 defined in s. 823.11, the law enforcement agency must ~~shall~~
315 contact the Department of Highway Safety and Motor Vehicles in
316 order to determine the name and address of the owner and any
317 person who has filed a lien on the vehicle or vessel as provided
318 in s. 319.27(2) or (3) or s. 328.15. On receipt of this
319 information, the law enforcement agency shall mail a copy of the

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notice by certified mail, return receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return receipt requested, to the owner. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the mailed notice must inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency must ~~shall~~ follow the processes as set forth in s. 120.569. Local governmental entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such a hearing. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after posting the notice in sub-subparagraph 1.b., and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following must ~~shall~~ apply:

a. For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local

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government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order has been entered or the case is otherwise closed.

Section 3. This act shall take effect July 1, 2025.

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

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Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

3/14/25
AS & NAT

Committee

Name

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FL

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State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

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In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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Monroe County Board of Commissioners

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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 Environment and Natural Resources

BILL: SB 1142

INTRODUCER: Senator Rodriguez

SUBJECT: Release of Conservation Easements

DATE: March 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Favorable
2.			JU	
3.			RC	

I. Summary:

SB 1142 directs water management districts to release conservation easements upon application by the fee simple owner of a parcel of land subject to a conservation easement if the land is less than 15 acres and bordered on at least three sides by impervious surfaces; if any undeveloped adjacent parcels are less than 15 acres and similarly bordered on three or more sides by impervious surfaces; if the land contains no historical, architectural, archaeological, or cultural significance; and if the applicant has secured sufficient mitigation credits.

The bill provides that upon the release of the conservation easement, the ad valorem taxes on the property must be based on the just value of the property. Further, the property may be used for development that is consistent with the zoning designation of the adjacent lands.

II. Present Situation:

Conservation Easements

As pressure on Florida's natural areas increases, it is necessary for the state's conservation and recreational land acquisition agencies to augment their traditional, fee simple acquisition programs with alternatives to fee simple acquisition of conservation land.¹ Conservation easements are a method of less-than-fee acquisition that allow more land to be brought under public protection for conservation for a lower cost.² A conservation easement is a right or interest in real property that is held to:

- Retain land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition;
- Retain such areas as suitable habitat for fish, plants, or wildlife;

¹ Section 253.0251, F.S.

² *Id.*

- Retain the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance, including abandoned and neglected cemeteries that are 50 or more years old; or
- Maintain existing land uses.³

Conservation easements also limit or prohibit any or all of the following:

- Constructing or placing buildings, roads, signs, billboards, or other advertising, utilities, or other structures on or above the ground;
- Dumping or placing soil or other substance or material as landfill or dumping or placing trash, waste, or unsightly or offensive materials;
- Removing or destroying trees, shrubs, or other vegetation;
- Excavating, dredging, or removing loam, peat, gravel, soil, rock, or other material substance in a manner that affects the surface;
- Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
- Acts or uses detrimental to the retention of land or water areas; and
- Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance, including abandoned and neglected cemeteries that are 50 or more years old.⁴

A conservation easement can be acquired by any governmental body or agency or charitable corporation or trust whose purposes include:

- Protecting natural, scenic, or open space values of real property;
- Assuring its availability for agricultural, forest, recreational, or open space use;
- Protecting natural resources;
- Maintaining or enhancing air or water quality; or
- Preserving sites or properties of historical, architectural, archaeological, or cultural significance, including abandoned and neglected cemeteries that are 50 or more years old.⁵

Conservation easements “run with the land,” which means they bind the current and subsequent owners in perpetuity to the easement’s restrictions.⁶ By granting or selling a conservation easement, a property owner can retain title to the property along with certain negotiated rights, while protecting their property’s natural, historical, and archaeological resources.⁷

Article X, section 18 of the State Constitution governs the disposition of a fee interest held by an entity of the state for conservation purposes. However, a conservation easement may be disposed

³ Section 704.06(1), F.S.

⁴ Section 704.06(1)(a)-(h), F.S.

⁵ Section 704.06(3), F.S.

⁶ Section 704.06(2), F.S.; Florida Department of Environmental Protection, *Conservation Easements FAQs*, <https://floridadep.gov/lands/environmental-services/content/conservation-easements-faqs> (last visited March 12, 2025).

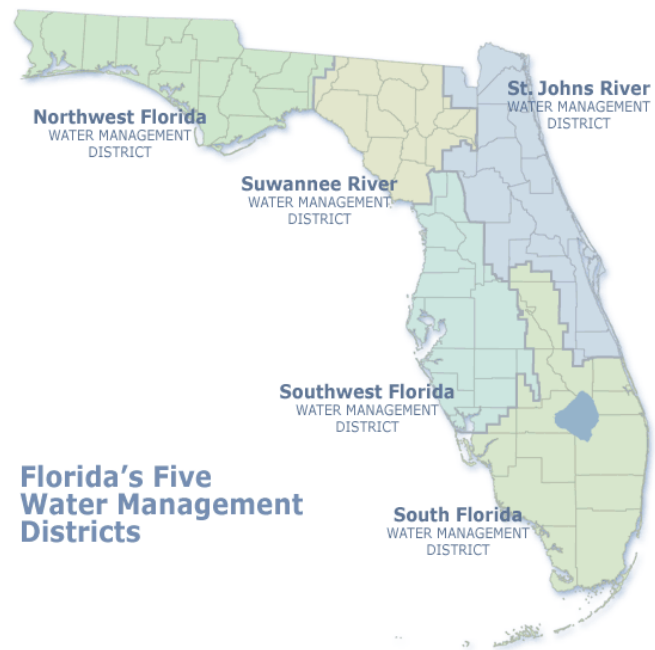
⁷ *Id.* A conservation easement can be acquired in the same manner as other interests in property, except by eminent domain, which includes condemnation. Conservation easements are not unassignable to other governmental bodies or agencies, charitable organizations, or trusts for lack of benefit to a dominant estate. Section 704.06(2), F.S.

of as provided by law because it is a less-than-fee interest in land.⁸ A conservation easement may be released by the easement holder to the holder of the fee even though the holder of the fee may not be a governmental body or a charitable corporation or trust.⁹ The governing board of any public agency, the Board of Trustees of the Internal Improvement Trust Fund, or a charitable corporation or trust that holds title to a development right may not convey that right to anyone other than the governing board of another public agency or a charitable corporation or trust or the record owner of the fee interest in the land to which the development right attaches.¹⁰ The conveyance to the owner of the fee must be made only after a determination that it would not adversely affect the interest of the public.¹¹

Water Management District Conservation Easements

Florida's water management districts are responsible for administering water resources at a regional level.¹² Their core focus is on water supply (including alternative water supply and the water resource development projects identified in a district's regional water supply plans), water quality, flood protection and floodplain management, and natural systems.¹³

Water management districts have numerous conservation easements for various purposes, including stormwater management. These conservation easements may be located in urban or rural areas. GIS maps are available that show the location of water management conservation easements.¹⁴ The map on the following page shows examples of water management district conservation easements in and around Miramar, FL, some of which may be affected by this bill.



