

<b>Tab 2</b>	<b>SB 286 by Albritton (CO-INTRODUCERS) Perry;</b> (Similar to CS/H 00105) Domestic Wastewater Collection System Assessment and Maintenance					
217872	D	S	RCS	EN, Albritton	Delete everything after	03/05 03:36 PM
672320	AA	S	RCS	EN, Albritton	Delete L.53 - 54:	03/05 03:36 PM

<b>Tab 3</b>	<b>SB 320 by Hooper;</b> (Similar to H 00377) Residential Conservation Programs					
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<b>Tab 4</b>	<b>SB 376 by Montford;</b> (Identical to H 00555) Land Acquisition Trust Fund					
583172	A	S	RCS	EN, Montford	Delete L.104 - 108:	03/05 03:38 PM

<b>Tab 5</b>	<b>SB 446 by Mayfield (CO-INTRODUCERS) Hutson, Wright, Book;</b> (Similar to H 00325) Coastal Management					
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**ENVIRONMENT AND NATURAL RESOURCES**

**Senator Montford, Chair**  
**Senator Albritton, Vice Chair**

**MEETING DATE:** Tuesday, March 5, 2019

**TIME:** 2:30—4:30 p.m.

**PLACE:** Mallory Horne Committee Room, 37 Senate Building

**MEMBERS:** Senator Montford, Chair; Senator Albritton, Vice Chair; Senators Berman, Mayfield, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation by 4-H Students, University of Florida/IFAS Extension Service		Presented
2	<b>SB 286</b> Albritton (Similar CS/H 105)	Domestic Wastewater Collection System Assessment and Maintenance; Establishing the Blue Star Collection System Assessment and Maintenance Program and providing its purpose; requiring the Department of Environmental Protection to adopt rules and review and approve program applications for certification; requiring the department to allow public and private, nonprofit utilities to participate in the Clean Water State Revolving Fund Program under certain conditions; authorizing additional recipients and uses of Small Community Sewer Construction Assistance Act grants, etc.  EN 03/05/2019 Fav/CS AEG AP	Fav/CS Yeas 5 Nays 0
3	<b>SB 320</b> Hooper (Similar H 377)	Residential Conservation Programs; Authorizing the Fish and Wildlife Conservation Commission to organize, staff, equip, and operate residential conservation programs for a specified purpose, etc.  EN 03/05/2019 Favorable AEG AP	Favorable Yeas 5 Nays 0
4	<b>SB 376</b> Montford (Identical H 555)	Land Acquisition Trust Fund; Requiring that certain funds distributed into the Land Acquisition Trust Fund be used for conservation and management projects in certain counties; providing the types of projects for which the Department of Environmental Protection may use such funds, etc.  EN 03/05/2019 Fav/CS AEG AP	Fav/CS Yeas 5 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Environment and Natural Resources

Tuesday, March 5, 2019, 2:30—4:30 p.m.

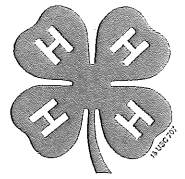
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 446</b> Mayfield (Similar H 325)	Coastal Management; Revising the criteria the Department of Environmental Protection must consider in determining and assigning annual funding priorities for beach management and erosion control projects; revising the ranking criteria to be used by the department to establish certain funding priorities for certain inlet-caused beach erosion projects; revising requirements for the comprehensive long-term management plan; requiring the plan to include a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan, etc.  EN      03/05/2019 Favorable AEG AP	Favorable Yeas 5 Nays 0

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Other Related Meeting Documents

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# STEM, Workforce & Student 4-H Programs



This \$1,943,200 funding request **will increase capacity of the UF/IFAS Extension 4-H programs to reach more youth**, providing workforce development and encouraging healthy lifestyle choices.



These funds will provide for an **increase in youth participation in the more than 50 programs** offered to 4-H students such as animals and agriculture, public speaking, science, engineering and technology, food and nutrition and STEM. A portion of the funds will **help to repair and modernize camps, such as Camp Cherry Lake**, to meet the needs of today's youth.

Florida 4-H is built upon a partnership of county and state governments. The 4-H program provides a science-based approach to positive youth development. It helps prepare our youth for the future and to be successful in the workforce.

These funds would provide resources for positions with expertise in nutrition, entrepreneurship, resource management, workforce preparedness,



youth development, civic engagement and **securing grants to be added throughout the 4-H programs.**

Research shows that an effective strategy to reducing negative outcomes for youth is to strengthen youth themselves, their families, and their communities. **In Florida, 28% of youth face food insecurity, and many face a job market requiring a skilled and/or educated labor force.** Our 4-H faculty have a history of success, but they are limited in reach by the resources available.

Currently, 47% of the youth participating in 4-H are in the minority (21% Hispanic, 27% other, including African American). Provided with the funding, we could **expand our reach to more communities, enabling growth of reach to approximately 5 to 10% per year.** Florida 4-H includes 16,000 volunteers whose 650,000 hours of service equate to a \$13.8 million economic impact annually.





## Statistical Snapshot (2017-18 4-H Year)

### Number of Youth Involved: 200,577\*

Organized Clubs (community, in-school, after-school, and military)	<b>22,032</b>
Special Interest Programs	<b>21,320</b>
School Enrichment	<b>158,022</b>
Day Camps/Residential Camps	<b>5,271</b>
After-School Child Care	<b>5,147</b>
Individual Study/Family 4-H	<b>214</b>

*\*This total does not include duplications. The individual delivery modes include duplications resulting from youth participating in multiple program areas.*

The UF/IFAS Extension Florida 4-H Youth Development Program uses a learn-by-doing approach to help youth gain the knowledge and skills they need to be responsible, productive citizens. This mission is accomplished by creating safe and inclusive learning environments, involving caring adults, and utilizing the expertise and resources of the University of Florida and the nationwide land grant university system.

Florida 4-H reached over 200,000 youth, ages 5-18, through 4-H clubs, school enrichment, camping, school age child care programs, etc.—with the help of more than 11,000 volunteers trained by Extension/4-H faculty statewide.

Research indicates:

- 4-H Helps Young People Excel Beyond Their Peers
- 4-H Youth Make More Healthy Choices
- 4-H'ers Excel in School and the Sciences
- Young People in 4-H are Committed to Improving their Communities

(For details, see [florida4h.org/impact](http://florida4h.org/impact))

### 4-H Youth Development State Headquarters

University of Florida / IFAS Extension

2142 Shealy Drive

P.O. Box 110225

Gainesville, FL 32611-0225

Phone: (352) 846-HHHH (4444)

[florida4h.org](http://florida4h.org)

### Where Do 4-H'ers Live:

Farms	<b>3% (6,465)</b>
Towns under 10,000	<b>19% (38,077)</b>
Towns and cities of 10,000 to 50,000	<b>25% (49,758)</b>
Suburbs of cities over 50,000	<b>25% (50,023)</b>
Central cities over 50,000	<b>28% (56,254)</b>

Number of Girls: 51.0% (101,331) Number of Boys: 49.0% (99,246)

### Race/Ethnic Background:

White/Caucasian	<b>73% (145,814)</b>
Black/African-American	<b>20% (39,668)</b>
Native Hawaiian/Other Pacific Islander	<b>0.3% (586)</b>
Asian	<b>1.8% (3,594)</b>
American Indian/Alaskan Native	<b>0.5% (1,008)</b>
More than one race	<b>4.5% (9,045)</b>
Racial Background Unknown	<b>2.9% (862)</b>

#### Ethnic Participation:

**24.0%** (47,446) Hispanic or Latino

**76.0%** (153,131) Non-Hispanic or Latino

### Grade Level of 4-H Members:

Kindergarten	<b>4%</b> <b>(8,735)</b>
Elementary (1st-5th Grade)	<b>67%</b> <b>(134,119)</b>
Middle School (6th-8th Grade)	<b>22%</b> <b>(43,505)</b>
High School (9th-12th Grade)	<b>6%</b> <b>(13,585)</b>
Post H.S. / Not in School / Special	<b>1%</b> <b>(633)</b>

# Volunteers in Florida 4-H

Adult volunteers amplify the impact of paid county Extension Agents, reaching more youth and providing valuable mentors for young people. Studies confirm the value of a significant other adult in the life of a child. The ability of 4-H Programs to provide safe and secure environments is dependent upon the management and quality of trained volunteers. Likewise, other outcomes such as a sense of belonging and inclusive environments are related to the effectiveness of volunteers' relationship and interaction with youth.

Florida 4-H is supported by:

**9,158 -Adult Volunteers**

**2,304 -Youth Volunteers**

Many voices combine to provide guidance for Florida 4-H programs at the county and state level. Important among these is the youth voice, which is critical to helping the program stay relevant and grow. County 4-H Associations provide sustaining support for 4-H programs in every Florida county. Volunteer leaders, community organizations, foundations, and county governments all play a role in the future of the program.

## Florida 4-H Projects in the 2017-2018 4-H Year Total Projects: 279,453

**Science, Engineering & Technology**  
**147,871 Projects**

**Consumer & Family Science**

**9,205 Projects**

Consumer education, money management, clothing and sewing, human development, child care and Cloverbuds.

**Biological Sciences**

**35,038 Projects**

4-H embryology in the classroom, marine/aquatic science, entomology and wildlife.

**Technology and Engineering**

**4,108 Projects**

Energy, bicycle, computer technology, electricity & electronics, robotics, small engines, and GPS/Geospatial.

**Physical Sciences**

**990 Projects**

Aerospace, astronomy, weather and climate.

**Environmental Education/Earth Sciences**

**21,517 Projects**

Environmental stewardship, geology, weather, soils, water, energy, forestry, shooting sports, sport fishing, outdoor education, waste management.

**Ag in the Classroom**

**23,359 Projects**

Agriculture education taught in the classroom including agriculture economics and society, and agribusiness.

**Animals**

**25,610 Projects**

Large and small animal projects, horsemanship, pets, Hog-n-Ham project and farm animals.

**Plant Science**

**28,044 Projects**

Gardening, flowers, vegetables, growing citrus, classroom gardening projects, and Jr. Master Gardeners.

**Citizenship**  
**111,908 Projects**

**Civic Engagement**

**3,691 Projects**

Service learning, citizenship, and public adventures, intergenerational and service learning.

**Leadership and Personal Development**

**16,429 Projects**

Economics and business marketing, career exploration, critical thinking, introductory projects, leadership skills, leisure.

**Communications & Expressive Arts**

**91,788 Projects**

Communication arts (speaking, radio, television, print), Performing arts (clowning, dance, drama, music), Visual arts (graphics, photography, video, crafts, drawing, sculpture).

**Healthy Lifestyles**  
**19,674 Projects**

**Foods and Nutrition**

**13,400 Projects**

Food preparation, nutrition, and food science.

**Health/Personal Safety**

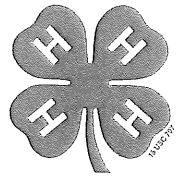
**6,274 Projects**

Physical fitness, health safety, ATV safety and emergency preparedness.

Detailed statistics for individual counties and 4-H project areas are available at [florida4h.org/impact](http://florida4h.org/impact).  
This sheet was updated on September 4, 2018.

The University of Florida is an Equal Opportunity Institution

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# FLORIDA 4-H AT A GLANCE

## Florida 4-H Grows True Leaders

The UF/IFAS Extension Florida 4-H Youth Development Program uses a learn-by-doing approach to help youth gain the knowledge and skills they need to be responsible, productive citizens. This mission is accomplished by creating safe and inclusive learning environments, involving caring adults, and utilizing the expertise and resources of the University of Florida and the nationwide land grant university system.

Last year Florida 4-H reached over 200,000 youth, ages 5-18, through 4-H clubs, school enrichment, camping, school age child care programs, etc.—with the help of more than 11,000 volunteers trained by Extension/4-H faculty statewide.

**200,577**

YOUTH SERVED

**279,453**

COUNTY PROJECTS

**9,158**

ADULT VOLUNTEERS

**2,304**

YOUTH VOLUNTEERS

### GENDER



**51%**  
FEMALE

**49%**  
MALE

### PLACE OF RESIDENCE



**3%**  
FARMS

**19%**  
TOWNS < 10K

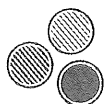
**25%**  
TOWNS 10-50K

**25%**  
TOWNS > 50K

**28%**  
URBAN CITY

### ETHNICITY AND RACE

*ethnicity and race reported separately*



**24%**  
HISPANIC

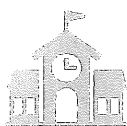
**76%**  
NON-HISPANIC

**73%**  
WHITE

**20%**  
AFRICAN AMERICAN

**9%**  
OTHER

### SCHOOL GRADE



**4%**  
KINDERGARTEN

**67%**  
1-5 GRADES

**22%**  
6-8 GRADES

**6%**  
9-12 GRADES

**1%**  
POST HIGHSCHOOL/  
NOT IN SCHOOL/  
SPECIAL

### TOP PARTICIPATION AREAS



**19,674**  
HEALTHY  
LIFESTYLES

**91,788**  
COMMUNICATIONS  
& EXPRESSIVE ART

**16,429**  
LEADERSHIP &  
PERSONAL  
DEVELOPMENT

**63,082**  
BIOLOGICAL AND  
PLANT SCIENCES

**21,517**  
ENVIRONMENTAL  
EDUCATION/EARTH  
SCIENCES

**23,359**  
AG IN THE  
CLASSROOM

**25,610**  
ANIMAL  
SCIENCE



## NATIONAL 4-H TODAY / AT A GLANCE

### 4-H Grows True Leaders

What began as a way to give rural youth new agricultural skills has grown into America's largest youth development organization.

4-H grows young people with essential life skills like confidence, courage, resilience and curiosity who are empowered and prepared for life today and tomorrow. 4-H serves every county and parish in America through our network of 110 land-grant universities and the Cooperative Extension System with 3,000 offices nationwide. The organization is led by a unique public-private partnership which includes National 4-H Council and the National Institute of Food & Agriculture within the United States Department of Agriculture.

### 4-H Youth Excel Beyond Their Peers

According to a 10-year longitudinal study conducted by the Institute for Applied Research in Youth Development at Tufts University, 4-H youth are:

**4x**

MORE LIKELY TO CONTRIBUTE  
TO THEIR COMMUNITIES

**2x**

MORE LIKELY TO MAKE  
HEALTHIER CHOICES

**2x**

MORE LIKELY TO PARTICIPATE  
IN SCIENCE PROGRAMS  
OUTSIDE OF SCHOOL TIME

**6,000,000**

YOUTH SERVED

**3,000+**

U.S. COUNTIES

**3,500+**

EDUCATORS

**600,000**

VOLUNTEERS

**25,000,000**

ALUMNI

**WHERE DO  
4-H'ERS LIVE?**

**1,250,000**  
CITIES

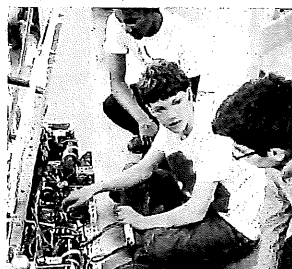
**1,750,000**  
TOWNS/SUBURBS

**2,900,000**  
RURAL COMMUNITIES



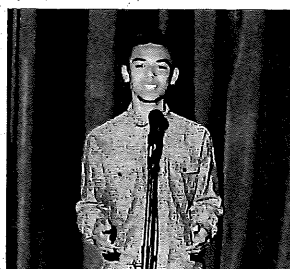
#### HEALTHY LIVING

Building on its agricultural roots, 4-H has a long history of promoting healthy living among youth and their families.



#### SCIENCE

The need for science, engineering, technology and math education is essential for today's young people.



#### CITIZENSHIP

Since its inception, 4-H has emphasized the importance of young people being engaged, well-informed citizens.



#### AGRICULTURE

4-H programs engage and excite young people in agricultural science topics such as veterinary science, biotechnology, raising and training animals and forestry.

**UF** | IFAS Extension  
UNIVERSITY of FLORIDA



For more information, contact:  
[fourh@ifas.ufl.edu](mailto:fourh@ifas.ufl.edu)

Learn more at:  
[florida4h.org/impact](http://florida4h.org/impact)

**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.)

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

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BILL: CS/SB 286

INTRODUCER: Environment and Natural Resources Committee and Senator Albritton

SUBJECT: Domestic Wastewater Collection System Assessment and Maintenance

DATE: March 5, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	<b>Fav/CS</b>
2.			AEG	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 286 creates the Blue Star Collection System Assessment and Maintenance Program for domestic sewer systems. The Department of Environmental Protection (DEP) will administer the program and codify program certification standards. Certification requires a demonstration of:

- The rate of reinvestment determined necessary by the utility to fully implement its collection system and pump station structural condition assessment and maintenance and replacement program;
- Periodic structural condition assessments and as-needed maintenance and replacements;
- A program designed to limit fats, roots, oils, and grease in its collection system;
- For public utilities, a local requirement that the private pump stations and lateral lines connecting to the public system be free of defects and direct stormwater connections; and
- A power outage contingency plan.

Public and private utilities certified under the program could receive the following incentives:

- Publication on DEP's website;
- Participation in the Clean Water State Revolving Loan Fund Program;
- Reduced penalties for a sanitary sewer overflow;
- Ten-year operating permits; and
- A presumption of compliance with state water quality standards for pathogens.



The bill expands the Small Community Sewer Construction Assistance Grant Program to provide grant eligibility for nonprofit utilities serving financially disadvantaged small communities. The bill allows DEP to waive the population requirement for certain independent special districts. The bill also provides that Small Community Sewer Construction Grants may be used for assessments and for planning and implementing domestic wastewater collection system assessment programs to identify conditions that may cause sanitary sewer overflows or interruption of service to customers due to a physical condition or defect in the system.

## II. Present Situation:

Domestic wastewater is wastewater derived principally from dwellings, business buildings, and institutions, commonly referred to as sanitary wastewater or sewage.<sup>1</sup> Domestic wastewater leaves these structures through a domestic wastewater collection system for treatment at a domestic wastewater treatment facility.<sup>2</sup> There are approximately 2,000 domestic wastewater treatment facilities in the state serving roughly two-thirds of the state's population.<sup>3</sup> Treated effluent and reclaimed water from these facilities amounts to over 1.5 billion gallons per day and is disposed of using methods such as surface water outfalls, deep aquifer injection wells, and other disposal methods such as percolation ponds and spray fields.<sup>4</sup>

### Wastewater Treatment Facility Permits

Domestic wastewater facilities that discharge to surface waters must obtain a National Pollutant Discharge Elimination System (NPDES) permit.<sup>5</sup> The NPDES program is a federal program established by the Clean Water Act (CWA) to control point source discharges.<sup>6</sup> NPDES permit requirements for most domestic wastewater facilities are incorporated into a state-issued permit, giving the permittee one set of permitting requirements rather than separate requirements for each permit.<sup>7</sup>

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<sup>1</sup> Fla. Admin. Code R. 62-600.200(21).

<sup>2</sup> Section 403.866(1), F.S. "Domestic wastewater collection system" is defined to mean "pipelines or conduits, pumping stations, and force mains and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal;" Section 403.866(2), F.S. "Domestic wastewater treatment plant" is defined to mean "any plant or other works used for the purpose of treating, stabilizing, or holding domestic wastes."

<sup>3</sup> 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 Feb. 11, 2019). The remainder of the state is served by on-site treatment and disposal systems regulated by the Department of Health.

<sup>4</sup> Fla. Admin. Code R. 62-600.200(22). "Effluent" is defined to mean, unless specifically stated otherwise, "water that is not reused after flowing out of any plant or other works used for the purpose of treating, stabilizing, or holding wastes;" Fla. Admin. Code R. 62-600.200(54). "Reclaimed water" is defined to mean, "water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility;" 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 Feb. 11, 2019).

<sup>5</sup> Section 403.031(13), F.S., defines "waters" to mean rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters; *see also* Fla. Admin. Code R. 62-620.200(77).

<sup>6</sup> 33 U.S.C. s. 1342.

<sup>7</sup> Section 403.0885, F.S.; Fla. Admin. Code R. Ch. 62-620; DEP, *Wastewater Permitting*, <https://floridadep.gov/water/domestic-wastewater/content/wastewater-permitting> (last visited Feb. 11, 2019); DEP, *Types of Permits*, <http://flwaterpermits.com/typesofpermits.html> (last visited Feb. 11, 2019).