⁸ See FLA. CONST. art. X, s. 18.

⁹ Section 704.06(4), F.S.

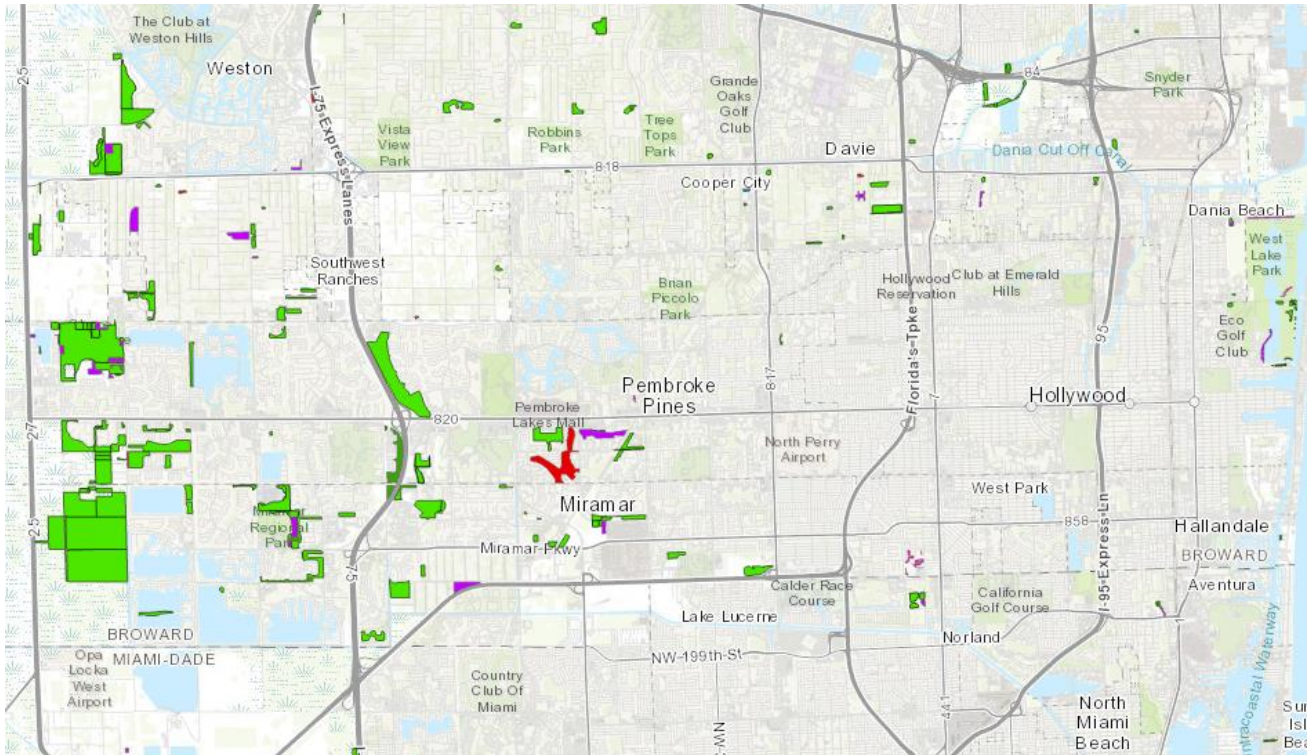
¹⁰ Section 193.501(5), F.S.

¹¹ *Id.*

¹² Florida Department of Environmental Protection (DEP), *Water Management Districts*, <https://floridadep.gov/owper/water-policy/content/water-management-districts> (last visited Feb. 14, 2025); section 373.069, F.S.

¹³ DEP, *Water Management Districts*; section 373.535(1)(a)2., F.S.

¹⁴ South Florida Water Management District, *ArcGIS Regulation Conservation Easements*, <https://geoportal.sfwmd.gov/portal/home/item.html?id=df8534163bfe7c0d9538bed7e> (last visited March 13, 2025); Southwest Florida Water Management District, *ArcGIS SWFWMD Conservation Easements*, <https://hub.arcgis.com/datasets/FDEP::swfwmd-conservation-easements/about> (last visited March 13, 2025); St. Johns River Water Management District, *SJRWMD-owned Conservation Easement*, <https://www.arcgis.com/home/item.html?id=66d4b93879b14b81b0af5c47fec20e68> (last visited March 13, 2025).



A water management district's governing board may release any easement, reservation, or right-of-way interests conveyed to the district if the interest has no present or apparent future use under the terms and conditions determined by the board.¹⁵ For example, the St. Johns River Water Management District provides that property owners may request the release of a regulatory conservation easement on their land in exchange for mitigation credits or another piece of property.¹⁶ Following receipt of the offer, the district's staff determine whether to recommend approval or denial of the request. The determination is based on whether the district would receive an exchange of property that has an equal or greater ecological value than the property being released or whether the requestor would purchase mitigation credits providing an equal or greater ecological value in exchange for the release.¹⁷

¹⁵ Section 373.096, F.S.

¹⁶ St. Johns River Water Management District, *Conservation Easements*, <https://www.sjrwmd.com/permitting/conservation-easements/#FAQ-16> (last visited March 12, 2025).

¹⁷ *Id.* An example involving a state agency releasing a conservation easement occurred in 2024 when the Florida Fish and Wildlife Conservation Commission (FWC) approved a partial release of a conservation easement in the Split Oak Forest Wildlife and Environmental Area for the proposed route of the Osceola Parkway Extension. FWC staff worked with the surrounding counties to identify alternatives that would minimize and mitigate the anticipated impacts and ensure a net positive conservation benefit. These alternatives include donation of conservation lands and funds for restoration and management in exchange for the partial release of the Split Oak conservation easement. FWC, *Split Oak Forest Wildlife and Environmental Area Conservation Easement Release*, 2-5 (Dec. 2023), available at <https://myfwc.com/media/32632/7e-presentation-splitoakforest.pdf>; FWC, *FWC secures conservation benefit with the partial release of easements at Split Oak Forest WEA*, <https://myfwc.com/news/all-news/split-oak-524/> (last visited March 12, 2025).

Ad Valorem Taxation

The ad valorem tax, or “property tax,” is an annual tax levied by a local government. The Florida Constitution prohibits the state from levying ad valorem taxes on real and tangible personal property,¹⁸ and instead authorizes local governments, including counties, school districts, and municipalities to levy ad valorem taxes. Special districts may also be given this authority by law.¹⁹

The property appraiser annually determines the “just value”²⁰ of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”²¹ Tax bills are mailed in November of each year, and payment is due by March 31.²² The tax is based on the taxable value of property as of January 1 of each year.²³

Tax Assessment of Lands Subject to Conservation Easements

When a landowner conveys the development right in real property by conservation easement to the governing board of any public agency, the Board of Trustees of the Internal Improvement Trust Fund, or certain charitable corporations or trusts, or a covenant has been executed and accepted by the Board of Trustees or charitable corporation or trust, the lands will be assessed as follows:

- If the covenant or conveyance extends for ten or more years from January 1 in the year the assessment is made, the property appraiser must consider only factors relative to the value of the land’s present use, as restricted by any covenant or conveyance, in valuing the land for tax purposes.²⁴
- If the covenant or conveyance is for less than ten years, the land must be assessed based on the just value of the property, recognizing the nature and length of any restriction placed on the land’s use by the covenant or conveyance.²⁵

¹⁸ Art. VII, s. 1(a), FLA. CONST.

¹⁹ Art. VII, s. 9., FLA. CONST.

²⁰ Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. (Art. VII, s. 4, FLA. CONST.). Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

²¹ Section 192.001(2), (16), F.S. In arriving at just valuation, property appraisers must take the following factors into account: the present cash value of the property, the highest and best use to which the property can be expected to be put in the immediate future and the present use of the property, the property’s location, the size of the property, the cost of the property and the present replacement value of any improvements to the property, the condition of the property, the income of the property, and the net proceeds of the sale of the property after certain deductions. Section 193.011, F.S.

²² Sections 197.322 and 197.333, F.S.

²³ Section 192.042, F.S.

²⁴ Section 193.501(3)(a), F.S.

²⁵ Section 193.501(3)(b), F.S. In arriving at just valuation, property appraisers must take the following factors into account: the present cash value of the property, the highest and best use to which the property can be expected to be put in the immediate future and the present use of the property, the property’s location, the size of the property, the cost of the property and the present replacement value of any improvements to the property, the condition of the property, the income of the property, and the net proceeds of the sale of the property after certain deductions. Section 193.011, F.S.

Mitigation Banking

Mitigation banking refers to the practice of buying and selling the wetland ecological value equivalent of the complete restoration of one acre with the intent to mitigate unavoidable wetland impacts within a defined region.²⁶ The mitigation bank is the site itself and a wetland ecological value equivalent is equal to one mitigation credit.²⁷ The agencies permitting the mitigation bank determine the number of potential credits available in the bank.²⁸

The Uniform Mitigation Assessment Method (UMAM) is the method used to determine the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters and to award and deduct mitigation bank credits.²⁹ UMAM is a standardized procedure for assessing the ecological functions provided by wetlands and other surface waters, the amount that those functions are reduced by a proposed impact, and the amount of mitigation necessary to offset that loss.³⁰ UMAM evaluates functions through consideration of an ecological community's current condition, hydrologic connection, uniqueness, location, fish and wildlife utilization, and mitigation risk.³¹ This standardized methodology is also used to determine the degree of improvement in the ecological value of proposed mitigation bank activities.³²

III. Effect of Proposed Changes:

Section 1 amends s. 704.06, F.S., to require a water management to release a conservation easement upon application by the fee simple owner of a parcel of land that is subject to a conservation easement if the following conditions are met:

- The land subject to the easement is less than 15 acres and is bordered on three or more sides by impervious surfaces;
- Any undeveloped adjacent parcels of land are less than 15 acres and similarly bordered on three or more sides by impervious surfaces;
- The land contains no historical, architectural, archaeological, or cultural significance; and
- The applicant has secured sufficient mitigation credits using the uniform mitigation assessment method from a mitigation bank in Florida to offset the loss of wetlands located on the land subject to the conservation easement.

The bill provides that upon the water management district's release of the conservation easement, the ad valorem taxes on the property must be based on the just value of the property, and the property may be used for development that is consistent with the zoning designation of the adjacent lands.

Section 2 provides an effective date of July 1, 2025.

²⁶ Florida Department of Environmental Protection, *Mitigation and Mitigation Banking*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mitigation-and-mitigation-banking> (last visited March 12, 2025).

²⁷ *Id.*

²⁸ *Id.*

²⁹ See section 373.414(18), F.S.

³⁰ DEP, *The Uniform Mitigation Assessment Method (UMAM)*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/uniform-mitigation-assessment> (last visited March 12, 2025).

³¹ *Id.*

³² *Id.*

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Water management districts may experience a negative fiscal impact from the loss of the value of conservation easements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 704.06 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Rodriguez

40-00792A-25

20251142__

A bill to be entitled
An act relating to the release of conservation easements; amending s. 704.06, F.S.; requiring certain water management districts, upon application by the fee simple owner of a parcel subject to a conservation easement, to release the conservation easement if specified conditions are met; providing for the valuation of the property upon such release; specifying that land released from the conservation easement may be used for development consistent with certain zoning; providing an effective date.

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

Section 1. Subsection (14) is added to section 704.06, Florida Statutes, to read:

704.06 Conservation easements; creation; acquisition; enforcement.—

(14) (a) Upon application by the fee simple owner of a parcel of land subject to a conservation easement to a water management district, a water management district must release the conservation easement if the following conditions are met:

1. The land subject to the easement is less than 15 acres and is bordered on three or more sides by impervious surfaces;

2. Any undeveloped adjacent parcels of land are less than 15 acres and similarly bordered on three or more sides by impervious surfaces;

3. The land contains no historical, architectural, archeological, or cultural significance; and

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20251142__

30 4. The applicant has secured sufficient mitigation credits
31 using the uniform mitigation assessment method from a mitigation
32 bank located in this state to offset the loss of wetlands
33 located on the land subject to the conservation easement.

34 (b) Upon the water management district's release of the
35 conservation easement, the ad valorem taxes on the property must
36 be based on the just value of the property, and the property may
37 be used for development that is consistent with the zoning
38 designation of the adjacent lands.

39 Section 2. This act shall take effect July 1, 2025.

3. 17. 25

Meeting Date

The Florida Senate
APPEARANCE RECORD

1142

Bill Number or Topic

Enviro & Natural Resources

Committee

Deliver both copies of this form to
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Amendment Barcode (if applicable)

Name

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State

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Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

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S-001 (08/10/2021)

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 Environment and Natural Resources

BILL: SB 1148

INTRODUCER: Senator Rodriguez

SUBJECT: Carbon Sequestration

DATE: March 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Favorable
2.			AEG	
3.			RC	

I. Summary:

SB 1148 creates the Carbon Sequestration Task Force as an adjunct to the Department of Environmental Protection to provide recommendations for the development of a statewide carbon sequestration program. The bill specifies who must be included as a member of the task force and requires the task force to convene by September 1, 2025. The bill requires the task force to:

- Identify terrestrial and aquatic environments suitable for carbon sequestration.
- Consider methods to increase carbon sequestration within the natural environment.
- Develop a standardized methodology to establish baseline carbon levels and account for increases in carbon sequestration over time.
- Evaluate additional ecosystem services and benefits of terrestrial and aquatic environments that may promote conservation and ecosystem restoration success.
- Recommend short- and long-term benchmarks for increasing carbon sequestration in terrestrial and aquatic ecosystems.
- Identify existing carbon markets and other considerations relevant to participation by the state in such markets.
- Identify potential funding mechanisms to encourage carbon sequestration.