A domestic wastewater system is a stationary installation that is reasonably expected to be a source of water pollution.<sup>8</sup> The systems must not be operated, maintained, constructed, expanded, or modified without an appropriate and currently valid permit issued by the Department of Environmental Protection (DEP), unless otherwise exempted by law.<sup>9</sup> A domestic wastewater treatment plant operating permit is issued for a term of five years.<sup>10</sup> As an incentive, certain wastewater treatment facilities that are not required to have a NPDES permit may request renewal of an operation permit for a term of up to 10 years for the same fee and under the same conditions as a five-year permit. These facilities must meet the following criteria:

- The waters from the treatment facility are not discharged to Class I municipal injection wells or the treatment facility is not required to comply with the federal standards under the Underground Injection Control Program;
- The treatment facility is not operating under a temporary operating permit or a permit with an accompanying administrative order and does not have any enforcement action pending against it by the United States Environmental Protection Agency (EPA), DEP, or an approved local program;
- The treatment facility has operated under an operation permit for five years and, for at least the preceding two years, has generally operated in conformance with the limits of permitted flows and other conditions specified in the permit;
- DEP has reviewed the discharge monitoring reports required by DEP rule and is satisfied that the reports are accurate;
- The treatment facility has generally met water quality standards in the preceding two years, except for violations attributable to events beyond the control of the treatment plant or its operator (e.g., destruction of equipment by fire, wind, or other abnormal events that could not reasonably be expected to occur); and
- DEP or an approved local program has conducted, in the preceding 12 months, an inspection of the facility and has verified in writing to the operator of the facility that it is not exceeding the permitted capacity and is in substantial compliance.<sup>11</sup>

### *Disinfection*

Disinfection is the selective destruction of disease-producing organisms, or pathogens, in wastewater effluent, reclaimed water, and biosolids.<sup>12</sup> Most domestic wastewater treatment facilities must meet either basic disinfection for discharges to surface water or high-level disinfection for reuse systems.<sup>13</sup>

Basic disinfection requires that the effluent after disinfection contain less than 200 fecal coliform values per 100 milliliters of sample.<sup>14</sup> High-level disinfection, which is used in conjunction with some types of reuse projects, including irrigation of residential lawns, areas accessible to the public, and edible food crops, requires that fecal coliforms be reduced below detection.<sup>15</sup>

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<sup>8</sup> Section 403.031(7), F.S.

<sup>9</sup> Section 403.087(1), F.S.

<sup>10</sup> Section 430.087(1), F.S.; Fla. Admin. Code R. 62-620.320(8).

<sup>11</sup> Section 403.087(3), F.S.

<sup>12</sup> Fla. Admin. Code R. 62-600.200(18) and (47).

<sup>13</sup> DEP, *Ultraviolet Disinfection for Domestic Wastewater*, <https://floridadep.gov/water/domestic-wastewater/content/ultraviolet-uv-disinfection-domestic-wastewater> (last visited Feb. 11, 2019).

<sup>14</sup> Fla. Admin. Code R. 62-600.440(5).

<sup>15</sup> Fla. Admin. Code R. 62-600.440(6).



Filtration is required ahead of the disinfection process and serves as an integral part of the overall high-level disinfection process.<sup>16</sup>

### **Total Maximum Daily Loads**

A total maximum daily load (TMDL), which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by a waterbody and still meet water quality standards.<sup>17</sup> Waterbodies or sections of waterbodies that do not meet the established water quality standards are deemed impaired. Pursuant to the federal Clean Water Act, DEP is required to establish a TMDL for impaired waterbodies.<sup>18</sup> A TMDL for an impaired waterbody is defined as the sum of the individual waste load allocations for point sources and the load allocations for nonpoint sources and natural background.<sup>19</sup> Waste load allocations are pollutant loads attributable to existing and future point sources. Load allocations are pollutant loads attributable to existing and future nonpoint sources. Point sources are discernible, confined, and discrete conveyances including pipes, ditches, and tunnels. Nonpoint sources are unconfined sources that include runoff from agricultural lands or residential areas.<sup>20</sup>

### ***Basin Management Action Plans and Best Management Practices***

DEP is the lead agency in coordinating the development and implementation of TMDLs. Basin management action plans (BMAPs) are one of the primary mechanisms DEP uses to achieve TMDLs. BMAPs are plans that use existing planning tools to address the entire pollution load, including point and nonpoint discharges, for a watershed. BMAPs generally include:

- Permitting and other existing regulatory programs, including water quality based effluent limitations;
- Non-regulatory and incentive-based programs, including best management practices (BMPs), cost sharing, waste minimization, pollution prevention, agreements, and public education;<sup>21</sup>
- Public works projects, including capital facilities; and
- Land acquisition.<sup>22</sup>

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.<sup>23</sup>

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<sup>16</sup> DEP, *Ultraviolet Disinfection for Domestic Wastewater*, <https://floridadep.gov/water/domestic-wastewater/content/ultraviolet-uv-disinfection-domestic-wastewater> (last visited Feb. 11, 2019).

<sup>17</sup> Section 403.067, F.S.

<sup>18</sup> *Id.*

<sup>19</sup> Section 403.031(21), F.S.

<sup>20</sup> Fla. Admin. Code R. 62-620.200(37). “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. Nonpoint sources can include runoff from agricultural lands or residential areas; oil, grease and toxic materials from urban runoff; and sediment from improperly managed construction sites.

<sup>21</sup> Section 403.061, F.S. DEP has the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it. Furthermore, s. 403.061(21), F.S., allows DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, etc.

<sup>22</sup> Section 403.067(7), F.S.

<sup>23</sup> *Id.*

Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations. The BMAP development process provides an opportunity for local stakeholders, local government and community leaders, and the public to collectively determine and share water quality clean-up responsibilities.<sup>24</sup>

BMAPs must include milestones for implementation and water quality improvement. They must also include an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones must be conducted every five years and revisions to the BMAP must be made as appropriate.<sup>25</sup>

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by either implementing the appropriate BMPs or by conducting water quality monitoring.<sup>26</sup> A nonpoint source discharger may be subject to enforcement action by DEP or a water management district based on a failure to implement these requirements.<sup>27</sup> BMPs are designed to reduce the amount of nutrients, sediments, and pesticides that enter the water system and to help reduce water use. BMPs are developed for agricultural operations as well as for other activities, such as nutrient management on golf courses, forestry operations, and stormwater management.<sup>28</sup>

### ***Presumption of Compliance***

Where interim measures, BMPs, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction, or in voluntary BMP programs, must be verified at representative sites by DEP.<sup>29</sup> Implementation of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites by DEP, provide a presumption of compliance with water quality standards.<sup>30</sup> DEP is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants.<sup>31</sup>

### **Penalties**

It is a violation of state law for any person to cause pollution that harms or injures human health or welfare; animal, plant, or aquatic life; or property.<sup>32</sup> A person who commits such a violation is liable to the state for any damage caused and for civil penalties.<sup>33</sup> A person who willfully commits such a violation is guilty of a felony of the third degree, punishable by a fine of not

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<sup>24</sup> DEP, *Basin Management Action Plans (BMAPs)*, <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps> (last visited Feb. 11, 2019).

<sup>25</sup> Section 403.067(7)(a)6., F.S.

<sup>26</sup> 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.

<sup>27</sup> Section 403.067(7)(b)2.h., F.S.

<sup>28</sup> DEP, *NPDES Stormwater Program*, <https://floridadep.gov/Water/Stormwater> (last visited Feb. 11, 2019).

<sup>29</sup> Sections 403.067(7)(c)3., and (12)(b), F.S.

<sup>30</sup> Section 403.067(7)(c)3., F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Section 403.161(1)(a), F.S.

<sup>33</sup> Section 403.161(2), F.S.; *see s. 403.141, F.S.*, for civil penalties.

more than \$50,000 or by imprisonment for five years, or by both, for each offense.<sup>34</sup> Each day during any portion of which such violation occurs constitutes a separate offense.<sup>35</sup> It is the Legislature's intent that the civil penalties and criminal fines imposed by the court be of such amount as to ensure immediate and continued compliance.<sup>36</sup>

### **Sanitary Sewer Overflows**

Although domestic wastewater treatment facilities are permitted and designed to safely and properly collect and manage a specified wastewater capacity, obstructions or extreme conditions can cause a sanitary sewer overflow (SSO). Any overflow, spill, release, discharge, or diversion of untreated or partially treated wastewater from a sanitary sewer system is a SSO.<sup>37</sup>

Factors contributing to SSOs may include:

- Build-up of solids, fats, oils, and greases in the wastewater collection system impeding flow;
- Too much rainfall infiltrating through the ground into leaky sanitary sewers, which are not intended to hold rainfall. Excess water can also flow through roof drains connected to sewers or poorly connected sewer lines;
- Blocked, broken, or cracked pipes and other equipment or power failures that keep the system from properly functioning. Tree roots can grow into the sewer. Sections of pipe can settle or shift so that pipe joints no longer match. Sediment and other material can build up and cause pipes to break or collapse; and
- A deteriorating or aging sewer system that can be expensive to repair. Some municipalities have found severe problems, necessitating costly correction programs.<sup>38</sup>

A key concern with SSOs entering rivers, lakes, or streams is their negative effect on water quality. In addition, because SSOs contain partially treated or potentially untreated domestic wastewater, ingestion or similar contact may cause illness. People can be exposed through direct contact in areas of high public access, food that has been contaminated, inhalation, and skin absorption. The Department of Health issues health advisories when bacteria levels present a risk to human health, and may post warning signs when bacteria affect public beaches or other areas where there is a risk of human exposure.<sup>39</sup>

Reduction of SSOs can be achieved through:

- Cleaning and maintaining the sewer system;
- Reducing infiltration and inflow through rehabilitation and repairing broken or leaking lines;
- Enlarging or upgrading sewer pump station or sewage treatment plant capacity and/or reliability; and

<sup>34</sup> Section 403.161(3), F.S.

<sup>35</sup> Section 403.161(3), F.S.; ss. 775.082(3)(e) and 775.083(1)(g), F.S.

<sup>36</sup> Section 403.161(6), F.S.

<sup>37</sup> DEP, *Sanitary Sewer Overflows (SSOs)*, available at <https://floridadep.gov/sites/default/files/sanitary-sewer-overflows.pdf> (last visited Feb. 11, 2019).

<sup>38</sup> DEP, *Preventing SSOs*, available at <https://floridadep.gov/sites/default/files/preventing-sanitary-sewer-overflows.pdf> (last visited Feb. 11, 2019); DEP, *SSOs*, available at <https://floridadep.gov/sites/default/files/sanitary-sewer-overflows.pdf> (last visited Feb. 11, 2019).

<sup>39</sup> DEP, *SSOs*, available at <https://floridadep.gov/sites/default/files/sanitary-sewer-overflows.pdf> (last visited Feb. 11, 2019).

- Constructing wet weather storage and treatment facilities to treat excess flows.<sup>40</sup>

After an SSO event, DEP reviews the data from utilities to assess the overall impact to the environment in deciding whether to take additional action. In its review, DEP considers how serious the violation was; whether this was a first-time violation or a repeated violation; whether the violation was inadvertent or beyond reasonable control; and whether the damage to the environment can be undone or remediated quickly.<sup>41</sup> DEP also takes into account the severity of the rain event (e.g., if it was a hurricane or a storm, or if the area had received an unusually large amount of rainfall beyond historical averages). If the discharge was caused by operator error or lack of a certified operator on-site at the time, then DEP may consider additional training for operators to prevent similar errors from occurring in the future. In some circumstances, DEP will meet with utilities to discuss infrastructure repairs and process improvements the utility is making and planning to implement in order to avoid further SSOs.<sup>42</sup>

## **Financing Wastewater Treatment Facilities**

### ***Asset Management***

Renewing and replacing domestic wastewater treatment infrastructure is an ongoing task. Asset management can help a utility maximize the value of its capital as well as its operations and maintenance dollars. Asset management provides utility managers and decision makers with critical information on capital assets and timing of investments. Some key steps for asset management are making an inventory of critical assets, evaluating the condition and performance of such assets, and developing plans to maintain, repair, and replace assets and to fund these activities.<sup>43</sup> The EPA provides guidance and reference manuals for utilities to aid in developing asset management plans.<sup>44</sup>

Many states, including Florida, provide financial incentives for the development and implementation of an asset management plan when requesting funding under a State Revolving Fund or other state funding mechanism.<sup>45</sup> Florida's incentives include priority scoring,<sup>46</sup> reduction of interest rates,<sup>47</sup> principal forgiveness for financially disadvantaged small communities,<sup>48</sup> and eligibility for small community wastewater facilities grants.<sup>49</sup>

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<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> EPA, *Sustainable Water Infrastructure - Asset Management for Water and Wastewater Utilities*, <https://www.epa.gov/sustainable-water-infrastructure/asset-management-water-and-wastewater-utilities> (last visited Feb. 11, 2019).

<sup>44</sup> EPA, *Asset Management: A Best Practices Guide*, available at <https://nepis.epa.gov/Exe/ZyPDF.cgi/P1000LP0.PDF?Dockkey=P1000LP0.PDF>; EPA, *Reference Guide for Asset Management Tools/Asset Management Plan Components and Implementation Tools for Small and Medium Sized Drinking Water and Wastewater Systems* (May 2014), available at [https://www.epa.gov/sites/production/files/2016-04/documents/am\\_tools\\_guide\\_may\\_2014.pdf](https://www.epa.gov/sites/production/files/2016-04/documents/am_tools_guide_may_2014.pdf) (last visited Feb. 11, 2019).

<sup>45</sup> EPA, *State Asset Management Initiatives* (Aug. 2012), available at [https://www.epa.gov/sites/production/files/2016-04/documents/state\\_asset\\_management\\_initiatives\\_11-01-12.pdf](https://www.epa.gov/sites/production/files/2016-04/documents/state_asset_management_initiatives_11-01-12.pdf) (last visited Feb. 11, 2019).

<sup>46</sup> Fla. Admin. Code R. 62-503.300(e).

<sup>47</sup> Fla. Admin. Code R. 62-503.300(5)(b)1. and 62-503.700(7).

<sup>48</sup> Fla. Admin. Code R. 62-503.500(4).

<sup>49</sup> Fla. Admin. Code R. 62-505.300(d) and 62-505.350(5)(c).

### ***Water and Wastewater Utility Reserve Fund***

In 2016, the Legislature authorized the Public Service Commission (PSC) to allow a utility to create a utility reserve fund for repair and replacement of existing distribution and collection infrastructure that is nearing the end of its useful life or is detrimental to water quality or reliability of service. The utility reserve fund would be funded by a portion of the rates charged by the utility, by a secured escrow account, or through a letter of credit.

The PSC adopted rules governing the implementation, management, and use of the fund, including expenses for which the fund may be used, segregation of reserve account funds, requirements for a capital improvement plan, and requirements for PSC authorization before fund disbursements.<sup>50</sup> The PSC requires an applicant to provide a capital improvement plan or an asset management plan in seeking authorization to create a utility reserve fund.<sup>51</sup>

### ***The Clean Water State Revolving Fund Program***

Florida's Clean Water State Revolving Fund (CWSRF) is a federal-state partnership that provides communities a permanent, independent source of low-cost financing for a wide-range of water quality infrastructure projects.<sup>52</sup> The CWSRF is funded through money received from federal grants as well as state contributions, which then "revolve" through the repayment of previous loans and interest earned. While these programs offer loans, grant-like funding is also available for qualified small, disadvantaged communities, which reduces the amount owed on loans by the percentage for which the community qualifies.

The CWSRF provides low-interest loans to local governments to plan, design, and build or upgrade wastewater, stormwater, and nonpoint source pollution prevention projects. Certain agricultural best management practices may also qualify for funding. Very low interest rate loans, grants, and other discounted assistance for small communities are available. Interest rates on loans are below market rates and vary based on the economic means of the community. Generally, local governments and special districts are eligible loan sponsors.<sup>53</sup> EPA classifies eleven types of projects that are eligible to receive CWSRF assistance. They include projects:

- For a municipality or inter-municipal, interstate, or state agency to construct a publicly owned treatment works;
- For a public, private, or nonprofit entity to implement a state nonpoint source pollution management program;
- For a public, private, or nonprofit entity to develop and implement a conservation and management plan;
- For a public, private, or nonprofit entity to construct, repair, or replace decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;
- For a public, private, or nonprofit entity to manage, reduce, treat, or recapture stormwater or subsurface drainage water;

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<sup>50</sup> Fla. Admin. Code R. 25-30.444.

<sup>51</sup> Fla. Admin. Code R. 25-30.444(2)(e) and (m).

<sup>52</sup> 33 USC s. 1383; EPA, CWSRF, <https://www.epa.gov/cwsrf> (last visited Feb. 11, 2019); EPA, *Learn about the CWSRF*, <https://www.epa.gov/cwsrf/learn-about-clean-water-state-revolving-fund-cwsrf> (last visited Feb. 11, 2019).

<sup>53</sup> DEP, *State Revolving Fund*, <https://floridadep.gov/wra/srf> (last visited Feb. 11, 2019).

- For a municipality or inter-municipal, interstate, or state agency to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse;
- For a public, private, or nonprofit entity to develop and implement watershed projects;
- For a municipality or inter-municipal, interstate, or state agency to reduce the energy consumption needs for publicly owned treatment works;
- For a public, private, or nonprofit entity for projects for reusing or recycling wastewater, stormwater, or subsurface drainage water;
- For a public, private, or nonprofit entity to increase the security of publicly owned treatment works; and
- For any qualified nonprofit entity, to provide technical assistance to owners and operators of small and medium sized publicly owned treatment works to plan, develop, and obtain financing for CWSRF eligible projects and to assist each treatment works in achieving compliance with the CWA.<sup>54</sup>

### ***Small Community Sewer Construction***

The Small Community Sewer Construction Assistance Act is a grant program established as part of the CWSRF program that requires DEP to award grants to assist financially disadvantaged small communities with their needs for adequate domestic wastewater facilities.<sup>55</sup> Under the program, a financially disadvantaged small community is defined as a county, municipality, or special district<sup>56</sup> with a total population of 10,000 or less, and a per capita income less than the state average per capita income.<sup>57</sup> In 2016, the Legislature included counties and special districts as eligible entities for grants under the program if they otherwise met the definition of a financially disadvantaged small community.<sup>58</sup>

In accordance with rules adopted by the Environmental Regulation Commission, DEP may provide grants, for up to 100 percent of the costs of planning, designing, constructing, upgrading, or replacing wastewater collection, transmission, treatment, disposal, and reuse facilities, including necessary legal and administrative expenses.<sup>59</sup> The rules of the commission must also:

- Require that projects to plan, design, construct, upgrade, or replace wastewater collection, transmission, treatment, disposal, and reuse facilities be cost-effective, environmentally sound, permittable, and implementable;
- Require appropriate user charges, connection fees, and other charges to ensure the long-term operation, maintenance, and replacement of the facilities constructed under each grant;
- Require grant applications to be submitted on appropriate forms with appropriate supporting documentation and require records to be maintained;
- Establish a system to determine eligibility of grant applications;
- Establish a system to determine the relative priority of grant applications, which must consider public health protection and water pollution abatement;

<sup>54</sup> EPA, *Learn about the CWSRF*, <https://www.epa.gov/cwsrf/learn-about-clean-water-state-revolving-fund-cwsrf> (last visited Feb. 11, 2019).

<sup>55</sup> Sections 403.1835(3)(d) and 403.1838, F.S.

<sup>56</sup> Section 189.012(6), F.S., defines special district; ss. 189.012(2) and (3), F.S., define dependent special district and independent special district, respectively.

<sup>57</sup> Section 403.1838(2), F.S.

<sup>58</sup> Chapter 2016-55, Laws of Fla.

<sup>59</sup> Section 403.1838(3)(a), F.S.



- Establish requirements for competitive procurement of engineering and construction services, materials, and equipment; and
- Provide for termination of grants when program requirements are not met.<sup>60</sup>

### ***Rural Area of Opportunity***

A rural area of opportunity (RAO) is a rural community, or a region composed of rural communities, designated by the Governor, affected adversely by an extraordinary economic event, severe or chronic distress, or a natural disaster that presents a unique economic development opportunity of regional impact.<sup>61</sup> The three designated RAOs are the:

- Northwest RAO, which includes Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the City of Freeport;
- South Central RAO, which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, South Bay, and Immokalee; and
- North Central RAO, which includes Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.<sup>62</sup>

### **Plant Operations Excellence Awards**

Each year, DEP presents awards to domestic wastewater and drinking water facilities around the state that demonstrate excellence in operation, maintenance, innovative treatment, waste reduction, pollution prevention, recycling, or other achievements. These awards recognize facilities that demonstrate a special commitment to excellence in management through dedicated professionalism and that have an impeccable history of record-keeping compliance. In 2019, the department will award a total of 18 facilities, including 10 domestic wastewater facilities and eight drinking water facilities statewide.<sup>63</sup>

## **III. Effect of Proposed Changes:**

**Section 1** creates s. 403.1839, F.S., creating the Blue Star Collection System Assessment and Maintenance Program.

The bill defines terms and provides the following legislative findings:

- The implementation of domestic wastewater collection system assessment and maintenance practices has been shown to effectively limit sanitary sewer overflows (SSOs) and the unauthorized discharge of pathogens.
- The voluntary implementation of practices beyond those required by law has the potential to further limit SSOs.

<sup>60</sup> Section 403.1838(3)(b), F.S.; Fla. Admin. Code R. Ch. 62-505.

<sup>61</sup> Section 288.0656(2)(d), F.S.

<sup>62</sup> DEO, RAO, <http://www.floridajobs.org/business-growth-and-partnerships/rural-and-economic-development-initiative/rural-areas-of-opportunity> (last visited Feb. 11, 2019).