By October 1, 2026, the task force must submit to the Secretary of Environmental Protection a report summarizing the task force's activities and findings in its first year, including a nonrecurring budget request for the 2026-2027 fiscal year. By October 1, 2027, the task force must submit to the Governor and Legislature a report that compiles the findings and recommendations of the task force. The bill also requires the task force to terminate on April 30, 2028. The bill appropriates \$350,000 from the Department of Environmental Protection's Administrative Trust Fund for fiscal year 2025-2026 to support the task force.

II. Present Situation:

Carbon

Carbon is the foundation of all life and helps regulate the Earth's temperature. It is found in our atmosphere in the form of carbon dioxide. Carbon dioxide is produced both in nature and by human activities.¹ Human-made sources include the burning of fossil fuels such as coal, natural gas, and oil for uses in power generation and transportation. Carbon dioxide is also released through land use changes, biologically through the oceans, the decomposition of organic matter, and forest fires. The build-up of carbon dioxide and other greenhouse gases in the atmosphere can trap heat and contribute to climate change.²

Capturing and sequestering carbon dioxide is one way to defer the effects of atmospheric warming.³ The scientific community views this practice as an essential part of solving climate change.⁴

Carbon Sequestration

Carbon sequestration is the storage of carbon dioxide after it is captured from industrial facilities and power plants or removed directly from the atmosphere.⁵ There are two types of carbon sequestration: biologic and geologic.⁶

Biologic Carbon Sequestration

Biologic carbon sequestration is the natural process of capturing and storing carbon dioxide as part of the carbon cycle,⁷ such as in oceans, soil, forests, and grasslands.⁸ In the oceans, carbon dioxide is stored as dissolved gas in the water and carbonate sediments on the seafloor.⁹ Oceans absorb roughly 25 percent of carbon dioxide emitted from human activities annually.¹⁰ Colder, nutrient-rich regions of the ocean absorb more carbon dioxide than warmer areas.¹¹ It has been estimated that by the end of the century much of the global ocean will be a large sink of carbon dioxide, potentially altering the ocean chemistry and making the water more acidic.¹²

¹ University of California, Davis (UC Davis), *What is Carbon Sequestration and How Does it Work?*, <https://clear.ucdavis.edu/explainers/what-carbon-sequestration> (last visited Mar. 8, 2025).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ U.S. Dep't of Energy (DOE), *DOE Explains Carbon Sequestration*, <https://www.energy.gov/science/doe-explainscarbon-sequestration> (last visited Mar. 8, 2025).

⁶ *Id.*

⁷ *Id.*

⁸ UC Davis, *What is Carbon Sequestration and How Does it Work?*

⁹ DOE, *DOE Explains Carbon Sequestration*.

¹⁰ UC Davis, *What is Carbon Sequestration and How Does it Work?*

¹¹ *Id.*

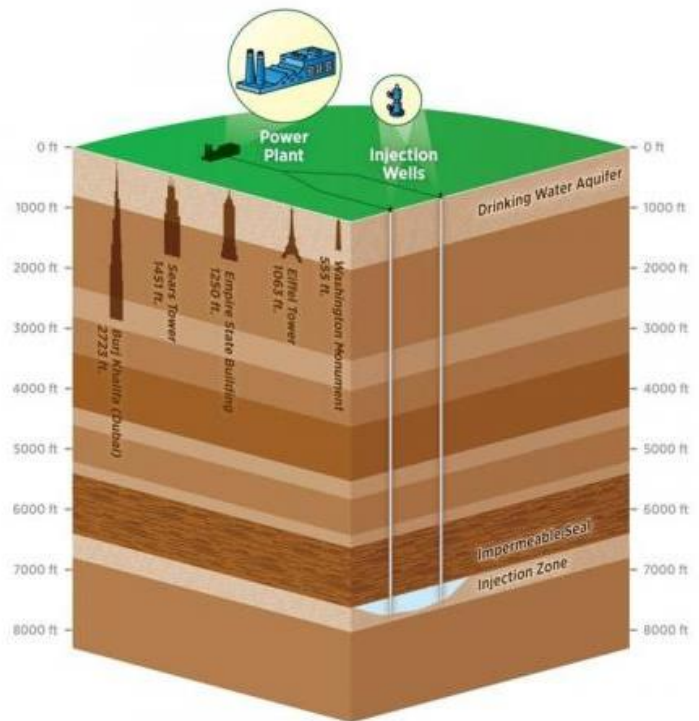
¹² U.S. National Oceanic and Atmospheric Administration (NOAA), *Ocean-Atmosphere CO2 Exchange*, <https://sos.noaa.gov/catalog/datasets/ocean-atmosphere-co2-exchange/#:~:text=By%20100%2C%20much%20of%20the,the%20pH%20of%20the%20water> (last visited Mar. 8, 2025).

Through photosynthesis, plants capture carbon and store it in the form of matter called soil organic carbon.¹³ Soil contains large amounts of soil organic carbon, where a portion is naturally decomposed and released back into the atmosphere as carbon dioxide; however, some of this carbon becomes stabilized and can remain sequestered in the soil for extended periods of time.¹⁴ Soil can also store carbon as carbonates.¹⁵ Carbonates are inorganic and can store carbon for more than 70,000 years, while soil organic matter typically only stores carbon for several decades.¹⁶

About 25 percent of global carbon emissions are captured by plant-rich landscapes such as forests, grasslands, and rangelands.¹⁷ By encouraging the growth of plants, particularly trees, advocates hope to help reduce the amount of carbon dioxide in the atmosphere.¹⁸

Geologic Carbon Sequestration

Geologic carbon sequestration involves storing carbon dioxide deep underground in porous rock formations.¹⁹ In this approach, the carbon dioxide is compressed to the supercritical phase, where it behaves like a liquid. It is then injected into porous rock formations deep under the ground where it becomes physically trapped in the pore spaces, dissolves in the fluid within the formations, and eventually reacts to form stable minerals. In another approach, carbon dioxide is dissolved into water before being injected into basaltic rock formations to mineralize. In some cases, this carbon dioxide is injected into oil-bearing rock formations, offsetting the costs of carbon capture, storing carbon dioxide, and helping to extract oil.²⁰



¹³ UC Davis, *What is Carbon Sequestration and How Does it Work?*, <https://clear.ucdavis.edu/explainers/what-carbon-sequestration>.