<sup>63</sup> DEP, *DEP Presents Plant Excellence Awards to One Wastewater and Three Northwest Florida Drinking Water Facilities* (Feb. 13, 2019), available at <https://content.govdelivery.com/accounts/FLDEP/bulletins/22ebc9f> (last visited Feb. 14, 2019).

- The unique geography, community, growth, size, and age of domestic wastewater collection systems across the state require diverse responses, using the best professional judgment of local utility operators, to ensure that programs designed to limit SSOs are effective.

The bill establishes in the Department of Environmental Protection (DEP) a Blue Star Collection System Assessment and Maintenance Program and states that the purpose of this voluntary incentive program is to assist public and private utilities in limiting sanitary sewer overflows and the unauthorized discharge of pathogens.

The bill requires DEP to adopt rules to administer the program, including certification standards for the program. The bill requires DEP to review and approve public and private domestic wastewater utilities that apply for certification under the program and that demonstrate continued compliance with program certification requirements. A utility must provide reasonable documentation that it meets the following certification standards:

- Implementation of periodic collection system and pump station structural condition assessments and the performance of as-needed maintenance and replacement.
- The rate of reinvestment determined necessary by the utility to fully implement its collection system and pump station structural condition assessment and maintenance and replacement program.
- Implementation of a program designed to limit the presence of fats, roots, oils, and grease in the collection system.
- If the applicant is a public utility, the existence of a local law or building code requiring the private pump stations and lateral lines connecting to the public system to be free of:
  - Cracks, holes, missing parts, or similar defects; and
  - Direct stormwater connections that allow the direct inflow of stormwater into the private system and the public domestic wastewater collection system.
- Adoption of a power outage contingency plan that addresses mitigation of the impacts of power outages on the utility's collection system and pump stations.

The bill provides that program certifications expire after five years. During the five-year certification period, a utility must annually provide documentation to DEP on the status of its implementation of the program and must demonstrate that it meets all program criteria in order to maintain its program certification.

The bill requires DEP to annually publish on its website a list of certified blue star utilities beginning on January 1, 2021, and allow public and nonprofit utilities to participate in the Clean Water State Revolving Fund Program for any purpose of the Blue Star Collection System Assessment and Maintenance Program which is consistent with federal requirements for participating in the Clean Water State Revolving Fund Program.

The bill authorizes DEP, in the calculation of penalties for a sanitary sewer overflow, to reduce the penalty based on a utility's status as a certified blue star utility. DEP may also reduce a penalty based on a certified blue star utility's investment in assessment and maintenance activities to identify and address conditions that may cause sanitary sewer overflows or interruption of service to customers due to a physical condition or defect in the system.



**Section 2** amends s. 403.067(7)(c), F.S., relating to best management practices. The bill requires that for the sole purpose of establishing a total maximum daily load for pathogens in a surface water, DEP must provide a domestic wastewater utility with a defensible expectation of compliance with water quality standards for fecal indicator bacteria when the utility implements and maintains a program as a certified blue star utility and when the utility demonstrates a history of compliance with wastewater disinfection requirements incorporated in the utility's operating permit for any discharge into the impaired surface water.

**Section 3** amends s. 403.087, F.S., to require, subject to National Pollutant Discharge Elimination System (NPDES) permit duration limits for a utility, DEP to issue 10-year permits to blue star certified utilities for the same fee and under the same conditions that apply to a 5-year permit, upon approval of its application for renewal, if the certified blue star utility demonstrates that it:

- Is in compliance with any consent order or an accompanying administrative order related to its permit;
- Does not have any pending enforcement action against it by the United States Environmental Protection Agency, DEP, or a local program; and
- If applicable, has submitted annual program implementation reports demonstrating progress in the implementation of the program.

**Section 4** amends s. 403.161, F.S., to authorize, notwithstanding any other law, DEP to reduce a penalty based on the person's investment in the assessment, maintenance, rehabilitation, or expansion of the permitted facility.

**Section 5** amends s. 403.1838, F.S., to expand the eligibility for and uses of the Small Community Sewer Construction Grants to include nonprofit utilities serving financially disadvantaged small communities. The bill also allows DEP to waive the population requirement for an independent special district that serves fewer than 10,000 wastewater customers, is located within a watershed with an adopted TMDL or BMAP for pollutants associated with domestic wastewater, and is wholly located within a rural area of opportunity. This provision applies to the independent special district of Moore-Haven.

Under the bill, nonprofit utilities serving these communities may also receive grants for up to 100 percent of the costs of planning, assessing, designing, constructing, upgrading, or replacing wastewater facilities. The use of grant funds for assessments is added to the section. The bill also provides that Small Community Sewer Construction Grants may be used for planning and implementing domestic wastewater collection system assessment programs to identify conditions that may cause sanitary sewer overflows or interruption of service to customers due to a physical condition or defect in the system.

**Section 6** provides an effective date of July 1, 2019.

#### **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:

The bill may have a positive fiscal impact on private utilities that will now be eligible for CWSRF funds and Small Community Sewer Construction Assistance Grants.

The bill may also have a positive fiscal impact on private utilities being afforded an opportunity to have reduced penalties based on the investment, maintenance, rehabilitation, or expansion of a permitted facility.

C. Government Sector Impact:

The bill may have a negative fiscal impact on DEP associated with the rulemaking requirements of the bill and the implementation of the Blue Star Collection System Assessment and Maintenance Program, including review of annual reports and annual posting of blue star certified facilities on its website. The incentives associated with being blue star certified (e.g., reduced penalties, in-kind penalties, and 10-year operating permits) may reduce the amount of revenue generated from these activities.

The bill may have a negative fiscal impact to state revenues associated with the opportunities for reduced penalties related to sanitary sewer overflows at certified blue star facilities. However, the bill may have a positive fiscal impact on local governments which are afforded an opportunity to have reduced penalties based on the investment, maintenance, rehabilitation, or expansion of a permitted facility.

The bill may have a positive fiscal impact on local governments as it increases the eligible uses for Small Community Sewer Construction Assistance Grants.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Wastewater facilities are a traditional type of “point source” pollution and are subject to National Pollutant Discharge Elimination System (NPDES) permits. Generally, best management practices are applicable to nonpoint sources. It is unclear how the defensible expectation of compliance in the best management practices paragraph will affect how these utilities are regulated.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 403.067, 403.087, 403.161, and 403.1838.

This bill creates section 408.1839 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 Committee on March 5, 2019:**

- Requires that for the purpose of establishing a total maximum daily load for pathogens in a surface water, DEP must provide a domestic wastewater utility with a “defensible expectation of compliance” with state water quality standards for fecal indicator bacteria when a utility meets certain requirements.
- Revises one of the certification standards for the Blue Star Collection System Assessment and Maintenance Program to clarify that the rate of reinvestment determined necessary by the utility is the rate necessary to fully implement its collection system and pump station structural condition assessment and maintenance and replacement program.
- Authorizes DEP to implement the Small Community Sewer Construction Assistance Program.
- Makes technical changes.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2019	.	
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The Committee on Environment and Natural Resources (Albritton)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 403.1839, Florida Statutes, is created  
to read:

403.1839 Blue Star Collection System Assessment and  
Maintenance Program.—

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

(a) "Domestic wastewater" has the same meaning as in s.  
367.021.



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12        (b) "Domestic wastewater collection system" has the same  
13 meaning as in s. 403.866.

14        (c) "Program" means the Blue Star Collection System  
15 Assessment and Maintenance Program.

16        (d) "Sanitary sewer overflow" means the unauthorized  
17 overflow, spill, release, discharge, or diversion of untreated  
18 or partially treated domestic wastewater.

19        (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

20        (a) The implementation of domestic wastewater collection  
21 system assessment and maintenance practices has been shown to  
22 effectively limit sanitary sewer overflows and the unauthorized  
23 discharge of pathogens.

24        (b) The voluntary implementation of domestic wastewater  
25 collection system assessment and maintenance practices beyond  
26 those required by law has the potential to further limit  
27 sanitary sewer overflows.

28        (c) The unique geography, community, growth, size, and age  
29 of domestic wastewater collection systems across the state  
30 require diverse responses, using the best professional judgment  
31 of local utility operators, to ensure that programs designed to  
32 limit sanitary sewer overflows are effective.

33        (3) ESTABLISHMENT AND PURPOSE.—There is established in the  
34 department a Blue Star Collection System Assessment and  
35 Maintenance Program. The purpose of this voluntary incentive  
36 program is to assist public and private utilities in limiting  
37 sanitary sewer overflows and the unauthorized discharge of  
38 pathogens.

39        (4) APPROVAL AND STANDARDS.—

40        (a) The department shall adopt rules to administer the



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program, including the certification standards for the program in paragraph (b), and shall review and approve public and private domestic wastewater utilities that apply for certification or renewal under the program and that demonstrate maintenance of program certification pursuant to paragraph (c) based upon the certification standards.

(b) A utility must provide reasonable documentation of the following certification standards in order to be certified under the program:

1. The implementation of periodic collection system and pump station structural condition assessments and the performance of as-needed maintenance and replacements.

2. The rate of reinvestment determined necessary by the utility for its collection system and pump station structural condition assessment and maintenance and replacement program.

3. The implementation of a program designed to limit the presence of fats, roots, oils, and grease in the collection system.

4. If the applicant is a public utility, a local law or building code requiring the private pump stations and lateral lines connecting to the public system to be free of:

a. Cracks, holes, missing parts, or similar defects; and

b. Direct stormwater connections that allow the direct inflow of stormwater into the private system and the public domestic wastewater collection system.

5. A power outage contingency plan that addresses mitigation of the impacts of power outages on the utility's collection system and pump stations.

(c) Program certifications shall expire after 5 years. A



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utility shall document its implementation of the program on an annual basis with the department and must demonstrate that the utility meets all program standards in order to maintain its program certification. The approval of an application for renewal certification must be based on the utility demonstrating maintenance of program standards. A utility applying for renewal certification must demonstrate maintenance of program standards and progress in implementing the program.

(5) PUBLICATION.—The department shall annually publish on its website a list of certified blue star utilities beginning on January 1, 2021.

(6) FEDERAL PROGRAM PARTICIPATION.—The department shall allow public and nonprofit utilities to participate in the Clean Water State Revolving Fund Program for any purpose of the program that is consistent with federal requirements for participating in the Clean Water State Revolving Fund Program.

(7) REDUCED PENALTIES.—In the calculation of penalties pursuant to s. 403.161 for a sanitary sewer overflow, the department may reduce the penalty based on a utility's status as a certified blue star utility in accordance with this section. The department may also reduce a penalty based on a certified blue star utility's investment in assessment and maintenance activities to identify and address conditions that may cause sanitary sewer overflows or interruption of service to customers due to a physical condition or defect in the system.

Section 2. Paragraph (c) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—



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(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(c) *Best management practices.*—

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this subsection or for programs implemented pursuant to paragraph (12)(b). These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the





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water management districts, representatives from affected farming groups, and environmental group representatives. Such rules must also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including site inspection and recordkeeping requirements.

3. When ~~where~~ interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph (12)(b) must be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, where applicable, must notify the appropriate water management district or the Department of Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by



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those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of compliance and release is limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. When ~~where~~ water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures required by rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. Should the reevaluation determine that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the



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rule.

5. Agricultural records relating to processes or methods of production, costs of production, profits, or other financial information held by the Department of Agriculture and Consumer Services pursuant to subparagraphs 3. and 4. or pursuant to any rule adopted pursuant to subparagraph 2. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request, records made confidential and exempt pursuant to this subparagraph shall be released to the department or any water management district provided that the confidentiality specified by this subparagraph for such records is maintained.

6. ~~The provisions of~~ Subparagraphs 1. and 2. do not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

7. For the sole purpose of establishing a total maximum daily load for pathogens in a surface water, the department must provide a domestic wastewater utility with a defensible expectation of compliance with state water quality standards for fecal indicator bacteria when the utility implements and maintains a program as a certified blue star utility in accordance with s. 403.1839 and demonstrates a history of compliance with wastewater disinfection requirements



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incorporated in the utility's operating permit for any discharge into the impaired surface water.

Section 3. Subsection (11) is added to section 403.087, Florida Statutes, to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(11) Subject to the permit duration limits for a utility permitted pursuant to s. 403.0885, a blue star utility certified pursuant to s. 403.1839 shall be issued a 10-year permit for the same fee and under the same conditions as a 5-year permit upon approval of its application for permit renewal by the department if the certified blue star utility demonstrates that it:

(a) Is in compliance with any consent order or an accompanying administrative order to its permit;

(b) Does not have any pending enforcement action against it by the United States Environmental Protection Agency, the department, or a local program; and

(c) If applicable, has submitted annual program implementation reports demonstrating progress in the implementation of the program.

Section 4. Present subsection (6) of section 403.161, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

403.161 Prohibitions, violation, penalty, intent.—

(6) Notwithstanding any other law, the department may reduce the amount of a penalty based on the person's investment in the assessment, maintenance, rehabilitation, or expansion of the permitted facility.

Section 5. Subsection (2) and paragraphs (a) and (b) of



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subsection (3) of section 403.1838, Florida Statutes, are amended to read:

403.1838 Small Community Sewer Construction Assistance Act.—

(2) The department shall use funds specifically appropriated to award grants under this section to assist financially disadvantaged small communities with their needs for adequate sewer facilities. The department may use funds specifically appropriated to award grants under this section to assist nonprofit utilities providing wastewater services to financially disadvantaged small communities. For purposes of this section, the term "financially disadvantaged small community" means a county, municipality, or special district that has a population of 10,000 or fewer, according to the latest decennial census, and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce. For purposes of this subsection, the term "special district" has the same meaning as provided in s. 189.012 and includes only those special districts whose public purpose includes water and sewer services, utility systems and services, or wastewater systems and services. The department may waive the population requirement for an independent special district that serves fewer than 10,000 wastewater customers, is located within a watershed with an adopted total maximum daily load or basin management action plan for pollutants associated with domestic wastewater pursuant to s. 403.067, and is wholly located within a rural area of opportunity as defined in s. 288.0656.

(3) (a) In accordance with rules adopted by the department



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~~Environmental Regulation Commission~~ under this section, the department may provide grants, from funds specifically appropriated for this purpose, to financially disadvantaged small communities and to nonprofit utilities serving financially disadvantaged small communities for up to 100 percent of the costs of planning, assessing, designing, constructing, upgrading, or replacing wastewater collection, transmission, treatment, disposal, and reuse facilities, including necessary legal and administrative expenses. Grants issued pursuant to this section may also be used for planning and implementing domestic wastewater collection system assessment and maintenance programs to identify conditions that may cause sanitary sewer overflows or interruption of service to customers due to a physical condition or defect in the system.

(b) The rules of the department ~~Environmental Regulation Commission~~ must:

1. Require that projects to plan, assess, design, construct, upgrade, or replace wastewater collection, transmission, treatment, disposal, and reuse facilities be cost-effective, environmentally sound, permittable, and implementable.

2. Require appropriate user charges, connection fees, and other charges sufficient to ensure the long-term operation, maintenance, and replacement of the facilities constructed under each grant.

3. Require grant applications to be submitted on appropriate forms with appropriate supporting documentation, and require records to be maintained.

4. Establish a system to determine eligibility of grant



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applications.

5. Establish a system to determine the relative priority of grant applications. The system must consider public health protection and water pollution abatement.

6. Establish requirements for competitive procurement of engineering and construction services, materials, and equipment.

7. Provide for termination of grants when program requirements are not met.

Section 6. This act shall take effect July 1, 2019.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to domestic wastewater collection system assessment and maintenance; creating s. 403.1839, F.S.; providing definitions; providing legislative findings; establishing the Blue Star Collection System Assessment and Maintenance Program and providing its purpose; requiring the Department of Environmental Protection to adopt rules and review and approve program applications for certification; specifying the documentation utilities must submit to qualify for certification; providing for certification expiration and renewal; requiring the department to publish an annual list of certified blue star utilities; requiring the department to allow public and nonprofit utilities to participate in the Clean



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Water State Revolving Fund Program under certain conditions; authorizing the department to reduce penalties for sanitary sewer overflows at certified utilities and for investments in certain assessment and maintenance activities; amending s. 403.067, F.S.; creating a defensible expectation of compliance with certain water quality standards for certified utilities; amending s. 403.087, F.S.; requiring the department to issue extended operating permits to certified utilities under certain conditions; amending s. 403.161, F.S.; authorizing the department to reduce penalties based on certain system investments for permitted facilities; amending s. 403.1838, F.S.; authorizing additional recipients and uses of Small Community Sewer Construction Assistance Act grants; providing an effective date.





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2019	.	
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The Committee on Environment and Natural Resources (Albritton)  
recommended the following:

**Senate Amendment to Amendment (217872)**

Delete lines 53 - 54  
and insert:

2. The rate of reinvestment as determined necessary by the  
utility to fully implement its collection system and pump  
station structural

By Senator Albritton

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A bill to be entitled  
An act relating to domestic wastewater collection  
system assessment and maintenance; creating s.  
403.1839, F.S.; providing definitions; providing  
legislative findings; establishing the Blue Star  
Collection System Assessment and Maintenance Program  
and providing its purpose; requiring the Department of  
Environmental Protection to adopt rules and review and  
approve program applications for certification;  
specifying the documentation utilities must submit to  
qualify for certification; providing for certification  
expiration and renewal; requiring the department to  
publish an annual list of certified blue star  
utilities; requiring the department to allow public  
and private, nonprofit utilities to participate in the  
Clean Water State Revolving Fund Program under certain  
conditions; authorizing the department to reduce  
penalties for sanitary sewer overflows at certified  
utilities and for investments in certain assessment  
and maintenance activities; amending s. 403.067, F.S.;  
creating a presumption of compliance for certain water  
quality standards for certified utilities; amending s.  
403.087, F.S.; requiring the department to issue  
extended operating permits to certified utilities  
under certain conditions; amending s. 403.161, F.S.;  
authorizing the department to reduce penalties based  
on certain system investments for permitted  
facilities; amending s. 403.1838, F.S.; authorizing  
additional recipients and uses of Small Community

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Sewer Construction Assistance Act grants; providing an effective date.

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

Section 1. Section 403.1839, Florida Statutes, is created to read:

403.1839 Blue Star Collection System Assessment and Maintenance Program.—

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

(a) "Domestic wastewater" has the same meaning as in s. 367.021.

(b) "Domestic wastewater collection system" has the same meaning as in s. 403.866.

(c) "Program" means the Blue Star Collection System Assessment and Maintenance Program.

(d) "Sanitary sewer overflow" means the unauthorized overflow, spill, release, discharge, or diversion of untreated or partially treated domestic wastewater.

(2) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) The implementation of domestic wastewater collection system assessment and maintenance practices has been shown to effectively limit sanitary sewer overflows and the unauthorized discharge of pathogens.

(b) The voluntary implementation of domestic wastewater collection system assessment and maintenance practices beyond those required by law has the potential to further limit sanitary sewer overflows.

(c) The unique geography, community, growth, size, and age

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of domestic wastewater collection systems across the state  
require diverse responses, using the best professional judgment  
of local utility operators, to ensure that programs designed to  
limit sanitary sewer overflows are effective.

(3) ESTABLISHMENT AND PURPOSE.—There is established in the  
department a Blue Star Collection System Assessment and  
Maintenance Program. The purpose of this voluntary incentive  
program is to assist public and private utilities in limiting  
sanitary sewer overflows and the unauthorized discharge of  
pathogens.

(4) APPROVAL AND STANDARDS.—

(a) The department shall adopt rules to administer the  
program, including the certification standards for the program  
in paragraph (b), and shall review and approve public and  
private domestic wastewater utilities that apply for  
certification or renewal under the program and that demonstrate  
maintenance of program certification pursuant to paragraph (c)  
based upon the certification standards.

(b) A utility must provide reasonable documentation of the  
following certification standards in order to be certified under  
the program:

1. The implementation of periodic collection system and  
pump station structural condition assessments and the  
performance of as-needed maintenance and replacements.

2. The rate of reinvestment determined necessary by the  
utility for its collection system and pump station structural  
condition assessment and maintenance and replacement program.

3. The implementation of a program designed to limit the  
presence of fats, roots, oils, and grease in the collection

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88 system.

89 4. If the applicant is a public utility, a local law or  
90 building code requiring the private pump stations and lateral  
91 lines connecting to the public system to be free of:

92 a. Cracks, holes, missing parts, or similar defects; and

93 b. Direct stormwater connections that allow the direct  
94 inflow of stormwater into the private system and the public  
95 domestic wastewater collection system.

96 5. A power outage contingency plan that addresses  
97 mitigation of the impacts of power outages on the utility's  
98 collection system and pump stations.

99 (c) Program certifications shall expire after 5 years. A  
100 utility shall document its implementation of the program on an  
101 annual basis with the department and must demonstrate that the  
102 utility meets all program standards in order to maintain its  
103 program certification. The approval of an application for  
104 renewal certification must be based on the utility demonstrating  
105 maintenance of program standards. A utility applying for renewal  
106 certification must demonstrate maintenance of program standards  
107 and progress in implementing the program.

108 (5) PUBLICATION.—The department shall annually publish on  
109 its website a list of certified blue star utilities beginning on  
110 January 1, 2021.

111 (6) FEDERAL PROGRAM PARTICIPATION.—The department shall  
112 allow public and private, nonprofit utilities to participate in  
113 the Clean Water State Revolving Fund Program for any purpose of  
114 the program that is consistent with federal requirements for  
115 participating in the Clean Water State Revolving Fund Program.

116 (7) REDUCED PENALTIES.—In the calculation of penalties

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117 pursuant to s. 403.161 for a sanitary sewer overflow, the  
118 department may reduce the penalty based on a utility's status as  
119 a certified blue star utility in accordance with this section.  
120 The department may also reduce a penalty based on a certified  
121 blue star utility's investment in assessment and maintenance  
122 activities to identify and address conditions that may cause  
123 sanitary sewer overflows or interruption of service to customers  
124 due to a physical condition or defect in the system.

125 Section 2. Paragraph (c) of subsection (7) of section  
126 403.067, Florida Statutes, is amended to read:

127 403.067 Establishment and implementation of total maximum  
128 daily loads.—

129 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
130 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

131 (c) *Best management practices.*—

132 1. The department, in cooperation with the water management  
133 districts and other interested parties, as appropriate, may  
134 develop suitable interim measures, best management practices, or  
135 other measures necessary to achieve the level of pollution  
136 reduction established by the department for nonagricultural  
137 nonpoint pollutant sources in allocations developed pursuant to  
138 subsection (6) and this subsection. These practices and measures  
139 may be adopted by rule by the department and the water  
140 management districts and, where adopted by rule, shall be  
141 implemented by those parties responsible for nonagricultural  
142 nonpoint source pollution.

143 2. The Department of Agriculture and Consumer Services may  
144 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
145 suitable interim measures, best management practices, or other

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measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this subsection or for programs implemented pursuant to paragraph (12) (b). These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules must also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including site inspection and recordkeeping requirements.

3. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph (12) (b) must be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, where applicable, must notify the appropriate water management district or the Department of Agriculture and

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Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of compliance and release is limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. When ~~where~~ water quality problems are demonstrated,



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204 despite the appropriate implementation, operation, and  
205 maintenance of best management practices and other measures  
206 required by rules adopted under this paragraph, the department,  
207 a water management district, or the Department of Agriculture  
208 and Consumer Services, in consultation with the department,  
209 shall institute a reevaluation of the best management practice  
210 or other measure. Should the reevaluation determine that the  
211 best management practice or other measure requires modification,  
212 the department, a water management district, or the Department  
213 of Agriculture and Consumer Services, as appropriate, shall  
214 revise the rule to require implementation of the modified  
215 practice within a reasonable time period as specified in the  
216 rule.

217 5. Agricultural records relating to processes or methods of  
218 production, costs of production, profits, or other financial  
219 information held by the Department of Agriculture and Consumer  
220 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
221 rule adopted pursuant to subparagraph 2. are confidential and  
222 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
223 Constitution. Upon request, records made confidential and exempt  
224 pursuant to this subparagraph shall be released to the  
225 department or any water management district provided that the  
226 confidentiality specified by this subparagraph for such records  
227 is maintained.

228 6. ~~The provisions of~~ Subparagraphs 1. and 2. do not  
229 preclude the department or water management district from  
230 requiring compliance with water quality standards or with  
231 current best management practice requirements set forth in any  
232 applicable regulatory program authorized by law for the purpose

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of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

7. The department must provide a domestic wastewater utility with a presumption of compliance with state water quality standards for pathogens when the utility demonstrates a history of compliance with wastewater disinfection requirements incorporated in the utility's operating permit for any discharge into the impaired surface water, and the utility implements and maintains a program as a certified blue star utility in accordance with s. 403.1839.

Section 3. Subsection (11) is added to section 403.087, Florida Statutes, to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(11) Subject to the permit duration limits for a utility permitted pursuant to s. 403.0885, a blue star utility certified pursuant to s. 403.1839 shall be issued a 10-year permit for the same fee and under the same conditions as a 5-year permit upon approval of its application for permit renewal by the department if the certified blue star utility demonstrates that it:

(a) Is in compliance with any consent order or an accompanying administrative order to its permit;

(b) Does not have any pending enforcement action against it by the United States Environmental Protection Agency, the department, or a local program; and

(c) If applicable, has submitted annual program implementation reports demonstrating progress in the

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implementation of the program.

Section 4. Present subsection (6) of section 403.161, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to that section, to read:

403.161 Prohibitions, violation, penalty, intent.—

(6) Notwithstanding any other law, the department may reduce the amount of a penalty based on the person's investment in the assessment, maintenance, rehabilitation, or expansion of the permitted facility.

Section 5. Subsection (2) and paragraphs (a) and (b) of subsection (3) of section 403.1838, Florida Statutes, are amended to read:

403.1838 Small Community Sewer Construction Assistance Act.—

(2) The department shall use funds specifically appropriated to award grants under this section to assist financially disadvantaged small communities with their needs for adequate sewer facilities. The department may use funds specifically appropriated to award grants under this section to assist private, nonprofit utilities providing wastewater services to financially disadvantaged small communities. For purposes of this section, the term "financially disadvantaged small community" means a county, municipality, or special district that has a population of 10,000 or fewer, according to the latest decennial census, and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce. For purposes of this subsection, the term "special district" has the same meaning as provided in s. 189.012 and includes only those special districts

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whose public purpose includes water and sewer services, utility systems and services, or wastewater systems and services. The department may waive the population requirement for an independent special district that serves fewer than 10,000 wastewater customers, is located within a watershed with an adopted total maximum daily load or basin management action plan for pollutants associated with domestic wastewater pursuant to s. 403.067, and is wholly located within a rural area of opportunity as defined in s. 288.0656.

(3)(a) In accordance with rules adopted by the Environmental Regulation Commission under this section, the department may provide grants, from funds specifically appropriated for this purpose, to financially disadvantaged small communities and to private, nonprofit utilities serving financially disadvantaged small communities for up to 100 percent of the costs of planning, assessing, designing, constructing, upgrading, or replacing wastewater collection, transmission, treatment, disposal, and reuse facilities, including necessary legal and administrative expenses. Grants issued pursuant to this section may also be used for planning and implementing domestic wastewater collection system assessment and maintenance programs to identify conditions that may cause sanitary sewer overflows or interruption of service to customers due to a physical condition or defect in the system.

(b) The rules of the Environmental Regulation Commission must:

1. Require that projects to plan, assess, design, construct, upgrade, or replace wastewater collection, transmission, treatment, disposal, and reuse facilities be cost-

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effective, environmentally sound, permittable, and  
implementable.

2. Require appropriate user charges, connection fees, and  
other charges sufficient to ensure the long-term operation,  
maintenance, and replacement of the facilities constructed under  
each grant.

3. Require grant applications to be submitted on  
appropriate forms with appropriate supporting documentation, and  
require records to be maintained.

4. Establish a system to determine eligibility of grant  
applications.

5. Establish a system to determine the relative priority of  
grant applications. The system must consider public health  
protection and water pollution abatement.

6. Establish requirements for competitive procurement of  
engineering and construction services, materials, and equipment.

7. Provide for termination of grants when program  
requirements are not met.

Section 6. This act shall take effect July 1, 2019.



## 2019 AGENCY LEGISLATIVE BILL ANALYSIS

### AGENCY: Florida Fish and Wildlife Conservation Commission

<b><u>BILL INFORMATION</u></b>	
<b>BILL NUMBER:</b>	<u>Senate Bill (SB) 320</u>
<b>BILL TITLE:</b>	<u>Residential Conservation Programs</u>
<b>BILL SPONSOR:</b>	<u>Senator Ed Hooper</u>
<b>EFFECTIVE DATE:</b>	<u>July 1, 2019</u>

<b><u>COMMITTEES OF REFERENCE</u></b>
1) Environment and Natural Resources
2) Appropriations Subcommittee on Agriculture, Environment, and General Government
3) Appropriations
4) Click or tap here to enter text.
5) Click or tap here to enter text.

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

<b><u>CURRENT COMMITTEE</u></b>
Environment and Natural Resources

<b><u>SIMILAR BILLS</u></b>	
<b>BILL NUMBER:</b>	House Bill (HB) 377
<b>SPONSOR:</b>	Representative Charlie Stone

<b><u>IDENTICAL BILLS</u></b>	
<b>BILL NUMBER:</b>	Click or tap here to enter text.
<b>SPONSOR:</b>	Click or tap here to enter text.

<b>Is this bill part of an agency package?</b>
Yes, SB 320 is part of FWC's agency package.

<b><u>BILL ANALYSIS INFORMATION</u></b>	
<b>DATE OF ANALYSIS:</b>	January 28, 2019
<b>LEAD AGENCY ANALYST:</b>	Andrew Grayson
<b>ADDITIONAL ANALYST(S):</b>	Rae Waddell
<b>LEGAL ANALYST:</b>	Bridget McDonnell
<b>FISCAL ANALYST:</b>	Charlotte Jerrett

## POLICY ANALYSIS

### 1. EXECUTIVE SUMMARY

SB 320 would provide explicit statutory authorization to the Florida Fish and Wildlife Conservation Commission (FWC) to organize, operate, staff and equip residential conservation programs to provide fish and wildlife conservation education and training programs to the public, FWC employees and volunteers. This authority would include the establishment of cooperative efforts involving federal, state and local entities; the procurement of commodities and contractual services, including travel, lodging, meals and meal services; and the hiring and training of appropriate personnel and volunteers.

### 2. SUBSTANTIVE BILL ANALYSIS

#### 1. PRESENT SITUATION:

FWC and its predecessor, the Game and Freshwater Fish Commission, have a long history of hosting fish and wildlife conservation residential camps, programs and trainings, going back to the 1950s. FWC has conducted these activities as an exercise of constitutional as well as statutory authority. Section 9, Art. IX, Florida Constitution, authorizes FWC to exercise executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life, reserving that all license fees and penalties for violating Commission regulations shall be prescribed by general law. Additionally, the section states that the Legislature may enact laws in aid of the Commission, not inconsistent with that section of the Constitution.

During the 2018-2019 Fiscal Year, staff of the Department of Financial Services (DFS) raised concerns that FWC lacked clear statutory authority to organize, staff, equip, operate, and provide meals and meal services for all residential education. Accordingly, without such clear statutory authority, DFS indicated that they may not approve future payments for food and food services for FWC's camps and programs.

FWC's fish and wildlife camps and programs have been supported by legislative action and appropriations. These activities are also consistent with FWC's actions: the FWC Strategic Plan; the Recruit, Retain, Reactivate (R3) Program; the Florida Youth Conservation Centers Network; and the Becoming an Outdoor Woman outreach program.

#### Legislative Authority

- Cultural heritage of hunting, fishing and the taking of game: In section (s.) 379.104, Florida Statutes (F.S.) , the Legislature acknowledged the value of hunting, fishing, and the taking of game to the cultural heritage of Florida and the importance of these activities to the state's economy and in the conservation, preservation, and management of the state's natural areas and resources. [Section 379.104 was first enacted as s. 372.002 in 2002].
- Promotion of hunting and sport fishing with an emphasis on youth participation: s. 379.354(8), F.S., authorizes FWC to use up to 10 percent of the proceeds from the hunting and sport fishing permits to "promote hunting and sport fishing activities with an emphasis on youth participation." [s. 379.354(8), F.S., was first enacted in 2009].
- Donations used to enhance youth hunting, freshwater and saltwater fishing: s. 379.352(13), F.S., authorizes the collection of donations, when selling a recreational license or permit, pursuant to s. 379.354, and requires those donations to be deposited into the State Game Trust Fund "to be used solely for the purpose of enhancing youth hunting and youth freshwater and saltwater fishing programs." [s. 379.352(13) was first enacted as s. 372.561(13), F.S., in 2007].
- Marine Resources Conservation Trust Fund (MRCTF): In relevant part, s. 379.2201(1), F.S., states that not more than 7.5 percent of the total fees from all saltwater license and permit fees deposited into the MRCTF shall be used for administration of the licensing program and for information and education.
- Hunter Safety Training and Certification: Funds collected under the State Game Trust Fund shall be used by the Commission as it shall deem fit in carrying out the provisions of s. 379.211, F.S. Under the assignment of duties and responsibilities set out in s. 20.331(7)(d), F.S., the Division of Hunting and Game Management shall provide hunter safety training and certification. Programs like Becoming an Outdoors Woman (BOW) include sessions on the hunter safety certification course.
- Nature-based Recreation; Promotion and Other Assistance by the Commission: s. 288.0658, F.S., directs the Commission to assist other state agencies, tourist and economic development organizations, and local governments through the provision of marketing advice, technical expertise, promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Commission is directed to focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. Nature-based recreation includes activities such as fishing, hunting, camping, wildlife viewing, canoeing, kayaking, backpacking, and nature photography.

### Commission Actions

- **FWC Strategic Plan:** The Commission's Strategic Plan includes the following Strategic Initiative, "Expanding Participation in Conservation: Increase participation among youth and families representing Florida's diverse population by expanding partnerships to implement FYCCN and other programs that promote fishing, hunting, boating, wildlife viewing, shooting sports, and conservation appreciation."
- **Recruit, Retain, Reactivate (R3) Program:** The Commission has partnered with industry and non-governmental organizations to recruit, retain, and reactivate anglers, boaters, hunters, and shooting sports participants. The R3 Program is part of a national campaign to increase participation in conservation efforts. The Commission's R3 Program spans the entire agency and involves a number of programs including BOW, FYCCN, fishing seminars and educator training, and the Youth Hunting Program.
- **Florida Youth Conservation Centers Network:** In recent years, the Commission has worked at "Creating the Next Generation that Cares" and established the Florida Youth Conservation Centers Network in a collaborative outreach effort to instill in Florida's youth an appreciation and sense of ownership in Florida's fish and wildlife and their habitat. FWC's residential programs have traditionally been conducted at the Ocala Youth Conservation Center and the Everglades Youth Conservation Center. FWC estimates that since the 1950s, FWC and GFC have hosted in excess of 50,000 resident summer campers.
- **Becoming an Outdoor Woman (BOW):** An outreach program that introduces women to a variety of outdoor activities, which include: hunting, shooting, fishing, camping and kayaking. The program includes sessions of shooting sports, small-game hunting basics, bowhunting basics and bowhunting certification course, hunter safety certification course, etc.

## **2. EFFECT OF THE BILL:**

The bill would provide explicit statutory authority to support FWC's long history of providing fish and wildlife conservation education and training programs to the public, FWC employees and volunteers. Specifically, the bill's language would authorize FWC to organize, operate, staff and equip residential conservation programs to provide fish and wildlife conservation education and training programs to the public, FWC employees and volunteers. This authority would include the establishment of cooperative efforts involving federal, state and local entities; the procurement of commodities and contractual services, including travel, lodging, meals and meal services; and the hiring and training of appropriate personnel and volunteers.

## **3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒**

If yes, explain:	N/A.
Is the change consistent with the agency's core mission?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	N/A.

## **4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

Proponents and summary of position:	None known at this time.
Opponents and summary of position:	None known at this time.

## **5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?**

Y ☐ N ☒

If yes, provide a description:	N/A.
Date Due:	N/A.



Bill Section Number(s):	N/A.
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**6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?** Y ☐ N ☒

Board:	N/A.
Board Purpose:	N/A.
Who Appoints:	N/A.
Changes:	N/A.
Bill Section Number(s):	N/A.

## FISCAL ANALYSIS

**1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?** Y ☐ N ☒

Revenues:	N/A.
Expenditures:	N/A.
Does the legislation increase local taxes or fees? If yes, explain.	No.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A.

**2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?** Y ☐ N ☒

Revenues:	No.
Expenditures:	N/A. Budget authority to operate these programs is currently funded within FWC's base budget.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	N/A.

**3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?** Y ☐ N ☒

Revenues:	No.
Expenditures:	No.

Other:	N/A.
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**4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?**Y ☐ N ☒

If yes, explain impact.	No.
Bill Section Number:	N/A.

**TECHNOLOGY IMPACT****1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?**Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A.
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**FEDERAL IMPACT****1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?**Y ☒ N ☐

If yes, describe the anticipated impact including any fiscal impact.	The bill would authorize FWC to establish cooperative efforts involving federal entities in support of fish and wildlife conservation education.
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**ADDITIONAL COMMENTS**

The bill is consistent with Section 9, Art. IX, Florida Constitution, in that "the Legislature may enact laws in aid of the Commission."

The bill would provide explicit statutory authority for FWC to organize, operate, staff and equip residential conservation programs to provide fish and wildlife conservation education and training programs to the public, FWC employees and volunteers. This authority will include the establishment of cooperative efforts involving federal, state and local entities; the procurement of commodities and contractual services, including travel, lodging, meals and meal services; and the hiring and training of appropriate personnel and volunteers. The enactment should resolve issues raised by the Department of Financial Services.

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**LEGAL - GENERAL COUNSEL'S OFFICE REVIEW**

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Issues/concerns/comments:	Click or tap here to enter text.
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**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.)

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

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BILL: SB 320

INTRODUCER: Senator Hooper

SUBJECT: Residential Conservation Programs

DATE: March 5, 2019

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Anderson	Rogers	EN	<b>Favorable</b>
2. _____	_____	AEG	_____
3. _____	_____	AP	_____

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**I. Summary:**

SB 320 authorizes the Fish and Wildlife Conservation Commission to organize, staff, equip, and operate residential conservation programs to provide education and training about fish and wildlife conservation to the public, commission employees, and volunteers. The bill provides explicit statutory authorization to the commission to support its long history of providing these programs.

The bill authorizes the commission to establish cooperative efforts with federal, state, and local entities; procure commodities and contractual services such as travel, lodging, and meal services; and hire and train appropriate personnel and volunteers to support these programs.

**II. Present Situation:**

**Fish and Wildlife Conservation Commission (FWC)**

FWC is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.<sup>1</sup> FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate to five-year terms.<sup>2</sup> Under Article IV, Section 9 of the Florida Constitution, FWC is granted the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life. The Legislature may enact laws that aid FWC in its exercise of regulatory functions and executive powers in the areas of planning, budgeting, personnel management, and purchasing.<sup>3</sup>

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<sup>1</sup> FLA. CONST. art. IV, s. 9.

<sup>2</sup> *Id.*; see also section 379.102(1), F.S.

<sup>3</sup> FLA. CONST. art. IV, s. 9.

## History of Residential Conservation Programs

FWC and its predecessor agency, the Game and Fresh Water Fish Commission, have a long history of hosting fish and wildlife conservation residential camps, programs, and trainings, going back to the 1950s.<sup>4</sup> FWC estimates that since the 1950s, it has hosted over 50,000 resident summer campers.<sup>5</sup> FWC has conducted these activities as an exercise of its constitutional and statutory authority.<sup>6</sup>

FWC provides education and training programs to encourage, inform, instruct, and support the public and youth. FWC's Strategic Plan specifically includes an initiative that states FWC's goal to "increase participation among youth and families representing Florida's diverse population by expanding partnerships to implement Florida Youth Conservation Centers Network and other programs that promote fishing, hunting, boating, wildlife viewing, shooting sports, and conservation appreciation."<sup>7</sup>

FWC has established several programs in support of this strategic initiative. Through its Recruit, Retain, and Reactivate (R3) program, FWC partners with industry members and organizations to encourage anglers, boaters, hunters, and shooting sports participants as part of its national campaign to increase participation in conservation efforts. The R3 initiative involves a number of programs including fishing seminars, educator training, and the youth hunting program.<sup>8</sup>

FWC established the Florida Youth Conservation Centers Network as part of a collaborative outreach effort to instill in Florida's youth an appreciation and sense of ownership in Florida's fish and wildlife and their habitat. These residential programs have traditionally been conducted at the Ocala Youth Conservation Center and the Everglades Youth Conservation Center.<sup>9</sup>

FWC also has an outreach program, Becoming an Outdoor Woman, which is specifically designed to introduce women to various outdoor activities, including hunting, shooting, fishing, camping, and kayaking. The program includes sessions of shooting sports, small-game hunting basics, bowhunting basics, and certification courses on bowhunting and hunter safety.<sup>10</sup>

The Legislature has enacted various statutes that support FWC's education and training programs. For example, the Legislature has authorized FWC to use a percentage of proceeds from its hunting and sport fishing permits to "promote hunting and sport fishing activities with an emphasis on youth participation."<sup>11</sup> The Legislature has also authorized donations collected from recreational licenses and permits to be deposited into the State Game Trust Fund "to be used solely for the purpose of enhancing youth hunting and youth freshwater and saltwater

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<sup>4</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 320 Agency Legislative Bill Analysis* (Jan. 28, 2019) (on file with the Senate Committee on Environment and Natural Resources).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Florida Fish and Wildlife Conservation Commission, *Agency Strategic Plan*, <http://strategicplan.myfwc.com/Initiatives/Participation.html> (last visited Feb. 26, 2019).