¹⁴ DOE, *DOE Explains Carbon Sequestration*, <https://www.energy.gov/science/doe-explainscarbon-sequestration>.

¹⁵ UC Davis, *What is Carbon Sequestration and How Does it Work?*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ U.S. Geological Survey, *What's the difference between geologic and biologic carbon sequestration?*, <https://www.usgs.gov/faqs/whats-difference-between-geologic-and-biologic-carbon-sequestration> (last visited Mar. 8, 2025).

¹⁹ DOE, *DOE Explains Carbon Sequestration*.

²⁰ *Id.*

Geologic sequestration of carbon dioxide could play an important role in reducing greenhouse gas emissions, while enabling low-carbon electricity generation from power plants.²¹ More than 40 percent of carbon dioxide emissions in the United States are from electric power generation. Geologic sequestration technologies are currently available and can dramatically reduce (by 80-90 percent) carbon dioxide emissions from power plants that burn fossil fuels. Applied to a 500 megawatt coal-fired power plant, the amount of greenhouse gas emissions avoided through geologic sequestration (with a 90 percent reduction efficiency) would be equivalent to:

- Planting more than 62 million trees and waiting at least 10 years for them to grow.
- Avoiding annual electricity-related emissions from more than 300,000 homes.²²

Carbon Markets

Carbon markets may help achieve net-zero emissions.²³ Farmers, ranchers, and forest landowners can generate carbon credits by adopting practices to reduce emissions or sequester carbon on their land. Carbon markets may provide them with new income opportunities through carbon credit sales. Purchasing these carbon credits may also help companies achieve voluntary greenhouse gas reduction goals. The future of voluntary carbon markets will be influenced, in part, by the supply of credits which has varied significantly over time.²⁴

Sequestering Carbon and Protecting Florida Land Program

In 2021, the Sequestering Carbon and Protecting Florida Land Program was established to invest in carbon sequestration by offering qualified applicants incentive payments for conducting certain approved forest management practices that create new forest stands, thereby increasing the state's forest acreage and the amount of offset carbon dioxide emissions.²⁵ The program seeks to increase carbon dioxide storage by an estimated 69,000 tons of carbon dioxide over the current anticipated five-year life of the program, which is the equivalent of removing approximately 3,000 passenger vehicles from the road every year. The program also seeks to maximize climate change mitigation and carbon sequestration while providing intangible social, cultural, civic, and workforce benefits.²⁶

The program is administered by the Florida Forest Service within the Department of Agriculture and Consumer Services (DACS). Applicants are limited to non-industrial private landowners, county or local governments, or legally organized and registered nonprofit organizations,

²¹ U.S. Environmental Protection Agency (EPA), *Carbon Dioxide Capture and Sequestration: Overview*, https://19january2017snapshot.epa.gov/climatechange/carbon-dioxide-capture-and-sequestration-overview_.html#CCS (last visited Mar. 8, 2025) (showing graphic of geologic sequestration).

²² *Id.*

²³ U.S. Dep't of Agriculture (USDA), *USDA Releases Assessment on Agriculture and Forestry in Carbon Markets*, <https://www.usda.gov/media/press-releases/2023/10/23/usda-releases-assessment-agriculture-and-forestry-carbon-markets> (last visited Mar. 8, 2025).

²⁴ USDA, *Report to Congress: A General Assessment of the Role of Agriculture and Forestry in U.S. Carbon Markets*, 2 (2023), available at <https://www.usda.gov/sites/default/files/documents/USDA-General-Assessment-of-the-Role-of-Agriculture-and-Forestry-in-US-Carbon-Markets.pdf> (last visited Mar. 8, 2025).

²⁵ Florida Dep't of Agriculture and Consumer Services (DACS), *Sequestering Carbon and Protecting Florida Land Program*, <https://grants.fdacs.gov/viewgrant/?id=4a8ed930-529b-ed11-aacf-001dd8098526#:~:text=The%20primary%20objective%20of%20the%20Sequestering%20Carbon%20and,thus%20increasing%20the%20amount%20of%20offset%20CO2%20emissions> (last visited Mar. 8, 2025).

²⁶ *Id.*

entities, or institutions owning their own lands. Landowners with a minimum of 20 acres (up to a maximum of 500 acres) may apply.²⁷

State Advisory Bodies

A task force is an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem.²⁸ A task force terminates upon the completion of its assignment.²⁹

Advisory bodies and other collegial bodies created as an adjunct to an executive agency must be established, evaluated, or maintained in accordance with the following provisions:³⁰

- They may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose.
- They must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of a public purpose. The executive agency to which the advisory body is made an adjunct must advise the Legislature at the time the advisory body is no longer essential to the furtherance of a public purpose.
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies.

An advisory body may not be created or reestablished unless:

- It meets a statutorily defined purpose;
- Its powers and responsibilities conform with the statutory definitions for governmental units;³¹
- Its members, unless expressly provided otherwise in the State Constitution, are appointed for four-year staggered terms; and
- Its members, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses.³²

The private citizen members of an advisory body that is adjunct to an executive agency must be appointed by the Governor, the head of the department,³³ the executive director of the department, or a Cabinet officer.³⁴

²⁷ DACS, *Florida Sequestering Carbon and Protecting Florida Land Program: Spring Site Preparation 2023*, 5 (2023), available at <https://grants.fdacs.gov/entity/sharepointdocumentlocation/4c8ed930-529b-ed11-aacf-001dd8098526/d3aacca8-314a-ed11-bba0-001dd804db73?file=Spring%202023%20Site%20Prep%20Program%20Final.pdf>.

²⁸ Section 20.03(5), F.S.

²⁹ *Id.*

³⁰ Section 20.052, F.S.

³¹ See section 20.03, F.S., for definitions of governmental units.

³² Section 20.052(4), F.S.

³³ “Department” means the principal administrative unit within the executive branch of state government. Section 20.03(8), F.S.

³⁴ Section 20.052(5)(a), F.S.