<sup>8</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 320 Agency Legislative Bill Analysis* (Jan. 28, 2019) (on file with the Senate Committee on Environment and Natural Resources).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Section 379.354(8), F.S.

fishing programs.”<sup>12</sup> Another example is the statutory requirement that FWC provide hunter safety training and certification.<sup>13</sup>

The Legislature has funded FWC’s efforts and residential conservation programs through its appropriations process. Over the last five years, the Legislature has appropriated approximately \$2.1 million in Fixed Capital Outlay for Everglades Youth Conservation Camp, and \$750,000 in Fixed Capital Outlay for the Ocala Conservation Center.<sup>14</sup>

FWC stated in its agency bill analysis that during the 2018-2019 Fiscal Year, the Department of Financial Services (DFS) denied payment for catering services used to support the Becoming an Outdoors Woman program.<sup>15</sup> FWC indicated that DFS raised concerns that FWC lacks clear statutory authority to organize, staff, equip, operate, and provide meals and meal services for all residential education.<sup>16</sup> FWC stated that, as a result, DFS may not approve future payments for food and food services for FWC camps and programs.<sup>17</sup>

### **III. Effect of Proposed Changes:**

SB 320 authorizes the Fish and Wildlife Conservation Commission (FWC) to organize, staff, equip, and operate residential conservation programs to provide education and training about fish and wildlife conservation to the public, FWC employees, and volunteers. The bill gives FWC explicit authority to support its long history of providing these programs.

The bill authorizes FWC to establish cooperative efforts with federal, state, and local entities; procure commodities and contractual services such as lodging and meal services; and hire and train appropriate personnel and volunteers.

The bill takes effect on July 1, 2019.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>12</sup> Sections 379.211 and 379.352(13), F.S. FWC is required to use funds collected under the State Game Trust Fund as it deems fit to carry out the provisions governing it.

<sup>13</sup> Section 20.331(7)(d), F.S.

<sup>14</sup> Florida Fish and Wildlife Conservation Commission, *2019 Legislative Proposal, Clarification of Authority – Residential Conservation Programs* (Sept. 26, 2018), available at <https://myfwc.com/media/17523/7b-proposalanalysis-residentialconservationprograms.pdf> (last visited Feb. 26, 2019).

<sup>15</sup> *Id.*

<sup>16</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 320 Agency Legislative Bill Analysis* (Jan. 28, 2019) (on file with the Senate Committee on Environment and Natural Resources).

<sup>17</sup> *Id.*

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

The bill is consistent with Section 9, Art. IX, Florida Constitution, in that “the Legislature may enact laws in aid of the Commission.”

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The budget authority to operate residential conservation programs is currently funded within FWC’s base budget.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 379.107 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.

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<sup>18</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 320 Agency Legislative Bill Analysis* (Jan. 28, 2019) (on file with the Senate Committee on Environment and Natural Resources).

B. Amendments:

None.

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

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By Senator Hooper

16-00584-19

2019320\_\_

A bill to be entitled

An act relating to residential conservation programs; creating s. 379.107, F.S.; authorizing the Fish and Wildlife Conservation Commission to organize, staff, equip, and operate residential conservation programs for a specified purpose; authorizing the commission to establish cooperative efforts, procure commodities and contractual services, and hire and train appropriate personnel and volunteers for the programs; providing an effective date.

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

Section 1. Section 379.107, Florida Statutes, is created to read:

379.107 Residential conservation programs.—The commission may organize, staff, equip, and operate residential conservation programs to provide fish and wildlife conservation education and training programs to the public, commission employees, and volunteers. To assist in carrying out the operation of the residential conservation programs, the commission may establish cooperative efforts involving federal, state, and local entities; may procure commodities and contractual services, including travel, lodging, meals and meal services; and may hire and train appropriate personnel and volunteers.

Section 2. This act shall take effect July 1, 2019.

## Anderson, Crystal

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**From:** Rogers, Ellen  
**Sent:** Friday, January 18, 2019 12:45 PM  
**To:** Anderson, Crystal  
**Subject:** Fwd: Springs Presentation

Sent from my iPhone

Begin forwarded message:

**From:** "Buckley, Emily" <[Emily.Buckley@freshfromflorida.com](mailto:Emily.Buckley@freshfromflorida.com)>  
**Date:** January 17, 2019 at 2:19:51 PM EST  
**To:** "Rogers, Ellen" <[ROGERS.ELLEN@flsenate.gov](mailto:ROGERS.ELLEN@flsenate.gov)>  
**Subject:** FW: Springs Presentation

Ellen,

Please see Jim Karels answers below in red to Vice Chair Albritton's questions.

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**From:** Karels, Jim  
**Sent:** Thursday, January 17, 2019 2:16 PM  
**To:** Buckley, Emily <[Emily.Buckley@freshfromflorida.com](mailto:Emily.Buckley@freshfromflorida.com)>  
**Subject:** FW: Springs Presentation

Emily see answers below.

**Jim Karels**  
State Forester/Director  
Florida Forest Service  
Florida Department of Agriculture and Consumer Services

Note: New Phone #  
Phone: 850-681-5800  
Fax: 850-681-5801  
[Jim.Karels@freshfromflorida.com](mailto:Jim.Karels@freshfromflorida.com)

3125 Conner Boulevard  
Tallahassee, FL 32399-1650

[www.FreshFromFlorida.com](http://www.FreshFromFlorida.com)

Please note that Florida has a broad public records law (Chapter 119, Florida Statutes). Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public and will only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida.

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**From:** Rogers, Ellen <[ROGERS.ELLEN@flsenate.gov](mailto:ROGERS.ELLEN@flsenate.gov)>  
**Sent:** Friday, January 11, 2019 5:48 PM  
**To:** Alford, Matthew <[Matthew.Alford@freshfromflorida.com](mailto:Matthew.Alford@freshfromflorida.com)>  
**Cc:** Buckley, Emily <[Emily.Buckley@freshfromflorida.com](mailto:Emily.Buckley@freshfromflorida.com)>  
**Subject:** Springs Presentation

Hello,

It is likely that our next agenda will include an update on the implementation of the Springs Bill. Could DACS come give a short presentation on the implementation on BMPS? I know the members are interested in understanding what kinds of nutrient reductions we are seeing as a result of our efforts. If such a presentation is doable (Tuesday the 22<sup>nd</sup> 4:30-6pm), let me know and let me know who the presenter would be. We would need the presentation by next Friday when we publish our packet.

Additionally, Vice Chair Albritton had the following follow-up questions from last Tuesday. Some of these questions will be appropriate for DEP as well, but I think he is interested in the forestry perspective. Please extend our thanks to the presenters. They did an amazing job and were very responsive to the members, which I know they appreciate.

1. Over the storm recovery period, what is the proper sequence of actions to follow relative to repairing the environmental damage on our State lands? (examples would include things such as cleaning debris out of streams/rivers or remove debris out of our state forests to reduce fire risk, etc...) Clear roads for access, salvage/clean-up and river cleanup, recovery plan including how many acres per year, tree species and # needed, site preparation then reforestation.
2. As it relates to reforestation of our State lands, is the goal to use native replacement trees to the same specifications as the pre-storm inventory or would we strive to simply use native trees as inventory allows to expedite the process? Yes, native trees, probably more per acre as attrition removes them as they age. Plant 500-800 native trees, i.e. southern yellow pine or native hardwood, per acre. There is a broad selection of native hardwoods that can be considered as appropriate to the specific soil type and location in the bottom land areas.
3. Can reforestation begin prior to other clean up efforts recognizing that access to replanting areas may be a key factor? Yes, reforestation can start by this coming winter if the site is accessible, site prep contractors are available and where there is lighter damage or salvage has been completed. Reforestation should take place as soon as appropriate. First expected reforestation efforts will start next winter 2019-2020. More heavily damaged sites will likely need to be replanted over the next 1 -5 years.
4. What is the current state of the supply system for native trees that would be used in reforestation of our State lands for recovery? Where do the trees used today come from? (Florida or some other sources) Andrews Nursery (FFS state nursery), will add seedling capacity as needed. Other private nurseries will likely increase capacity as needed too. Most trees will come from Florida or other southeastern states. There will not be enough tree seedlings in any given single year to replace all damaged lands in one year. An event of this magnitude will require several years of recovery and restoration. Planning for future species needs will help nurseries appropriately sow additional seed, potentially as custom grown crops, for this reforestation effort.
5. Recognizing the demand for replacement trees might likely outstrip the current supply due to the acute storm damage, what can the State do to expedite the nursery supply to hopefully shorten the timeline for full reforestation? Increase capacity, relay communications to private nurseries to increase their capacity as well. Needs assessments will help inform the specific species increase needs for both state and private nurseries.
6. Will standard prescribed burning help to alleviate the substantial forest floor debris? If so, will this process accomplish the task of reducing our fire risk or will other labor means be needed to accomplish the task, or a blend of both? Will we be potentially required to burn more frequently to accomplish the goal of reducing our current fire risk? Standard prescribed burning will help fuel loading in some areas and to a limited degree. Others may have too high a fuel load currently to achieve benefits from prescribe burning and the negatives of smoke issues and wildfire starts could out weight the benefits . Test burns by the FFS

will be conducted to evaluate fuel loading and fire behavior on some test sites and we plan to include Tall Timbers to help record data and scientifically record results for future "prescribed fire best management practices in hurricane fuels".

7. Is there any expectation of how long our elevated fire risk should last? 1-5 years, potentially up to 10 years in some sites. Highest danger will be in the first 3 years.

8. How do we determine what additional state resources will be needed to combat the predicted explosion of invasive plant species that will thrive due to native canopy loss? How should the State respond to these needs and what should we expect the control program to look like? The more debris removal and reforestation that can be done, the better chance we have of reducing this threat and providing access to areas that become an invasive species or insect and disease hotspot. Public education, treatment methods and chemicals for different invasive issues will be important.

9. What additional recommendations would you make to the Legislature that we should be aware of so that we can plan with you to accomplish environmental recovery on our State lands as quickly as possible? Stress to all state public land managers that they must work together on this issue to ensure that recovery is done as efficiently and economically as possible. For state lands, cooperative recovery plans will help expedite the process. **On private lands, I believe it is important that our legislature help encourage federal agencies and their congressional representatives to work closely with state agencies that can help support and better streamline the recovery effort for private landowners. This is a struggle as federal agencies have not always been consistent or have the personnel to handle the volumes of requests that this storm has created. By allowing state agencies to help deliver both state and federal programs, we can better serve those who are impacted.**

Jim Karels, Director, Florida Forest Service

*Ellen Wolfgang Rogers*

Staff Director

Committee on Environment and Natural Resources

Florida Senate

850-487-5372



## Anderson, Crystal

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**From:** Rogers, Ellen  
**Sent:** Friday, January 18, 2019 12:44 PM  
**To:** Anderson, Crystal  
**Subject:** Fwd: Next Agenda  
**Attachments:** image002.jpg; ATT00001.htm; Next Agenda Questions 1-15-19.docx; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Cleary, Kevin" <[Kevin.Cleary@dep.state.fl.us](mailto:Kevin.Cleary@dep.state.fl.us)>  
**Date:** January 16, 2019 at 1:58:22 PM EST  
**To:** "Rogers, Ellen" <[ROGERS.ELLEN@flsenate.gov](mailto:ROGERS.ELLEN@flsenate.gov)>  
**Subject:** RE: Next Agenda

Here is the information that was requested. Please let me know if you need any additional information



## **Response to Questions by DEP's Division of Recreation and Parks**

- 1. Over the storm recovery period, what is the proper sequence of actions to follow relative to repairing the environmental damage on our State lands? (examples would include things such as cleaning debris out of streams/rivers or remove debris out of our state forests to reduce fire risk, etc...)**

- Conduct initial damage assessment based on aerial photography and on the ground sample plots.
- Clearing access roads, residences, offices, ranger stations, visitor centers, campgrounds and all use areas followed by perimeter fireline opening / debris removal to make entry and wildfire suppression easier.
- Identify sensitive natural communities and imperiled species for protection as recovery tasks begin.
- Remove or relocate heavy fuels away from boundaries to create a defensible space and reduce wildfire danger to private property.
- Salvage operations to remove valuable timber as soon as possible from areas where it aligns with resource DFC.
- Identify areas where restoration of native trees and groundcover are the desired future condition and tree and brush removal would prepare the site for future restoration activities.

- 2. As it relates to reforestation of our State lands, is the goal to use native replacement trees to the same specifications as the pre-storm inventory or would we strive to simply use native trees as inventory allows to expedite the process?**

Some diversity in stand structure is good. There is a wide range of acceptable conditions defined by a natural community's Desired Future Condition (DFC). We do not plan to replant every site and native replacement trees will not be used to expedite restoration of pre-storm conditions. In those areas where tree damage is not severe and an acceptable density of trees remain in the overstory, debris will be left in place and managed with continued application of prescribed fire. There is no debris removal planned for areas composed mainly of hardwoods, where native ground cover is intact or sensitive species are present. If timber must be removed from sensitive areas for safety reasons, minimum impact techniques will be employed. Timber operations to remove trees and brush will be considered in areas where the tree canopy was completely removed or reduced to the point that natural regeneration is unlikely to occur. Or, in cases where the only canopy trees that remain are sparse and stunted (small crowns) or leaning and the resulting stand is not the DFC.

- 3. Can reforestation begin prior to other clean-up efforts recognizing that access to replanting areas may be a key factor?**

The Division is not planning to begin replanting until downed debris has been removed to the point that seedlings have a good chance of thriving. If seedlings are planted in areas with heavy fuel loads the first prescribed burn will kill them. They would not be able to withstand the intensity of the fire. Also, the amount of downed debris would make accessing the area to plant seedlings exceedingly difficult and not cost effective.

- 4. What is the current state of the supply system for native trees that would be used in reforestation of our State lands for recovery? Where do the trees used today come from? (Florida or some other sources)**





**Defer question to FFS**

**DRP Info:** It is understood that there will be a shortage of longleaf seedlings next year due to the high demand to reforest both public and private lands damaged by the hurricane. The Park Service purchases longleaf seedlings grown from local seed in private nurseries and from the Florida Forest Service. The Florida Park Service has partnered with FFS at specific sites to allow for longleaf pine cone collection along our main roads.

5. **Recognizing the demand for replacement trees might likely outstrip the current supply due to the acute storm damage, what can the State do to expedite the nursery supply to hopefully shorten the timeline for full reforestation?**

**Defer question to FFS**

6. Will standard prescribed burning help to alleviate the substantial forest floor debris? If so, will this process accomplish the task of reducing our fire risk or will other labor means be needed to accomplish the task, or a blend of both? Will we be potentially required to burn more frequently to accomplish the goal of reducing our current fire risk?

**Defer question to FFS**

7. **Is there any expectation of how long our elevated fire risk should last?**

**Defer question to FFS**

**DRP Info:** Florida Forest Service is expecting an increase in the number and intensity of wildfires over the next 3-10 years. They have estimated that the available fuels on the ground has increased from 4.87 tons per acre to an average of 58 tons per acre, in more heavily hit areas up to 100 tons per acre. Due to the increased amount of large fuels on the ground both inside management zones, along boundaries and in fire lines and access roads, wildfire suppression is expected to increase exponentially.

8. **What will it take to expedite the St. Joe Bay key repair where the public beaches and infrastructure was totally lost or damaged other than a simple appropriation?**

*Natural resource component:*

Biologist in the panhandle have estimated that St. Joe lost ~47m of beach on the ends and ~35m in the middle of St. Joe Peninsula. In some places, scrub dune and a steep escarpment is all that is left. There are some areas where sea oats remain at the toe of dunes so they will likely come back on their own but many areas will need to be replanted. Planting sea oats and installing segments of dune fence would help reestablish, revegetate, protect the dunes.

*Infrastructure component:*

Currently, there are two Hurricane Michael Emergency Orders in place – Army Corps of Engineers (expires 4/8/19) and State (expires 2/3/19). These orders allow for expedited permit application reviews. Regarding the Corps E.O., a permit application demonstrating our intent at St. Joseph Peninsula SP would need to be submitted prior to the expiration date. The restoration work itself can commence/end after this expiration date. The State E.O. is only extended in 30-day increments, however, it is anticipated that this E.O. will be extended to at least the same expiration date as the Army Corps of Engineers E.O. Therefore, to fully qualify for these Emergency Orders and expedite



the repair(s), final determination of the management of the park (peninsula vs. island) needs to be made prior to the expiration of the E.O.'s.

9. **How do we determine what additional state resources will be needed to combat the predicted explosion of invasive plant species that will thrive due to native canopy loss? How should the State respond to these needs and what should we expect the control program to look like?**

**Defer question to FWC**

**DRP Info:** Increased monitoring in areas where the forest canopy has been drastically reduced as the first post-storm growing season progresses will be necessary to determine treatment priority. Priority will be based on the size/extent of infestation, aggressiveness of the species, potential effects on native vegetation and estimated cost of delayed treatment.

10. **Are there any at-risk animal species that we should be focused on in the near term? If so, what is needed to ensure they survive? (This doesn't just have to be animals that are endangered but focus on them seems logical at this point)**

**Defer question to FWC**

**DRP Info:** Immediately post-storm USFWS, FWC and DEP are most concerned about the endangered beach mice, sea turtle, and gopher tortoise populations native to parks that were inundated for a long period of time and those with extensive wind damage. The most critical issue are the beach mice populations on coastal parks. These populations are small and only occur in a few areas. USFWS, FWC and DEP conducted surveys since the storm on beaches throughout their range and found that while some populations seem to have made it through the storm by moving to the inland coastal scrub others may have been severely reduced due to the extended period of inundation. Populations on state parks that were strong before the storm seem to remain intact, based on survey results by district biologists. USFWS has organized a post-storm recovery working group for beach mice to continue monitoring all known populations and revegetate areas where all habitat was destroyed leaving the mice vulnerable to predation and starvation. There are also ongoing discussions about initiating supplemental feeding in areas of greatest vegetation loss to help the mice make it through the winter. First step for supplemental feeding is determining which plant species need to be grown in nurseries and which can be planted in the winter and be expected to produce seed.

FWC biologists are concerned about the availability of suitable nesting habitat on affected state park beaches due to the reduction of primary and secondary dunes during the storm.

Unlike the beach mice and sea turtles, the most heavily hit areas that may affect gopher tortoise are inland, except for an estimated 1,633 acres of beach dune and coastal grasslands on coastal parks. Many tortoises remaining in burrows are likely to have drowned due to the extended inundation of mesic flatwoods and scrub, a combined 4,112 acres. The habitat of inland populations could be affected by significant damage to standing trees and downed debris collapsing burrows and making movement difficult. Possible area affected on state parks within the species range is 7,500 acres of sandhill and upland pine. The most immediate need to gopher tortoise is monitoring of known populations and marking of burrows in areas where machinery will be used to remove debris. As long as their burrows are not constantly being collapsed, they should be able to dig themselves out. Any restoration of native pine and ground cover in sandhill and upland pine will benefit this species.



Continuing to use prescribed fire to reduce large fuels will open the understory and increase suitability for gopher tortoise in the future.

**11. What additional recommendations would you make to the Legislature that we should be aware of so that we can plan with you to accomplish environmental recovery on our State lands as quickly as possible?**

Consistent and appropriate funding is paramount to returning our award-winning Florida State Parks to their former high-quality resource conditions. The restoration of these sites will be a multi-year, possibly decades-long process, where the Division's ability to conduct step-by-step seasonally sequenced tasks will determine our success. Missing a step in the sequence could set us back months or years.



## Anderson, Crystal

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**From:** Rogers, Ellen  
**Sent:** Friday, January 18, 2019 12:42 PM  
**To:** Anderson, Crystal  
**Subject:** Fwd: Follow-up questions

Sent from my iPhone

Begin forwarded message:

**From:** "Watson, Lance" <[Lance.Watson@MyFWC.com](mailto:Lance.Watson@MyFWC.com)>  
**Date:** January 18, 2019 at 12:17:08 PM EST  
**To:** "Rogers, Ellen" <[ROGERS.ELLEN@flsenate.gov](mailto:ROGERS.ELLEN@flsenate.gov)>  
**Cc:** "Crawford, Jessica" <[Jessica.Crawford@MyFWC.com](mailto:Jessica.Crawford@MyFWC.com)>  
**Subject:** RE: Follow-up questions

Hi Ellen-

Please see our response to the follow up questions:

**9. How do we determine what additional state resources will be needed to combat the predicted explosion of invasive plant species that will thrive due to native canopy loss? How should the State respond to these needs and what should we expect the control program to look like?**

We would expect an increase of cogon grass, Japanese climbing fern, and Chinese tallow in areas where canopies were destroyed. Fortunately, FWC has a program in place to treat invasive plant species on Public Conservation Lands. We anticipate a rise in project proposals for the Panhandle but nothing that current staff and funding cannot handle. Area Site Managers will evaluate invasive presence on the conservation lands they manage; if treatment is required they will submit a project proposal to the Invasive Plant Management Program. There is an aquatic area in the impact zone that has giant salvinia, a species we are trying to eradicate from the state, that will need to be monitored for some time to ensure that this highly invasive plant was not spread from its known location. Monitoring will determine if additional state resources will be needed but with invasive vegetation there is a lag time between the event and plant expansion. We should know more by the end of this upcoming growing season.

**10. Are there any at-risk animal species that we should be focused on in the near term? If so, what is needed to ensure they survive? (This doesn't just have to be animals that are endangered but focus on them seems logical at this point)**

Gopher Tortoise (State Threatened)

- Early identification of potential debris disposal/removal areas is critical to help minimize the take of gopher tortoises in burrows. We can help minimize take of this species by working with local governments and contractors, surveying potential debris collection sites and providing them with information on the presence and possible location of gopher tortoises. Areas identified with gopher tortoise burrows should be avoided for debris piling. FWC will contact land owners or property managers at those sites to provide information on gopher tortoise locations and to include appropriate language in future permitting letters to avoid placing debris on potentially occupied burrows.



#### Panama City Crayfish (State Species of Special Concern, Proposed Federal Threatened)

- Debris removal from sites where Panama City Crayfish are or were known to occur before the storm will be critical to the long-term persistence of the species. We plan to conduct management and restoration activities, but we need to remove downed trees and debris from those sites before initiating those projects. It is critical to remove debris in a way that will not impact existing habitat and will set the stage for management such as mowing and prescribed burns.

#### Beach Mice (Federal Endangered)

- St. Andrews and Choctawhatchee beach mice were directly impacted by the hurricane. However, very little information is known regarding the impacts to their populations on St. Joe Peninsula State Park and Tyndall Air Force Base. The priority action items for these populations are to identify distribution and presence in priority areas in order to determine if management actions may be warranted. FWC has conducted similar actions in the past to assess populations impacted by hurricanes on the Gulf and Atlantic coasts (i.e. Perdido Key, Anastasia Island). At this point in time, we do not have enough information to make management recommendations for these species.

#### Bat Caves (Southeastern myotis and tricolored bats) (Not Listed)

- We are concerned with bat caves, especially in Jackson County, where trees are known to have fallen on cave entrances. These are some of the most important maternity and winter hibernacula in the Panhandle for the Southeastern Myotis and Tricolored bat (USFWS candidate species). Staff have visited caves on public conservation lands and have cleared a path to the caves and removed debris from the entrances of some of the priority cave sites. However, several of these caves (e.g. Milton's, Bush, Jerome's, Cottdonale) occur on private lands and have not been assessed for damage. We expect similar impacts to these sites and have identified the need to provide support and assistance to private land owners to clear debris from these cave entrances. Once this is complete, we can then assess the status of these caves and determine if bats occupy those sites.

#### **11. What additional recommendations would you make to the Legislature that we should be aware of so that we can plan with you to accomplish environmental recovery on our State lands as quickly as possible?**

There is still uncertainty and many unanswered questions on the long-term effects of the hurricane on native habitats. In the hardest hit areas, removal of fallen timber is the most immediate need. Removal will allow access for management activities such as prescribed burning and invasive plant control. Continued monitoring of wildlife populations will be crucial as well to ensure any significant changes are addressed if possible.

*Lance Watson*

Deputy Legislative Affairs Director  
FL Fish & Wildlife Conservation Commission  
620 S. Meridian Street  
Tallahassee, Florida 32399-1600  
850-487-3795 (Office)  
850-815-0478 (Cell)  
[Lance.Watson@myfwc.com](mailto:Lance.Watson@myfwc.com)



**From:** Rogers, Ellen <[ROGERS.ELLEN@flsenate.gov](mailto:ROGERS.ELLEN@flsenate.gov)>

**Sent:** Friday, January 11, 2019 5:51 PM

**To:** Watson, Lance <[Lance.Watson@MyFWC.com](mailto:Lance.Watson@MyFWC.com)>; Crawford, Jessica <[Jessica.Crawford@MyFWC.com](mailto:Jessica.Crawford@MyFWC.com)>

**Subject:** Follow-up questions

**CAUTION:** This email originated from outside of FWC. Whether you know the sender or not, do not click links or open attachments you were not expecting.

Please extend our thanks to the presenter for helping to educate our members last Tuesday. Below are some follow-up questions that our Vice Chair had that I'm hoping you can help us with:

9. How do we determine what additional state resources will be needed to combat the predicted explosion of invasive plant species that will thrive due to native canopy loss? How should the State respond to these needs and what should we expect the control program to look like?

10. Are there any at-risk animal species that we should be focused on in the near term? If so, what is needed to ensure they survive? (This doesn't just have to be animals that are endangered but focus on them seems logical at this point)

11. What additional recommendations would you make to the Legislature that we should be aware of so that we can plan with you to accomplish environmental recovery on our State lands as quickly as possible?

Thank you

*Ellen Wolfgang Rogers*

Staff Director

Committee on Environment and Natural Resources

Florida Senate

850-487-5372



Billing Code 9111-11-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4399-DR]

[Docket ID FEMA-2018-0001]

Florida; Amendment No. 1 to Notice of a Major Disaster

Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA-4399-DR), dated October 11, 2018, and related determinations.

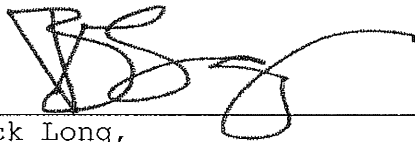
DATE: This amendment was issued October 12, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 11, 2018.

Calhoun, Gadsden, Jackson, and Liberty Counties for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance - Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households - Other Needs; 97.036, Disaster Grants - Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

A handwritten signature in black ink, appearing to read 'Brock Long', is written over a horizontal line.

Brock Long,

Administrator,

Federal Emergency Management Agency.

# Amendment No. 2

**Date of Notice:**

Saturday, October 13, 2018

Billing Code 9111-11-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4399-DR]

[Docket ID FEMA-2018-0001]

Florida; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA-4399-DR), dated October 11, 2018, and related determinations.

DATE: This amendment was issued October 13, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 11, 2018.

Holmes and Washington Counties for Individual

Assistance and assistance for debris removal and emergency protective measures (Categories A and B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance - Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households - Other Needs; 97.036, Disaster Grants - Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

/s/

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Brock Long,

*Administrator,*

*Federal Emergency Management Agency.*

Last Updated: 10/13/2018 - 16:26

# Amendment No. 3

**Date of Notice:**

Tuesday, October 16, 2018

Billing Code 9111-11-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4399-DR]

[Docket ID FEMA-2018-0001]

Florida; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA-4399-DR), dated October 11, 2018, and related determinations.

DATE: This amendment was issued October 16, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 11, 2018.

Leon County for Individual Assistance (already



designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance - Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households - Other Needs; 97.036, Disaster Grants - Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

/s/

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Brock Long,

# Amendment No. 4

**Date of Notice:**

Sunday, October 14, 2018

Billing Code 9111-11-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4399-DR]

[Docket ID FEMA-2018-0001]

Florida; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA-4399-DR), dated October 11, 2018, and related determinations.

DATE: This amendment was issued October 14, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 14, 2018, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), in a letter to Brock Long, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order

12148, as follows:

I have determined that the damage in certain areas of the State of Florida resulting from Hurricane Michael beginning on October 7, 2018, and continuing, is of sufficient severity and magnitude that special cost-sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the “Stafford Act”).

Therefore, I amend my declaration of October 11, 2018, to authorize a limited period of 100 percent Federal cost share for debris removal, including direct Federal assistance, for a 120 hour (5 day) continuous period of the State of Florida’s choosing, and then a 75 percent Federal cost share thereafter; and a limited period of 100 percent Federal cost share for emergency protective measures, including direct Federal assistance, for a 120 hour (5 day) continuous period of the State of Florida’s choosing, and then a 75 percent Federal cost share thereafter.

This adjustment to State and local cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act specifically prohibits a similar adjustment for funds provided for Other Needs Assistance (Section 408), and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis

Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance - Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households - Other Needs; 97.036, Disaster Grants - Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

/s/

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Brock Long,

*Administrator,*

*Federal Emergency Management Agency.*

Last Updated: 10/22/2018 - 20:34



# Amendment No. 5

**Date of Notice:**

Friday, October 19, 2018

Billing Code 9111-11-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4399-DR]

[Docket ID FEMA-2018-0001]

Florida; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA-4399-DR), dated October 11, 2018, and related determinations.

DATE: This amendment was issued October 22, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 19, 2018.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis

Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance - Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households - Other Needs; 97.036, Disaster Grants - Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

/s/

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Brock Long,

*Administrator,*

*Federal Emergency Management Agency.*

Last Updated: 10/22/2018 - 20:40

Billing Code 9111-11-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4399-DR]

[Docket ID FEMA-2018-0001]

Florida; Amendment No. 6 to Notice of a Major Disaster  
Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster  
declaration for the State of Florida (FEMA-4399-DR), dated  
October 11, 2018, and related determinations.

DATE: This amendment was issued October 23, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of  
Response and Recovery, Federal Emergency Management Agency,  
500 C Street, SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster  
declaration for the State of Florida is hereby amended to  
include permanent work under the Public Assistance program  
for those areas determined to have been adversely affected by  
the event declared a major disaster by the President in his  
declaration of October 11, 2018.



Bay, Calhoun, Gadsden, Gulf, Jackson, and Liberty Counties for Public Assistance [Categories C-G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance - Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households - Other Needs; 97.036, Disaster Grants - Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

/s/

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Brock Long,

Administrator,

Federal Emergency Management Agency.

# DECLARED OCTOBER 11, 2018

## SUMMARY

STATE: Florida

NUMBER: FEMA-4399-DR

INCIDENT: Hurricane Michael

INCIDENT PERIOD: October 7, 2018, and continuing

DATE REQUESTED BY GOVERNOR: October 10, 2018

FEDERAL COORDINATING OFFICER: Thomas J. McCool  
National FCO Program

### DESIGNATIONS AND TYPES OF ASSISTANCE:

#### INDIVIDUAL ASSISTANCE (Assistance to individuals and households):

Bay, Franklin, Gulf, Taylor, and Wakulla Counties.

#### PUBLIC ASSISTANCE (Assistance for emergency work and the repair or replacement of disaster-damaged facilities):

Bay, Calhoun, Franklin, Gadsden, Gulf, Hamilton, Jackson, Jefferson, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program at 75 percent federal funding.

#### HAZARD MITIGATION GRANT PROGRAM (Assistance for actions taken to prevent or reduce long term risk to life and property from natural hazards):

All counties in the State of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

OTHER: Additional designations may be made at a later date if requested by the state and warranted by the results of further damage assessments.

**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.)

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

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BILL: CS/SB 376

INTRODUCER: Environment and Natural Resources Committee and Senator Montford

SUBJECT: Land Acquisition Trust Fund

DATE: March 5, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	<b>Fav/CS</b>
2.			AEG	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 376 creates a statutorily required distribution from the Land Acquisition Trust Fund of an annual appropriation of \$50 million through the 2025-2026 fiscal year for conservation and management projects to Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Wakulla, Walton, and Washington counties, which were heavily impacted by Hurricane Michael. The bill authorizes the Department of Environmental Protection to use the funds, and distribute funds to the appropriate agency to use, for projects related to reforestation; ecosystem management; fire control measures; debris removal; pollution mitigation; beach nourishment; coastal or shore protection structures; and land acquisition. The bill requires the annual distribution to be reduced by an amount equal to the debt service paid annually on bonds issued for such purposes after July 1, 2019.

**II. Present Situation:**

**Land Acquisition Trust Fund**

Documentary stamp tax revenues are collected under ch. 201, F.S., which requires an excise tax to be levied on two classes of documents: deeds and other documents related to real property, which are taxed at the rate of 70 cents per \$100; and certificates of indebtedness, promissory

notes, wage assignments, and retail charge account agreements, which are taxed at 35 cents per \$100.<sup>1</sup>

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for land and water conservation and restoration. The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund (LATF). Article X, s. 28 of the State Constitution requires that funds in the LATF be expended only for the following purposes:

As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.<sup>2</sup>

To implement Art. X, s. 28 of the State Constitution, the Legislature passed ch. 2015-229 Laws of Florida. This act, in part, amended the following sections of law:

- Section 201.15, F.S., to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from documentary stamp taxes; and
- Section 375.041, F.S., to designate the LATF within the Department of Environmental Protection (DEP) as the trust fund to serve as the constitutionally mandated depository for the percentage of documentary stamp tax revenues.<sup>3</sup>

Under s. 375.041, F.S., funds deposited into the LATF must be distributed in the following order and amounts:

- First, obligations relating to debt service, specifically:
  - Payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds.
- Then, before funds are authorized to be appropriated for other uses:
  - A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to

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<sup>1</sup> See ss. 201.02 and 201.08, F.S.

<sup>2</sup> FLA. CONST. art. X, s. 28(b)(1).

<sup>3</sup> Ch. 2015-229, ss. 9 and 50, Laws of Fla.

- Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:
- \$32 million annually through the 2023-2024 Fiscal Year for the Long-Term Plan;
  - After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 Fiscal Year for the CERP; and
  - Any remaining funds for Everglades projects under the CERP, the Long-Term Plan, or the NEEPP.
- A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects;
  - \$5 million annually through the 2025-2026 Fiscal Year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka; and
  - \$64 million to the Everglades Trust Fund in the 2018-2019 Fiscal Year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project, and any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 Reservoir Project or projects that implement CERP, the Long Term Plan, or NEEPP.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.<sup>4</sup>

The General Revenue Estimating Conference in December of 2018 estimated that for the 2019-2020 Fiscal Year a total of \$2.76 billion would be collected in documentary stamp taxes.<sup>5</sup> Thirty-three percent of the net revenues collected, or approximately \$906.6 million, must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution.

In 2015, two lawsuits were filed challenging the constitutionality of appropriations from the LATF and expenditures by state agencies.<sup>6</sup> The cases were consolidated and a hearing was held in June of 2018.<sup>7</sup> The plaintiffs argued that funds from the LATF were appropriated and expended for general state expenses in ways that were inconsistent with the constitutional language. The court held for the plaintiffs, stating the amendment requires the funds be used for acquiring conservation lands, and for improving, managing, restoring, and enhancing public access to conservation lands acquired after the effective date of the amendment.<sup>8</sup> The decision described how LATF funds may be used, and ruled numerous appropriations from 2015 and 2016 unconstitutional.<sup>9</sup> The case was appealed and is currently in the First District Court of Appeal.<sup>10</sup>

<sup>4</sup> Section 375.041(3)-(4), F.S.

<sup>5</sup> Office of Economic & Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary*, 3 (2018), available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited Feb. 25, 2019).

<sup>6</sup> *Florida Wildlife Federation, Inc. v. Negron*, No. 2015-CA-001423 (Fla. 2nd Cir. Ct.); *Florida Defenders of the Environment, Inc., v. Detzner*, No. 2015-CA-002682 (Fla. 2nd Cir. Ct.).

<sup>7</sup> *Florida Wildlife Federation, Inc. v. Negron*, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2nd Cir. Ct. June 28, 2018).

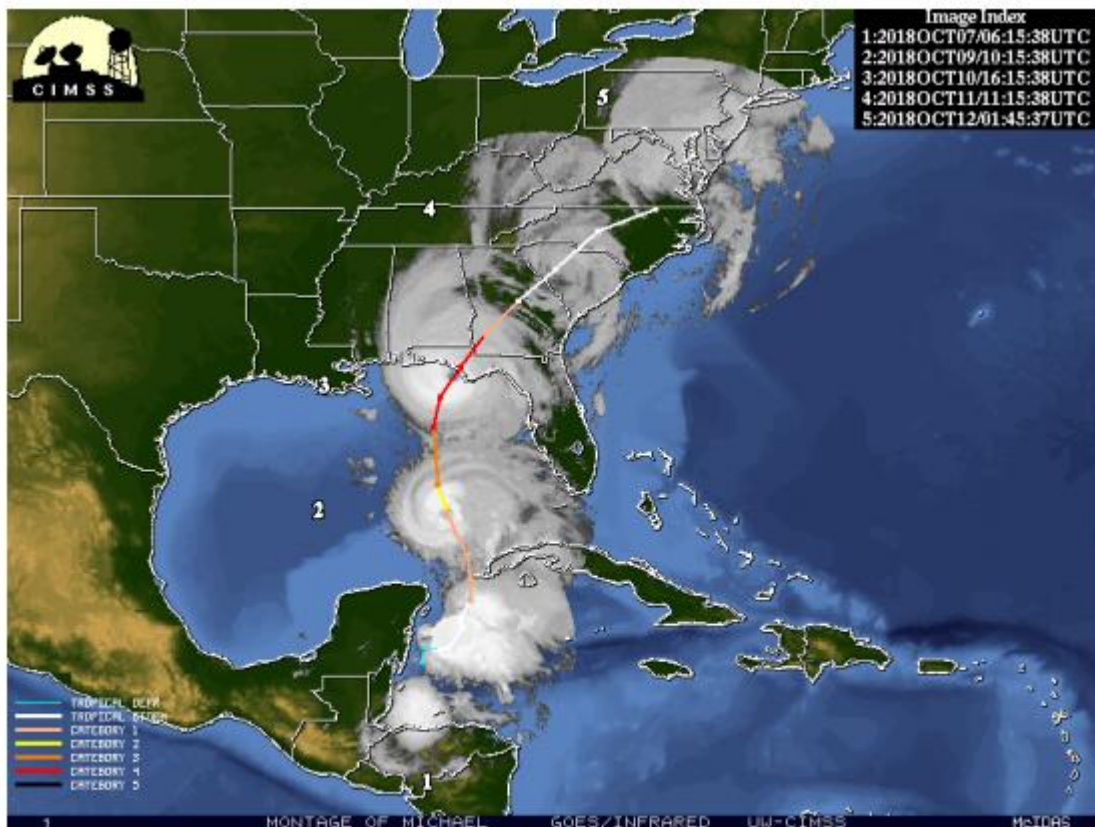
<sup>8</sup> *Id.* at 3.

<sup>9</sup> *Id.* at 7–8.

<sup>10</sup> *Oliva v. Florida Wildlife Federation, Inc.*, 1D18-3141 (Fla. 1st Dist. Ct. App.).

## Hurricane Michael Impacts

In October of 2018, Hurricane Michael hit Florida's panhandle with wind speeds in excess of 155 miles per hour. The storm made landfall as a Category 4 hurricane, ranking by pressure as the third-most intense Atlantic hurricane in the history of the United States.<sup>11</sup> The hurricane brought dangerous storm surge, rainfall, strong winds, hazardous seas, and tornadic activity in the Gulf Coast. The storm devastated the region, causing billions of dollars in damage and the loss of many businesses, homes, and lives.



**Figure 1.** Hurricane Michael track with landfall in Bay County, Florida (Source: CIMSS/Univ. of Wisconsin-Madison).

Governor Rick Scott declared a state of emergency on October 7, 2018 in 26 Florida counties.<sup>12</sup> He extended the order on December 5, 2018 to Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Wakulla, Walton, and Washington counties.<sup>13</sup> The

<sup>11</sup> State of Florida, Office of the Governor, Executive Order No. 18-360 (Dec. 5, 2018), available at <https://www.floridadisaster.org/globalassets/info-pages/eo-18-360-hurricane-michael-extension-1.pdf> (last visited Feb. 6, 2019).

<sup>12</sup> State of Florida, Office of the Governor, Executive Order No. 18-276 (Oct. 7, 2018), available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/emergency/423086/fl-eo-18-276-michael.pdf> (last visited Feb. 6, 2019).

<sup>13</sup> State of Florida, Office of the Governor, Executive Order No. 18-360 (Dec. 5, 2018), available at <https://www.floridadisaster.org/globalassets/info-pages/eo-18-360-hurricane-michael-extension-1.pdf> (last visited Feb. 6, 2019).

same counties were also included in DEP's emergency order issued on October 8, 2018.<sup>14</sup> DEP entered its order to address emergency needs and expedite restoration efforts for necessary repair, replacement, and restoration of structures, equipment, water and wastewater management systems, public works, and other systems damaged by the hurricane.<sup>15</sup> Due to ongoing recovery efforts, DEP extended its order through April 2, 2019, unless modified or extended by order.<sup>16</sup>

### *Department of Environmental Protection*

In presentations to the Florida Senate Committee on Environment and Natural Resources, state agencies discussed impacts of Hurricane Michael and post-storm needs. DEP emphasized the importance of fuel and fire mitigation and reforestation. Because of the catastrophic timber losses in the region, reforestation projects are necessary to recover profits and restore the natural habitats and character of the area. However, reforestation cannot begin until enough downed debris has been removed to allow access for planting and to allow seedlings to have a good chance of thriving and surviving prescribed burns.<sup>17</sup> The Florida Forestry Service estimated that the first expected reforestation efforts will begin in winter 2019 and will take several years.<sup>18</sup>

DEP also discussed regional long-term needs for restoration and enhancement of infrastructure and natural resources.<sup>19</sup> One of the significant and lasting effects of a hurricane is the large amount of debris that is deposited on land, in water, on beaches and dunes, and on and around homes. Debris removal can take months to complete. Debris must be removed for safety, to reduce fire risk, and to allow for the restoration of the natural flow of water. Debris must also be removed from beaches and dunes prior to any fill activities. It can be difficult to access debris, particularly in areas without significant infrastructure or with roadways that sustained damage from the storm. Debris removal efforts are expensive and time-consuming.