Unless an exemption is otherwise specifically provided by law, all meetings of an advisory body must be public.³⁵ Minutes, including a record of all votes cast, must be maintained for all meetings.³⁶

A law creating, or authorizing the creation of, an advisory body must provide for the repeal of the advisory body on October 2nd of the third year after enactment unless the law is reviewed and saved from repeal through reenactment by the Legislature.³⁷

III. Effect of Proposed Changes:

Section 1 creates s. 403.945, F.S., regarding the Carbon Sequestration Task Force. The bill contains the following legislative findings:

- Maintaining coastal and freshwater wetlands, nearshore and offshore aquatic ecosystems, conservation lands, healthy and sustainable agriculture, shellfish aquaculture, and timber and silvicultural industries is vital to the state's economy, environment, and natural resources, including significant environmental contributions to water quality and quantity, air purification, carbon sequestration, blue carbon,³⁸ coastal resilience, and habitat for threatened and endangered wildlife.
- The continued expansion of urban sprawl and the development of coastal areas have led to losses of the state's natural and agricultural lands and decreases in water quality and quantity that have harmed coastal ecosystems and industries, including imperiled wetlands, coral reefs, seagrasses, and shellfish aquaculture.
- To ensure healthy and sustainable agriculture, shellfish aquaculture and silvicultural industries, and natural and working lands and waters, a statewide program is necessary to provide incentives for landowners and managers to continue activities and land uses that sequester carbon.

The bill defines "carbon sequestration" as the long-term storage of carbon in plants, soils, geologic formations, and the ocean through land and aquatic habitat management.

The bill creates the Carbon Sequestration Task Force³⁹ as an adjunct to DEP to provide recommendations for the development of a statewide carbon sequestration program. The task force must operate in a manner consistent with the requirements of s. 20.052, F.S., which governs advisory bodies, commissions, and boards. The task force must be composed of the following members:

- The Secretary of Environmental Protection, or his or her designee.
- The Commissioner of Agriculture, or his or her designee.
- The executive director of the Fish and Wildlife Conservation Commission, or his or her designee.

³⁵ Section 20.052(5)(c), F.S.

³⁶ *Id.*

³⁷ Section 20.052(8), F.S.

³⁸ The bill defines "blue carbon" as carbon sequestered by marine and coastal ecosystems.

³⁹ The bill provides that "task force" has the same meaning as in s. 20.03(5), F.S., namely, an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment. Section 20.03(5), F.S.

- The Chief Resilience Officer, or his or her designee.
- The State Geologist.
- A representative from the National Estuary Program,⁴⁰ appointed by the Secretary of Environmental Protection.
- A member of an environmental not-for-profit, appointed by the Secretary of Environmental Protection.
- A landowner of working agricultural lands, appointed by the Commissioner of Agriculture.
- A representative from a state university with expertise in energy or sustainability, appointed by the Secretary of Environmental Protection.
- A representative from the University of Florida Institute of Food and Agricultural Sciences,⁴¹ appointed by the Commissioner of Agriculture.
- A representative from the Florida Sea Grant Program,⁴² appointed by the Commissioner of Agriculture.

The bill requires appointments to the task force be made by August 1, 2025. The bill provides that each appointed member serves at the pleasure of the appointing official. A vacancy on the task force must be filled in the same manner as the original appointment. The task force must elect a chair from among the members.

The bill provides that the task force must convene no later than September 1, 2025, and meet quarterly or upon the call of the chair. The bill also requires the task force to hold its meetings in person or through teleconference or other electronic means.

In addition, the bill provides that the duties of the task force must include all of the following:

- Identify and inventory terrestrial and aquatic environments suitable for carbon sequestration in this state.
- Consider possible methods of increasing carbon sequestration within the natural environment through state land and marine resource use policies; agricultural, aquacultural, and silvicultural practices; and other practices to achieve restoration of natural resources and long-term conservation.
- Develop a standardized methodology, including appropriate technology and existing research, to establish baseline carbon levels and account for increases in carbon sequestration over time.
- Evaluate additional ecosystem services and benefits of terrestrial and aquatic environments that may promote conservation and ecosystem restoration success, including water recharge, stormwater filtration, threatened or endangered wildlife habitat, nutrient reduction, flood mitigation and protection, coastal resilience, air quality, soil health, and food security.

⁴⁰ The National Estuary Program is a non-regulatory program established by Congress under the Clean Water Act to pioneer a broad and innovative approach to respond to threats to the nation's 28 estuaries. EPA, *Overview of the National Estuary Program*, <https://www.epa.gov/nep/overview-national-estuary-program> (last visited Mar. 8, 2025).

⁴¹ The University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) is a federal-state-county partnership dedicated to developing knowledge in agriculture, human and natural resources, and the life sciences. UF/IFAS, *About UF/IFAS*, <https://ifas.ufl.edu/about-us/> (last visited Mar. 8, 2025).

⁴² Florida Sea Grant is a university-based program that supports research, education, and outreach to conserve coastal resources and enhance economic opportunities for the people of Florida. It is a partnership between the state, the state's university system, and the National Oceanic and Atmospheric Administration. Sea Grant Florida, *About Us*, <https://www.flseagrant.org/about-us/> (last visited Mar. 8, 2025).

- Recommend short-term and long-term benchmarks for increasing carbon sequestration in terrestrial and aquatic ecosystems.
- Identify existing carbon markets and other considerations relevant to participation by the state in such markets.
- Identify potential funding mechanisms to encourage carbon sequestration practices and activities in this state.

By October 1, 2026, the task force must submit to the Secretary of Environmental Protection a report summarizing the task force activities and findings in its first year, including a nonrecurring budget request for the 2026-2027 fiscal year.

The bill provides that, by October 1, 2027, the task force must submit to the Governor and Legislature a report that compiles the findings and recommendations of the task force. The bill also provides that the task force must terminate on April 30, 2028.

Section 2 creates an undesignated section of law providing that, for the 2025-2026 fiscal year, the sum of \$350,000 in nonrecurring funds is appropriated from the Administrative Trust Fund to DEP for the purpose of providing administrative and support services to the Carbon Sequestration Task Force.

Section 3 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection (DEP), the University of Florida Institute of Food and Agricultural Services, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, and other members of the task force may incur costs related to participating in the task force, conducting research, and preparing the report required under this bill. Such costs may be offset by appropriations provided in this bill. The bill appropriates, for the 2025-2026 fiscal year, the sum of \$350,000 in nonrecurring funds from the Administrative Operating Trust Fund to DEP to provide administrative and support services to the task force.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 403.945 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Rodriguez

40-00838A-25

20251148__

A bill to be entitled
An act relating to carbon sequestration; creating s.
403.945, F.S.; defining terms; providing legislative
findings; creating the Carbon Sequestration Task Force
adjunct to the Department of Environmental Protection;
providing for task force membership, meetings, and
duties; requiring the task force to submit specified
reports to the Secretary of Environmental Protection
and to the Governor and the Legislature by specified
dates; providing for expiration of the task force;
providing an appropriation; providing an effective
date.

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

Section 1. Section 403.945, Florida Statutes, is created to
read:

403.945 Carbon Sequestration Task Force.—

(1) As used in this section, the term:

(a) "Blue carbon" means carbon sequestered by marine and
coastal ecosystems.