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<sup>14</sup> Department of Environmental Protection, Emergency Final Order, OGCC No. 18-1335, 1-2 (Oct. 8, 2018), *available at* <https://floridadep.gov/sites/default/files/18-1335%20-%20Hurricane%20Michael%20EFO%20-%20Repairs.pdf> (last visited Feb. 6, 2019).

<sup>15</sup> *Id.*

<sup>16</sup> DEP, Amended and Restated Emergency Final Order, OGCC No. 18-1335 (Nov. 9, 2018), *available at* [https://floridadep.gov/sites/default/files/18-1335%20-%20Hurricane%20Michael%20-%20First%20Amended%20and%20Restated%20EFO%20-%20Repairs\\_1.pdf](https://floridadep.gov/sites/default/files/18-1335%20-%20Hurricane%20Michael%20-%20First%20Amended%20and%20Restated%20EFO%20-%20Repairs_1.pdf) (last visited Mar. 1, 2019); DEP, Second Amended and Restated Emergency Final Order, OGCC No. 18-1335 (Dec. 6, 2018), *available at* [https://floridadep.gov/sites/default/files/18-1335%20Second%20Amended%20and%20Restated%20Emergency%20Final%20Order\\_0.pdf](https://floridadep.gov/sites/default/files/18-1335%20Second%20Amended%20and%20Restated%20Emergency%20Final%20Order_0.pdf) (last visited Mar. 1, 2019); DEP, Third Amended and Restated Emergency Final Order, OGCC No. 18-1335 (Feb. 1, 2019), *available at* [https://floridadep.gov/sites/default/files/18-1335%20-%20Third%20Amended%20Hurricane%20Michael%20EFO%20for%20Repairs\\_0.pdf](https://floridadep.gov/sites/default/files/18-1335%20-%20Third%20Amended%20Hurricane%20Michael%20EFO%20for%20Repairs_0.pdf) (last visited Mar. 1, 2019).

<sup>17</sup> Email from Kevin Cleary, Legislative Affairs Director, DEP (Jan. 16, 2019), on file with Senate Committee on Environment and Natural Resources.

<sup>18</sup> Email from Emily Buckley, Legislative Affairs Director, DACS (Jan. 17, 2019), on file with Senate Committee on Environment and Natural Resources.

<sup>19</sup> David Clark, Deputy Secretary of DEP, *Hurricane Michael and the Path Forward*, Presentation to Senate Committee on Environment and Natural Resources (Jan. 8, 2019), *available at* [http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket\\_4316.pdf](http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket_4316.pdf) (last visited Feb. 26, 2019).



Once debris removal efforts are farther along, beaches will require restoration through beach nourishment, or the replacement of sand that a beach has lost.<sup>20</sup> Several counties experienced major dune erosion after Hurricane Michael.<sup>21</sup> DEP has conducted coastal damage assessments and is undertaking projects to return sand to the beach and dune system that was deposited upland by the hurricane.<sup>22</sup> Coastal damage assessments have shown that beach and dune erosion can lead to vulnerabilities and imminent damage in upland development and infrastructure. DEP found significant damage to coastal or shore protection structures, including seawalls, bulkheads, retaining walls, revetments, sills, or other rigid coastal protection structures.<sup>23</sup>

State parks in the northwest part of the state were heavily impacted by Hurricane Michael. The Division of Recreation and Parks stated that the storm caused damage in 31 parks in the panhandle.<sup>24</sup> DEP estimated that Hurricane Michael caused \$7 million in revenue losses and \$50 million in estimated impacts to park operations.<sup>25</sup> The parks have various post-storm needs including wildfire risk mitigation, reforestation, and infrastructure repairs. Currently, two parks remain closed.<sup>26</sup> One of the most heavily impacted state parks is the T.H. Stone Memorial St. Joseph Peninsula State Park, located on Cape San Blas between the Gulf of Mexico and St. Joseph Bay. The hurricane caused massive wind and waves which destroyed roads, campgrounds, and buildings, leaving some areas inaccessible.<sup>27</sup> Sand buried entire portions of the park and the powerful storm surge created two inlets which divided the park into three areas, parts of which are now only accessible by boat.<sup>28</sup>

#### *Department of Agriculture and Consumer Services*

The Department of Agriculture and Consumer Services (DACS) reported that agricultural losses totaled \$1.475 billion, with \$1.289 billion of that amount coming from forestry losses.<sup>29</sup> There is

<sup>20</sup> See s. 161.021, F.S. “Beach restoration” means the placement of sand on an eroded beach for the purposes of restoring it as a recreational beach and providing storm protection for upland properties. “Beach nourishment” means the maintenance of a restored beach by the replacement of sand.

<sup>21</sup> Division of Water Resource Management, DEP, *Preliminary Hurricane Michael Post-Storm Beach Conditions and Coastal Impact Report* (Nov. 2018), available at <https://floridadep.gov/sites/default/files/MichaelPreliminaryReport.pdf> (last visited Feb. 5, 2019).

<sup>22</sup> *Id.*

<sup>23</sup> Division of Water Resource Management, DEP, *Preliminary Hurricane Michael Post-Storm Beach Conditions and Coastal Impact Report* (November 2018), available at <https://floridadep.gov/sites/default/files/MichaelPreliminaryReport.pdf> (last visited Feb. 5, 2019).

<sup>24</sup> Florida State Parks, *Recovery Efforts*, <https://www.floridastateparks.org/HurricaneRecovery> (last visited Feb. 25, 2019).

<sup>25</sup> David Clark, Deputy Secretary of DEP, *Hurricane Michael and the Path Forward*, Presentation to Senate Committee on Environment and Natural Resources (Jan. 8, 2019), available at [http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket\\_4316.pdf](http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket_4316.pdf) (last visited Feb. 26, 2019).

<sup>26</sup> Florida State Parks, *Storm Updates*, <https://www.floridastateparks.org/StormUpdates> (last visited Feb. 25, 2019); DEP, *Dr. Julian G. Bruce St. George Island State Park Reopens* (Feb. 28, 2019), available at <https://content.govdelivery.com/accounts/FLDEP/bulletins/22ebc9f> (last visited Feb. 28, 2019).

<sup>27</sup> Florida State Parks, *Hurricane Recovery – T.H. Stone Memorial St. Joseph Peninsula State Park*, <https://www.floridastateparks.org/learn/hurricane-recovery-t-h-stone-memorial-st-joseph-peninsula-state-park> (last visited Feb. 25, 2019).

<sup>28</sup> Florida State Parks, *T.H. Stone Memorial St. Joseph Peninsula State Park*, <https://www.floridastateparks.org/parks-and-trails/t-h-stone-memorial-st-joseph-peninsula-state-park> (last visited Feb. 25, 2019).

<sup>29</sup> Jim Karels, Director of Florida Forest Service, *Hurricane Michael Impacts, Actions and Needs*, Presentation to Senate Committee on Environment and Natural Resources (Jan. 8, 2019), available at



an increased wildfire risk in the region due to the damage in 2.81 million acres of timber.<sup>30</sup> The large amount of dead and decaying timber creates higher fuel loadings and reduced fire equipment access. Fire control projects are needed to reduce the fuel loadings and provide increased protection from wildfires to people, homes, and the forest.<sup>31</sup>

DACS reported that the majority of land impacted is private. The Florida Forestry Service within DACS is pursuing wildfire mitigation methods and is working to provide private landowners with assistance such as pile burning classes, debris removal, and reforestation.<sup>32</sup> DACS is also concerned about increased invasive species due to the large amount of fallen timber, such as pine beetles, which feed on damaged and decayed timber.<sup>33</sup> Fire control projects can also be used for disease control, wildlife habitat improvement, range management, preservation of endangered plant and animal species, and maintenance of fire-dependent ecosystems.<sup>34</sup>

#### *Florida Fish and Wildlife Conservation Commission*

The Florida Fish and Wildlife Conservation Commission (FWC) reported on the loss of timber, damage to coastlines, and impacts to forest ecosystems and species habitats.<sup>35</sup> Ecosystem management through coordinated efforts will be necessary to restore ecosystems and habitats. FWC stated that removal of fallen timber is the most immediate need to allow for ecosystem management activities such as prescribed burns and invasive plant control.<sup>36</sup>

#### *Northwest Florida Water Management District*

The Northwest Florida Water Management District reported on the total acreage under its jurisdiction that was impacted by damage. There were 44,457 acres of uplands impacted, which includes 400 miles of public access roads, 128 miles of recreational trails, and 47 recreation sites.<sup>37</sup> There were nearly 1,200 miles in the region where trees and debris disrupted streamflow in watersheds and tributaries.<sup>38</sup> Changes in streamflow can lead to flooding downstream.<sup>39</sup>

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[http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket\\_4316.pdf](http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket_4316.pdf) (last visited Feb. 26, 2019).

<sup>30</sup> *Id.*

<sup>31</sup> DACS, *Wildland Fire*, <https://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Wildland-Fire> (last visited Mar. 1, 2019).

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Division of Agriculture and Consumer Services, *Prescribed Fire in Florida*, <https://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/For-Landowners/Management-Planning/How-to-Manage/Prescribed-Fire> (last visited Feb. 26, 2019).

<sup>35</sup> Kipp Frohlich, Director of Habitat and Species Conservation, *Hurricane Michael Impacts to Fish and Wildlife Habitat and Populations*, Presentation to Senate Committee on Environment and Natural Resources (Jan. 8, 2019), available at [http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket\\_4316.pdf](http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket_4316.pdf) (last visited Feb. 26, 2019).

<sup>36</sup> Email from Lance Watson, Deputy Legislative Affairs Director, FWC (Jan. 18, 2019), on file with Senate Committee on Environment and Natural Resources.

<sup>37</sup> Brett Cyphers, Executive Director of Northwest Florida Water Management District, *Hurricane Michael Impacts*, Presentation to Senate Committee on Environment and Natural Resources (Jan. 8, 2019), available at [http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket\\_4316.pdf](http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket_4316.pdf) (last visited Feb. 26, 2019).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

### *Hurricane Michael Spending*

As of January 2019, \$384.7 million has been authorized through a series of budget amendments for Hurricane Michael response and recovery efforts.<sup>40</sup> Of this amount, \$298 million is authorized to be spent from the General Revenue Fund and \$86.7 million from trust funds. Further, of the total authorized appropriations, approximately \$27.7 million is designated for recovery efforts related to land management and water quality. FWC is authorized to spend \$10.9 million for derelict vessel removal and law enforcement activities. DEP is authorized to spend \$16.8 million for emergency repairs to state parks and coastal and aquatic managed areas. The Executive Office of the Governor has projected that the state will spend \$1.1 billion on Hurricane Michael recovery efforts.<sup>41</sup> Recovery costs are burdensome to both the state and local governments.

While the storm caused widespread destruction, land that was proposed for future conservation before the storm is expected to still be suitable for conservation purposes. The Office of Economic and Demographic Research has identified 287,268.32 acres of land that withstood sustained hurricane force winds and which are on lists of future potential conservation land from state agencies.<sup>42</sup>

### *Federal Assistance*

The federal storm reimbursement policy under FEMA authorizes public assistance, including assistance for emergency work and the repair or replacement of disaster-damaged facilities.<sup>43</sup> Public assistance was initially authorized in Bay, Calhoun, Franklin, Gadsden, Gulf, Hamilton, Jackson, Jefferson, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla counties for debris removal and emergency protective measures.<sup>44</sup> The policy also authorized individual assistance in certain counties and provided for assistance under the Hazard Mitigation Grant Program.<sup>45</sup> The policy has been amended several times to revise which counties are eligible for federal funding and to adjust the state and local cost sharing.<sup>46</sup> Many local governments have incurred significant costs for debris removal and have areas of land that are difficult to reach and have continued recovery needs.

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<sup>40</sup> Office of Economic and Demographic Research, *Annual Assessment of Florida's Water Resources and Conservation Lands*, 157-159 (2019), available at [http://edr.state.fl.us/Content/natural-resources/LandandWaterAnnualAssessment\\_2019Edition.pdf](http://edr.state.fl.us/Content/natural-resources/LandandWaterAnnualAssessment_2019Edition.pdf) (last visited Feb. 26, 2019).

<sup>41</sup> Executive Office of the Governor, *2019-2020 Budget*, available at <http://www.boldvisionforabrighterfuture.com/content/current/Transportation.htm> (last visited Feb. 26, 2019).

<sup>42</sup> Office of Economic & Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary*, 3 (2018), available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited Feb. 25, 2019). Figure 5.3.1 shows a map of conservation lands acquired in the past or identified for future acquisition located within the area that felt sustained hurricane force winds.

<sup>43</sup> FEMA-4399-DR, *Hurricane Michael Federal Reimbursement Policy* (Oct. 11, 2018), on file with Senate Committee on Environment and Natural Resources.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> FEMA-4399-DR, *Amendments to Hurricane Michael Federal Reimbursement Policy*, on file with Senate Committee on Environment and Natural Resources.

### **III. Effect of Proposed Changes:**

CS/SB 376 creates a statutorily required distribution from the Land Acquisition Trust Fund (LATF) of an annual appropriation of \$50 million through the 2025-2026 fiscal year for conservation and management projects to Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Wakulla, Walton, and Washington counties, which were impacted by Hurricane Michael. The bill authorizes the Department of Environmental Protection to use the funds, and distribute funds to the appropriate agency to use, for projects related to reforestation; ecosystem management; fire control measures; debris removal; pollution mitigation; beach nourishment; coastal or shore protection structures; and land acquisition.

The bill requires the annual distribution to be reduced by an amount equal to the debt service paid annually on bonds issued for such purposes after July 1, 2019.

The bill deletes an obsolete provision pertaining to the appropriation of funds for the 2018-2019 fiscal year.

The bill takes effect July 1, 2019.

### **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:**

The bill creates a new distribution from LATF to use funds for certain conservation, management, and land acquisition projects. LATF has constitutionally restricted uses, which are discussed in the Present Situation section of this bill analysis.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

There may be indeterminate positive economic impacts to individuals and businesses that benefit from projects conducted using funds distributed from LATF under the bill.

**C. Government Sector Impact:**

The bill creates a specific annual distribution from the Land Acquisition Trust Fund through the 2025-2026 fiscal year, which may affect other programs that are funded through the trust fund.

Local governments may have an indeterminate positive fiscal impact by saving on expenditures for projects that are eligible for funds distributed from LATF under the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section s. 375.041 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 Committee on March 5, 2019:**

- Clarifies that the LATF distribution can be used for land acquisition; deletes the use of the funds for construction, enhancement, or expansion of wastewater treatment facilities; and makes technical and clarifying changes.
- Authorizes DEP to distribute funds to appropriate agencies to use for projects.

**B. Amendments:**

None.



583172

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2019	.	
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The Committee on Environment and Natural Resources (Montford)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 104 - 108  
and insert:  
these funds, and may distribute to the appropriate agency to use  
these funds, for reforestation; ecosystem management; fire  
control measures; debris removal; pollution mitigation; beach  
nourishment; coastal or shore protection structures; and land  
acquisition ~~Notwithstanding subparagraph 3., for the 2018-2019~~



583172

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

12 And the title is amended as follows:

13       Delete line 8

14 and insert:

15       use such funds; authorizing the department to

16       distribute such funds to the appropriate agency;

17       removing an obsolete provision;

By Senator Montford

3-00887A-19

2019376\_\_

A bill to be entitled  
An act relating to the Land Acquisition Trust Fund;  
amending s. 375.041, F.S.; requiring that certain  
funds distributed into the Land Acquisition Trust Fund  
be used for conservation and management projects in  
certain counties; providing the types of projects for  
which the Department of Environmental Protection may  
use such funds; removing an obsolete provision;  
providing an effective date.

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

Section 1. Subsection (3) of section 375.041, Florida  
Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3) Funds distributed into the Land Acquisition Trust Fund  
pursuant to s. 201.15 must ~~shall~~ be applied:

(a) First, to pay debt service or to fund debt service  
reserve funds, rebate obligations, or other amounts payable with  
respect to Florida Forever bonds issued under s. 215.618; and  
pay debt service, provide reserves, and pay rebate obligations  
and other amounts due with respect to Everglades restoration  
bonds issued under s. 215.619; and

(b) Of the funds remaining after the payments required  
under paragraph (a), but before funds may be appropriated,  
pledged, or dedicated for other uses:

1. A minimum of the lesser of 25 percent or \$200 million  
must ~~shall~~ be appropriated annually for Everglades projects that  
implement the Comprehensive Everglades Restoration Plan as set

3-00887A-19

2019376\_\_

30 forth in s. 373.470, including the Central Everglades Planning  
31 Project subject to Congressional authorization; the Long-Term  
32 Plan as defined in s. 373.4592(2); and the Northern Everglades  
33 and Estuaries Protection Program as set forth in s. 373.4595.  
34 From these funds, \$32 million must ~~shall~~ be distributed each  
35 fiscal year through the 2023-2024 fiscal year to the South  
36 Florida Water Management District for the Long-Term Plan as  
37 defined in s. 373.4592(2). After deducting the \$32 million  
38 distributed under this subparagraph, from the funds remaining, a  
39 minimum of the lesser of 76.5 percent or \$100 million must ~~shall~~  
40 be appropriated each fiscal year through the 2025-2026 fiscal  
41 year for the planning, design, engineering, and construction of  
42 the Comprehensive Everglades Restoration Plan as set forth in s.  
43 373.470, including the Central Everglades Planning Project, the  
44 Everglades Agricultural Area Storage Reservoir Project, the Lake  
45 Okeechobee Watershed Project, the C-43 West Basin Storage  
46 Reservoir Project, the Indian River Lagoon-South Project, the  
47 Western Everglades Restoration Project, and the Picayune Strand  
48 Restoration Project. The Department of Environmental Protection  
49 and the South Florida Water Management District shall give  
50 preference to those Everglades restoration projects that reduce  
51 harmful discharges of water from Lake Okeechobee to the St.  
52 Lucie or Caloosahatchee estuaries in a timely manner. For the  
53 purpose of performing the calculation provided in this  
54 subparagraph, the amount of debt service paid pursuant to  
55 paragraph (a) for bonds issued after July 1, 2016, for the  
56 purposes set forth under this paragraph must ~~(b) shall~~ be added  
57 to the amount remaining after the payments required under  
58 paragraph (a). The amount of the distribution calculated must



3-00887A-19

2019376\_\_

59 ~~shall~~ then be reduced by an amount equal to the debt service  
60 paid pursuant to paragraph (a) on bonds issued after July 1,  
61 2016, for the purposes set forth under this subparagraph.

62 2. A minimum of the lesser of 7.6 percent or \$50 million  
63 must ~~shall~~ be appropriated annually for spring restoration,  
64 protection, and management projects. For the purpose of  
65 performing the calculation provided in this subparagraph, the  
66 amount of debt service paid pursuant to paragraph (a) for bonds  
67 issued after July 1, 2016, for the purposes set forth under this  
68 paragraph must ~~(b) shall~~ be added to the amount remaining after  
69 the payments required under paragraph (a). The amount of the  
70 distribution calculated shall then be reduced by an amount equal  
71 to the debt service paid pursuant to paragraph (a) on bonds  
72 issued after July 1, 2016, for the purposes set forth under this  
73 subparagraph.

74 3. The sum of \$5 million must ~~shall~~ be appropriated  
75 annually each fiscal year through the 2025-2026 fiscal year to  
76 the St. Johns River Water Management District for projects  
77 dedicated to the restoration of Lake Apopka. This distribution  
78 must ~~shall~~ be reduced by an amount equal to the debt service  
79 paid pursuant to paragraph (a) on bonds issued after July 1,  
80 2016, for the purposes set forth in this subparagraph.

81 4. The sum of \$64 million is appropriated and must ~~shall~~ be  
82 transferred to the Everglades Trust Fund for the 2018-2019  
83 fiscal year, and each fiscal year thereafter, for the EAA  
84 reservoir project pursuant to s. 373.4598. Any funds remaining  
85 in any fiscal year must ~~shall~~ be made available only for Phase  
86 II of the C-51 reservoir project or projects identified in  
87 subparagraph 1. and must be used in accordance with laws

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relating to such projects. Any funds made available for such purposes in a fiscal year are in addition to the amount appropriated under subparagraph 1. This distribution must ~~shall~~ be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph.

5. The sum of \$50 million must be appropriated each fiscal year through the 2025-2026 fiscal year for projects dedicated to conservation and management projects in the following counties impacted by Hurricane Michael during the 2018 hurricane season: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Wakulla, Walton, and Washington. This distribution must be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2019, for the purposes set forth in this subparagraph. The Department of Environmental Protection may use these funds for reforestation; ecosystem management; fire control measures; debris removal; pollution mitigation; beach renourishment; coastal armoring and protection; and the construction, enhancement, or expansion of wastewater treatment facilities ~~Notwithstanding subparagraph 3., for the 2018-2019 fiscal year, funds shall be appropriated as provided in the General Appropriations Act. This subparagraph expires July 1, 2019.~~

Section 2. This act shall take effect July 1, 2019.