(b) "Carbon sequestration" means the long-term storage of
carbon in plants, soils, geologic formations, and the ocean
through land and aquatic habitat management.

(2) The Legislature finds that:

(a) Maintaining coastal and freshwater wetlands, nearshore
and offshore aquatic ecosystems, conservation lands, healthy and
sustainable agriculture, shellfish aquaculture, and timber and
silvicultural industries is vital to the state's economy,

40-00838A-25

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environment, and natural resources, including significant environmental contributions to water quality and quantity, air purification, carbon sequestration, blue carbon, coastal resilience, and habitat for threatened and endangered wildlife.

(b) The continued expansion of urban sprawl and the development of coastal areas have led to losses of the state's natural and agricultural lands and decreases in water quality and quantity that have harmed coastal ecosystems and industries, including imperiled wetlands, coral reefs, seagrasses, and shellfish aquaculture.

(c) To ensure healthy and sustainable agriculture, shellfish aquaculture and silvicultural industries, and natural and working lands and waters, a statewide program is necessary to provide incentives for landowners and managers to continue activities and land uses that sequester carbon.

(3) The Carbon Sequestration Task Force, a task force as defined in s. 20.03, is created adjunct to the department to provide recommendations for the development of a statewide carbon sequestration program. The task force shall operate in a manner consistent with the requirements of s. 20.052.

(4)(a) The task force shall be composed of the following members:

1. The Secretary of Environmental Protection, or his or her designee.

2. The Commissioner of Agriculture, or his or her designee.

3. The executive director of the Fish and Wildlife Conservation Commission, or his or her designee.

4. The Chief Resilience Officer, or his or her designee.

5. The State Geologist.

40-00838A-25

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59 6. A representative from the National Estuary Program,
60 appointed by the Secretary of Environmental Protection.

61 7. A member of an environmental not-for-profit
62 organization, appointed by the Secretary of Environmental
63 Protection.

64 8. A landowner of working agricultural lands, appointed by
65 the Commissioner of Agriculture.

66 9. A representative from a state university with expertise
67 in energy or sustainability, appointed by the Secretary of
68 Environmental Protection.

69 10. A representative from the University of Florida
70 Institute of Food and Agricultural Sciences, appointed by the
71 Commissioner of Agriculture.

72 11. A representative from the Florida Sea Grant Program,
73 appointed by the Commissioner of Agriculture.

74 (b) Appointments to the task force must be made by August
75 1, 2025.

76 (c) Each appointed member serves at the pleasure of the
77 appointing official.

78 (d) A vacancy on the task force must be filled in the same
79 manner as the original appointment.

80 (e) The task force shall elect a chair from among the
81 members.

82 (f) The task force shall convene no later than September 1,
83 2025. The task force shall meet quarterly or upon the call of
84 the chair. The task force shall hold its meetings in person or
85 through teleconference or other electronic means.

86 (5) The duties of the task force shall include all of the
87 following:

40-00838A-25

20251148__

88 (a) Identify and inventory terrestrial and aquatic
89 environments suitable for carbon sequestration in this state.

90 (b) Consider possible methods of increasing carbon
91 sequestration within the natural environment through state land
92 and marine resource use policies; agricultural, aquacultural,
93 and silvicultural practices; and other practices to achieve
94 restoration of natural resources and long-term conservation.

95 (c) Develop a standardized methodology, including
96 appropriate technology and existing research, to establish
97 baseline carbon levels and account for increases in carbon
98 sequestration over time.

99 (d) Evaluate additional ecosystem services and benefits of
100 terrestrial and aquatic environments that may promote
101 conservation and ecosystem restoration success, including water
102 recharge, stormwater filtration, threatened or endangered
103 wildlife habitat, nutrient reduction, flood mitigation and
104 protection, coastal resilience, air quality, soil health, and
105 food security.

106 (e) Recommend short-term and long-term benchmarks for
107 increasing carbon sequestration in terrestrial and aquatic
108 ecosystems.

109 (f) Identify existing carbon markets and other
110 considerations relevant to participation by the state in such
111 markets.

112 (g) Identify potential funding mechanisms to encourage
113 carbon sequestration practices and activities in this state.

114 (6) By October 1, 2026, the task force shall submit to the
115 Secretary of Environmental Protection a report summarizing the
116 task force activities and findings in its first year, including

40-00838A-25

20251148__

117 a nonrecurring budget request for the 2026-2027 fiscal year.

118 (7) By October 1, 2027, the task force shall submit to the
119 Governor, the President of the Senate, and the Speaker of the
120 House of Representatives a report that compiles the findings and
121 recommendations of the task force. The task force shall
122 terminate on April 30, 2028.

123 Section 2. For the 2025-2026 fiscal year, the sum of
124 \$350,000 in nonrecurring funds from the Administrative Trust
125 Fund within the Department of Environmental Protection is
126 appropriated to the Department of Environmental Protection for
127 the purpose of providing administrative and support services to
128 the Carbon Sequestration Task Force pursuant to s. 403.945,
129 Florida Statutes.

130 Section 3. This act shall take effect July 1, 2025.

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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3/17/25
Meeting Date
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1148
Bill Number or Topic

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Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

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(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR TINA SCOTT POLSKY
30th District

COMMITTEE:

Appropriations on Transportation, Tourism,
and Economic Development, *Vice Chair*
Appropriations
Appropriations on Criminal and Civil Justice
Environment and Natural Resources
Ethics and Elections
Governmental Oversight and Accountability
Judiciary
Joint Administrative Procedures

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

March 11, 2025

Chair Rodriguez,

Please consider this letter a request for Senator Polsky to receive an excused absence from the Environment and Natural Resources Committee on March 17, 2025.

Best regards,

A handwritten signature in dark ink, appearing to read "Tina Polsky", is written over a horizontal line.

Senator Tina Polsky

REPLY TO:

- ☐ 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- ☐ 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: SB 110
Caption: Senate Committee on Environment and Natural Resources

Type:
Judge:

Started: 3/17/2025 4:00:02 PM
Ends: 3/17/2025 5:45:19 PM
Length: 01:45:18

4:00:02 PM	Call to Order-Chair Rodriguez
4:00:23 PM	Roll Call
4:00:25 PM	Quorum Present
4:00:42 PM	Pledge of Allegiance
4:01:05 PM	Opening Remarks-Chair Rodriguez
4:01:21 PM	Tab 2 SB 834
4:01:28 PM	Senator Truenow
4:02:21 PM	Roll Call for SB 834
4:02:29 PM	Reported Favorably
4:02:46 PM	Tab 4 SB 1208
4:02:54 PM	Senator Truenow
4:03:56 PM	Senator Smith
4:04:23 PM	Senator Truenow
4:04:54 PM	Senator Smith
4:05:33 PM	Senator Truenow
4:05:56 PM	Senator Harrell
4:06:22 PM	Senator Truenow
4:06:56 PM	Senator Harrell
4:07:11 PM	Senator Truenow
4:07:16 PM	Public Testimony
4:07:21 PM	Jared Grigas, Association of Counties
4:08:55 PM	Times Waived Read into Record
4:09:00 PM	Senator Truenow
4:09:58 PM	Roll Call for SB 1208
4:10:06 PM	Reported Favorably
4:10:12 PM	Tab 3 SB 978
4:10:18 PM	Senator Berman
4:10:25 PM	Amendment #308288
4:11:08 PM	Senator Berman
4:12:28 PM	Amendment Adopted
4:13:30 PM	Senator Berman
4:13:50 PM	Roll Call for SB 978
4:14:40 PM	Reported Favorably
4:14:44 PM	Tab 5 SB1822
4:14:47 PM	Senator Martin
4:17:05 PM	Senator Arrington
4:17:27 PM	Senator Martin
4:17:31 PM	Senator Arrington
4:17:51 PM	Senator Martin
4:18:02 PM	Senator Arrington
4:18:35 PM	Senator Martin
4:19:14 PM	Senator Arrington
4:19:17 PM	Senator Martin
4:19:39 PM	Senator Arrington
4:19:50 PM	Senator Martin
4:20:09 PM	Senator Smith
4:20:47 PM	Senator Martin
4:21:38 PM	Senator Smith
4:22:06 PM	Senator Martin
4:22:09 PM	Senator Smith
4:22:38 PM	Senator Martin
4:22:41 PM	Senator Smith

4:23:13 PM	Senator Martin
4:24:19 PM	Senator Smith
4:25:06 PM	Senator Martin
4:26:20 PM	Senator Smith
4:27:25 PM	Senator Martin
4:27:31 PM	Senator Smith
4:27:36 PM	Senator Martin
4:28:44 PM	Senator Smith
4:29:30 PM	Senator Martin
4:29:48 PM	Senator Smith
4:30:19 PM	Senator Martin
4:30:23 PM	Public Testimony
4:30:38 PM	Jackson Oberlink-Florida for All
4:31:52 PM	Travis Moore-Oceana and Florida Native Plant Society
4:35:56 PM	Dave Doebler
4:39:48 PM	Katie Bauman-Surfrider Foundation
4:41:42 PM	Stacey Gallagher-Sea Turtle Conservancy
4:44:41 PM	Times Waived Read into Record
4:46:13 PM	Senator Arrington
4:47:35 PM	Senator Smith
4:50:31 PM	Chair Rodriguez
4:52:46 PM	Senator Martin
4:54:19 PM	Roll Call for SB 1822
4:55:25 PM	Reported Favorably
4:55:32 PM	Tab 1 CS/SB 384
4:55:47 PM	Senator Brodeur
4:56:24 PM	Amendment #183920
4:56:42 PM	Senator Brodeur
4:56:44 PM	Amendment Adopted
4:57:23 PM	Roll Call for CS/SB 384
4:57:46 PM	Reported Favorably
4:57:51 PM	Tab 6 SB 1008
4:57:54 PM	Senator Avila
4:59:40 PM	Senator Harrell
5:00:41 PM	Senator Avila
5:01:31 PM	Senator Harrell
5:01:37 PM	Senator Avila
5:02:37 PM	Senator Harrell
5:03:07 PM	Senator Arrington
5:03:21 PM	Senator Avila
5:04:34 PM	Senator Arrington
5:05:42 PM	Senator Avila
5:06:39 PM	Senator Arrington
5:06:57 PM	Senator Avila
5:08:13 PM	Public Testimony
5:08:37 PM	Joe Kilsheimer-The Florida Waste-to-Energy Coalition
5:12:26 PM	Jess McCarty-Miami Dade County
5:13:42 PM	Time Waives Read into Record
5:14:28 PM	Senator Harrell
5:15:02 PM	Senator Brodeur
5:15:45 PM	Senator Arrington
5:16:12 PM	Senator Avila
5:17:37 PM	Roll Call for SB 1008
5:18:39 PM	Reported Favorably
5:18:52 PM	Tab 7 CS/SB 594
5:19:00 PM	Gavel Turned Over to Vice Chair Ingoglia
5:19:08 PM	Chair Rodriguez
5:19:41 PM	Senator Harrell
5:20:24 PM	Senator Rodriguez
5:20:51 PM	Senator Harrell
5:21:09 PM	Senator Rodriguez
5:21:23 PM	Amendment #567442

5:21:30 PM	Senator Rodriguez
5:21:37 PM	Substitute Amendment #696246
5:22:03 PM	Senator Rodriguez
5:22:15 PM	Public Testimony - Times Waived Read into Record
5:22:34 PM	Substitute Amendment Adopted
5:23:14 PM	Public Testimony
5:23:19 PM	Richard Pinsky-Port of Palm Beach
5:24:09 PM	Wally Moran
5:27:15 PM	Kingsley Ross
5:29:46 PM	Mark Gillespie
5:31:25 PM	Times Waived Read into Record
5:31:56 PM	Missy Timmins-Marine Industries Association of Florida and Palm Beach
5:33:43 PM	Senator Harrell
5:34:32 PM	Senator Arrington
5:34:51 PM	Senator Rodriguez
5:36:10 PM	Roll Call for SB 594
5:36:21 PM	Reported Favorably
5:36:35 PM	Tab 8 SB 830
5:36:45 PM	Senator Rodriguez
5:37:54 PM	Waives Read into Record
5:38:03 PM	Roll Call for SB 830
5:38:14 PM	Reported Favorably
5:38:24 PM	Tab 9 SB 1142
5:38:31 PM	Senator Rodriguez
5:39:06 PM	Senator Smith
5:39:17 PM	Senator Rodriguez
5:39:26 PM	Senator Smith
5:39:31 PM	Senator Rodriguez
5:40:25 PM	Senator Smith
5:40:34 PM	Senator Arrington
5:40:57 PM	Senator Rodriguez
5:41:06 PM	Senator Arrington
5:41:31 PM	Senator Rodriguez
5:41:40 PM	Public Testimony - Chris Moya
5:42:34 PM	Senator Arrington
5:42:42 PM	Chris Moya
5:43:17 PM	Roll Call for SB 1142
5:43:40 PM	Reported Favorably
5:43:44 PM	Tab10 SB 1148
5:44:04 PM	Senator Rodriguez
5:44:18 PM	Waives Read into Record
5:44:28 PM	Roll Call for SB 1148
5:44:40 PM	Reported Favorably
5:44:48 PM	Gavel Passed to Senator Rodriguez
5:44:57 PM	Senator Ingoglia Recording Votes
5:45:04 PM	Closing Remarks
5:45:08 PM	Adjourned