**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.)

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

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BILL: SB 446

INTRODUCER: Senator Mayfield and others

SUBJECT: Coastal Management

DATE: March 2, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schreiber	Rogers	EN	<b>Favorable</b>
2.	_____	_____	AEG	_____
3.	_____	_____	AP	_____

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## I. Summary:

SB 446 revises the criteria the Department of Environmental Protection uses to determine annual funding priorities for beach erosion control projects and inlet management projects. The bill also revises related requirements for the Department of Environmental Protection regarding reporting and oversight, and the use of surplus funds for beach erosion control projects or inlet management projects. The bill revises requirements regarding funding and reporting on inlet management projects.

The bill revises the requirements for the Department of Environmental Protection to develop and submit the components of the comprehensive long-term management plan for the restoration and maintenance of Florida's critically eroded beaches.

## II. Present Situation:

Florida has 825 miles of sandy coastline.<sup>1</sup> Beaches are one of Florida's most valuable resources as they serve multiple important functions including providing habitat and protection for many plant and animal species, attracting millions of tourists to the state each year, and providing a line of defense against major storms.<sup>2</sup> Beaches are the most important feature of Florida's brand, accounting for 25.5 percent of the state's attractiveness to visitors.<sup>3</sup>

The American Society of Civil Engineers rated Florida's coastal areas infrastructure as a D+ in its 2016 report card, due to the fact that in the ten preceding years the average difference between

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<sup>1</sup> DEP, *Beaches*, <https://floridadep.gov/water/beaches> (last visited Feb. 26, 2019).

<sup>2</sup> *Id.*

<sup>3</sup> Office of Economic & Demographic Research, *Economic Evaluation of Florida's Investment in Beaches: Identifying the State's Brand, Calculating the Return on Investment of Beach Restoration and Assessing the Risk of Disasters*, 1 (Jan. 2015), available at <http://edr.state.fl.us/Content/returnoninvestment/BeachReport.pdf> (last visited Feb. 26, 2019).

requested and state appropriated funds exceeded \$40 million per year.<sup>4</sup> An evaluation by the Office of Economic and Demographic Research determined that the state's investment in beach management and restoration generated a positive rate of return on investment of 5.4.<sup>5</sup> A return greater than one means that the tax revenues generated by tourists visiting the state more than cover the state's expenditures on beaches.<sup>6</sup>

## Beach Erosion and Beach Nourishment

Coastal erosion is the loss of coastal lands due to the net removal of sediment, and it causes beaches to become narrower and lower in elevation.<sup>7</sup> This erosion is both natural and human-caused. Sand naturally drifts along the shore due to waves, currents, and tides.<sup>8</sup> Storms can cause dramatic changes in a beach, including significant loss of sand.<sup>9</sup> An "inlet" is a coastal waterway separating two stretches of beach, and is defined as "a coastal barrier waterway connecting a bay, lagoon, or similar body of water with" the ocean.<sup>10</sup> There are 66 coastal barrier inlets in Florida, and many of them are used for navigating vessels.<sup>11</sup> Human-induced erosion is often caused by the creation and maintenance of inlets, where sand has historically been removed from the shore by dredging, and the natural drift of the sand is blocked by jetties, trapped in channels, or moved into shallow tidal areas.<sup>12</sup> Developing and placing infrastructure near the shore can also contribute to coastal erosion by limiting the amount of sand stored in dunes.<sup>13</sup>

"Beach nourishment" is the practice of maintaining a beach by the replacement of sand.<sup>14</sup> In a typical beach nourishment project, sand is collected from an offshore location by a dredge and

<sup>4</sup> American Society of Civil Engineers, *2016 Report Card for Florida's Infrastructure*, 2 (2016), available at [http://www.infrastructurereportcard.org/wp-content/uploads/2017/01/2016\\_RC\\_Final\\_screen.pdf](http://www.infrastructurereportcard.org/wp-content/uploads/2017/01/2016_RC_Final_screen.pdf) (last visited Feb. 24, 2019).

<sup>5</sup> Office of Economic & Demographic Research, *Economic Evaluation of Florida's Investment in Beaches: Identifying the State's Brand, Calculating the Return on Investment of Beach Restoration and Assessing the Risk of Disasters*, 1 (Jan. 2015), available at <http://edr.state.fl.us/Content/returnoninvestment/BeachReport.pdf> (last visited Feb. 26, 2019).

<sup>6</sup> *Id.*

<sup>7</sup> U.S. Geological Survey, Coastal Change Hazards: Hurricanes and Extreme Storms, *Beach Erosion*, <https://coastal.er.usgs.gov/hurricanes/coastal-change/beach-erosion.php> (last visited Feb. 26, 2019); Australian Government, Geoscience Australia, *Coastal Erosion*, <http://www.ga.gov.au/scientific-topics/hazards/coastalerosion> (last visited Feb. 25, 2019).

<sup>8</sup> DEP, *Strategic Beach Management Plan: Introduction*, 1 (May 2018), available at [https://floridadep.gov/sites/default/files/SBMP-Introduction\\_0.pdf](https://floridadep.gov/sites/default/files/SBMP-Introduction_0.pdf) (last visited Feb. 25, 2019); see U.S. Geological Survey, *Longshore Current*, <https://pubs.usgs.gov/circ/c1075/longshore.html> (last visited Feb. 27, 2019); see University of South Florida, Florida Center for Instructional Technology, *Changing Coastlines*, <https://fcit.usf.edu/florida/teacher/science/mod2/changing.coastlines.html> (last visited Feb. 28, 2019). Longshore transport is the movement of sand along the shore, parallel to the coast, caused by longshore currents.

<sup>9</sup> DEP, *Strategic Beach Management Plan: Introduction*, 1 (May 2018).

<sup>10</sup> Fla. Admin. Code R. 62B-36.002(7). The complete definition of "inlet" is "a coastal barrier waterway connecting a bay, lagoon, or similar body of water with the Gulf of Mexico, the Straits of Florida, or the Atlantic Ocean and all related flood and ebb tidal shoals and the inlet shorelines. Improved, altered or modified inlets are those where stabilizing rigid coastal structures have been constructed, or where inlet related structures or features such as channels have been constructed or are actively maintained and the channel depth is greater than the inlet system would support in a natural state."

<sup>11</sup> DEP, *Strategic Beach Management Plan: Introduction*, 10 (May 2018).

<sup>12</sup> *Id.* at 1.

<sup>13</sup> *Id.*

<sup>14</sup> Section 161.021(3), (4), F.S.; see DEP, *Strategic Beach Management Plan: Introduction*, 14 (May 2018). The first time sand is added to a beach it is called "beach restoration," and any subsequent project adding sand to the beach after the beach restoration is called "beach nourishment."

pipled onto the beach.<sup>15</sup> Bulldozers are then used to move the new sand on the beach until the beach matches the project design profile.<sup>16</sup> DEP is authorized to review innovative technologies for beach nourishment and, on a limited basis, authorize alternatives to traditional dredge and fill projects to determine the most cost-effective techniques for beach nourishment.<sup>17</sup>

The Legislature has recognized that beach-quality sand for the nourishment of the state's critically eroded beaches is an exhaustible resource, in ever-decreasing supply, which must be carefully managed for the benefit of Florida's beaches.<sup>18</sup> The Legislature has also recognized that inlets interrupt or alter the natural drift of beach-quality sand resources, which often results in these sand resources being deposited in nearshore areas or in the inlet channel, or in the inland waterway adjacent to the inlet, instead of providing natural nourishment to the adjacent eroding beaches.<sup>19</sup>

The Department of Environmental Protection (DEP) is required to determine which beaches are critically eroded and in need of restoration and nourishment.<sup>20</sup> According to DEP, as of 2017, there are 420.9 miles of critically eroded beach, 8.7 miles of critically eroded inlet shoreline, 92.2 miles of non-critically eroded beach, and 3.2 miles of non-critically eroded inlet shoreline statewide.<sup>21</sup> Erosion is termed "critical" if there is a threat to or loss of one of four specific interests: upland development, recreation, wildlife habitat, or important cultural resources.<sup>22</sup>

## Beach and Shore Preservation

Beach and inlet management in Florida are governed by Chapter 161, F.S., Beach and Shore Preservation. DEP is the beach and shore preservation authority for the state.<sup>23</sup> DEP's programs for beach and shore preservation are implemented through its Division of Water Resource Management.<sup>24</sup> Under the Beaches, Inlets and Ports Program, DEP updates and maintains the components of the Strategic Beach Management Plan (SBMP).<sup>25</sup> The SBMP consists of multiple plans developed at the regional level, and it identifies Florida's critically eroded beaches and

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<sup>15</sup> DEP, *Why Beach Restoration: Why Restore Eroded Beaches?*, <https://floridadep.gov/water/beaches-funding-program/content/why-beach-restoration> (last visited Feb. 25, 2019).

<sup>16</sup> *Id.*

<sup>17</sup> Section 161.082, F.S.

<sup>18</sup> Section 161.144, F.S.

<sup>19</sup> Section 161.142, F.S.

<sup>20</sup> Section 161.101(1), F.S.

<sup>21</sup> DEP, Division of Water Resource Management, *Critically Eroded Beaches in Florida*, 5, 20 (June 2018), available at <https://floridadep.gov/sites/default/files/CriticallyErodedBeaches.pdf> (last visited Feb. 25, 2019); Fla. Admin. Code R. 62B-36.002(5). The term "critically eroded shoreline" is defined as "a segment of shoreline where natural processes or human activities have caused, or contributed to, erosion and recession of the beach and dune system to such a degree that upland development, recreational interests, wildlife habitat or important cultural resources are threatened or lost. Critically eroded shoreline may also include adjacent segments or gaps between identified critical erosion areas which, although they may be stable or slightly erosional now, their inclusion is necessary for continuity of management of the coastal system or for the design integrity of adjacent beach management projects."

<sup>22</sup> Fla. Admin. Code R. 62B-36.002(5).

<sup>23</sup> Section 161.101(2), F.S.

<sup>24</sup> DEP, *Division of Water Resource Management*, <https://floridadep.gov/Water> (last visited Feb. 25, 2019).

<sup>25</sup> Section 161.161(1), F.S.; DEP, *Strategic Planning and Coordination*, <https://floridadep.gov/water/beaches-inlets-ports/content/strategic-planning-and-coordination#IMP> (last visited Feb. 25, 2019).

discusses strategies for beach and inlet management.<sup>26</sup> Under the Beach Management Funding Assistance Program, DEP receives funding requests from local governments for cost sharing of beach and inlet management projects.<sup>27</sup> DEP applies certain criteria to these projects to determine funding priorities, creates lists that numerically rank the projects based on the criteria, and then submits the ranked lists of projects to the Legislature in annual funding requests.<sup>28</sup>

### ***Strategic Beach Management Plan***

DEP is required to develop and maintain a comprehensive long-term management plan for the restoration and maintenance of the state's critically eroded beaches.<sup>29</sup> The beach management plan is required, in part, to accomplish the following:

- Address long-term solutions to the problem of critically eroded beaches.
- Evaluate each improved, modified, or altered inlet and determine whether the inlet is a significant cause of beach erosion.
- Design criteria for beach restoration and beach nourishment projects.
- Identify causes of shoreline erosion and change, calculate erosion rates, and project long-term erosion for all major beach and dune systems by surveys and profiles.
- Study dune and vegetation conditions.
- Establish a list of beach restoration and beach nourishment projects, arranged in order of priority, and the funding levels needed for such projects.<sup>30</sup>

The SBMP is a set of beach management plans and a key component of DEP's comprehensive long-term management plan.<sup>31</sup> It is a dynamic management tool for use by private individuals and local, state, and federal government officials.<sup>32</sup> The SBMP is updated periodically as specific strategies are implemented, new resources and opportunities are identified, and proposed strategies are developed by DEP and federal or local government sponsors.<sup>33</sup> DEP prepares the SBMP at the regional level.<sup>34</sup> The regional plans include recommendations of appropriate

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<sup>26</sup> DEP also creates separate Inlet Management Plans.

<sup>27</sup> Sections 161.101 and 161.143, F.S.; Fla. Admin. Code R. 62B-36; DEP, *Beaches Funding Program*, <https://floridadep.gov/water/beaches-funding-program> (last visited Feb. 25, 2019).

<sup>28</sup> Sections 161.101(14) and 161.161(2), F.S.; DEP, Division of Water Resource Management, *Beach Management Funding Assistance Program Fixed Capital Outlay Local Government Funding Request, Fiscal Year 2019-2020* (Feb. 2019), available at [https://floridadep.gov/sites/default/files/FY%2019-20%20LGFR\\_2.pdf](https://floridadep.gov/sites/default/files/FY%2019-20%20LGFR_2.pdf) (last visited Feb. 25, 2019). The funding request document states: "[t]he prioritized list of beach erosion control projects is organized in two sections: (1) Beach Restoration and Nourishment Projects (Beach Projects); and (2) Inlet Sand Bypassing/Inlet Management Plan Implementation Projects (Inlet Projects)."

<sup>29</sup> Section 161.161(1), F.S.

<sup>30</sup> *Id.*

<sup>31</sup> DEP, *Strategic Planning and Coordination*, <https://floridadep.gov/water/beaches-inlets-ports/content/strategic-planning-and-coordination#Strategic%20Beach%20Management%20Plan%20-%20SBMP> (last visited Feb. 25, 2019); Fla. Admin. Code R. 62B-36.002(1), (18). Only projects consistent with the SBMP will be considered for funding under the Beach Management Funding Assistance Program.

<sup>32</sup> DEP, *Strategic Beach Management Plan: Introduction*, 3 (May 2018), available at [https://floridadep.gov/sites/default/files/SBMP-Introduction\\_0.pdf](https://floridadep.gov/sites/default/files/SBMP-Introduction_0.pdf) (last visited Feb. 26, 2019).

<sup>33</sup> *Id.*

<sup>34</sup> DEP, *Strategic Planning and Coordination*, <https://floridadep.gov/water/beaches-inlets-ports/content/strategic-planning-and-coordination#Strategic%20Beach%20Management%20Plan%20-%20SBMP> (last visited Feb. 25, 2019). This page shows all of the regional plans that are components of the SBMP.

funding mechanisms for implementing projects in the beach management plan describe historical and present beach restoration activities.<sup>35</sup>

### ***Long Range Budget Plan***

The statewide long range budget plan projects the ten-year planning needs for federal, state, and local governments necessary to implement the SBMP.<sup>36</sup> The budget plan is subdivided by the same seven regions as the SBMP and provides a statewide survey of many individual project efforts.<sup>37</sup> The plan is developed in coordination with local sponsors, and submitted to the Legislature annually as a companion document to the funding requests.<sup>38</sup>

### ***Beach Management Funding Assistance Program***

DEP established the Beach Management Funding Assistance Program for the purpose of working together with local sponsors to achieve the protection, preservation, and restoration of Florida's sandy beaches, and the management of inlets to replicate the natural drift of sand.<sup>39</sup> Pursuant to state public policy, the Legislature is required to fund beach restoration and nourishment projects, including inlet management projects that cost-effectively provide beach-quality material for adjacent critically eroded beaches.<sup>40</sup> To be eligible for funding under the program, a project must: be in an area designated as critically eroded shoreline, or benefit an adjacent critically eroded shoreline; have a clearly identifiable beach management benefit consistent with the state's beach management plan; and be designed to reduce potential upland damage or mitigate adverse impacts caused by improved, modified, or altered inlets, coastal armoring, or existing upland development.<sup>41</sup>

The state is authorized to pay up to 75 percent of the actual costs for restoring and nourishing critically eroded beaches, recognizing that local beach communities derive the primary benefits from the presence of adequate beaches.<sup>42</sup> The local government in which the beach is located is responsible for funding the balance of such costs.<sup>43</sup> However, the law states that "until the unmet demand for repairing Florida's damaged beaches and dunes is satisfied, it is the further intent of the Legislature to cost-share such projects equally between state and local sponsors."<sup>44</sup>

The Beach Management Funding Assistance Program accepts funding requests from local governments in Florida each year.<sup>45</sup> Local Government Funding Request Applications are available for both beach projects and inlet projects.<sup>46</sup>

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<sup>35</sup> Section 161.161(1), F.S.

<sup>36</sup> DEP, *Florida Beach Management Program, Long Range Budget Plan for 2019-2029*, 1 (Feb. 2019), available at [https://floridadep.gov/sites/default/files/FY%201929%20LRBP%20Report\\_0.pdf](https://floridadep.gov/sites/default/files/FY%201929%20LRBP%20Report_0.pdf) (last visited Feb. 25, 2019).

<sup>37</sup> *Id.* at 2.

<sup>38</sup> Fla. Admin. Code R. 62B-36.002(17).

<sup>39</sup> Fla. Admin. Code R. 62B-36.001.

<sup>40</sup> Section 161.088, F.S.

<sup>41</sup> *Id.*

<sup>42</sup> Section 161.101(1), F.S.

<sup>43</sup> *Id.*

<sup>44</sup> Section 161.101(15), F.S.

<sup>45</sup> DEP, Beaches Funding Assistance Information, *How To Apply*, <https://floridadep.gov/water/beaches-funding-program/content/beaches-funding-assistance-information> (last visited Feb. 26, 2019).

<sup>46</sup> *Id.*

For a beach erosion control project to receive state funding, the project must: provide adequate public access, protect natural resources, and protect endangered and threatened species.<sup>47</sup> DEP is required to consider the following criteria in determining annual funding priorities:

- The severity of erosion conditions, the threat to existing upland development, and recreational or economic benefits.
- The availability of federal matching dollars.
- The extent of the local government sponsor's financial and administrative commitment to the project, including its long-term financial plan with a designated funding source for initial construction and periodic maintenance.
- Previous state commitment and involvement in the project.
- The anticipated physical performance of the project, including the frequency of periodic planned nourishment.
- The extent to which the project mitigates the adverse impact of improved, modified, or altered inlets on adjacent beaches.
- Innovative, cost-effective, and environmentally sensitive applications to reduce erosion.
- Projects that provide enhanced habitat within or adjacent to designated refuges of nesting sea turtles.
- The extent to which local or regional sponsors of beach erosion control projects agree to coordinate the planning, design, and construction of their projects to take advantage of identifiable cost savings.
- The degree to which the project addresses the state's most significant beach erosion problems.<sup>48</sup>

DEP uses other ranking criteria, in addition to the criteria for all beach erosion control projects (when applicable), to establish funding priorities for inlet management projects.<sup>49</sup> Those criteria are required to include consideration of the following:

- An estimate of the annual quantity of beach-quality sand reaching the updrift boundary of the improved jetty or inlet channel.
- The severity of the erosion to the adjacent beaches caused by the inlet and the extent to which the proposed project mitigates the erosive effects of the inlet.
- The overall significance and anticipated success of the proposed project in balancing the sediment budget of the inlet and adjacent beaches and addressing the sand deficit along the inlet-affected shorelines.
- The extent to which existing bypassing activities at an inlet would benefit from modest, cost-effective improvements when considering the volumetric increases from the proposed project, the availability of beach-quality sand currently not being bypassed to adjacent eroding beaches, and the ease with which such beach-quality sand may be obtained.
- The interest and commitment of local governments as demonstrated by their willingness to coordinate the planning, design, construction, and maintenance of an inlet management project and their financial plan for funding the local cost share for initial construction, ongoing sand bypassing, channel dredging, and maintenance.

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<sup>47</sup> Section 161.101(12), F.S.

<sup>48</sup> Section 161.101(14), F.S. If multiple projects qualify equally under the criteria, DEP assigns priority to projects that are ready to proceed.

<sup>49</sup> Section 161.143(2), F.S.



- The previous completion or approval of a state-sponsored inlet management plan or local-government-sponsored inlet study concerning the inlet addressed by the proposed project, the ease of updating and revising any such plan or study, and the adequacy and specificity of the plan's or study's recommendations concerning the mitigation of an inlet's erosive effects on adjacent beaches.
- The degree to which the proposed project will enhance the performance and longevity of proximate beach nourishment projects, thereby reducing the frequency of such periodic nourishment projects.
- The project-ranking criteria in s. 161.101(14), F.S., to the extent such criteria are applicable to inlet management studies, projects, and activities.<sup>50</sup>

DEP established a point-based priority ranking system in order to implement the statutory criteria for beach and inlet management projects for funding assistance.<sup>51</sup> Under the system, a project receives a total point score based on the established project ranking criteria. The total amount of points available for beach management projects is 115 points and the total for inlet management projects is 90 points.<sup>52</sup> The charts below indicate the number of component criteria under each statutory criteria as developed by DEP.<sup>53</sup>

Statutory Criteria	Number of Component Criteria	Available Points
<b>Beach Management</b>		
Significance	6	20
Local Sponsor Financial and Administrative Commitment	6	10
Previous State Commitment	4	10
Availability of Federal Funds	3	10
Project Performance	2	10
Recreational and Economic Benefits	1	10
Severity of Erosion	1	10
Mitigation of Inlet Effects	1	10
Threat to Upland Structures	1	10
Innovative Technologies	2	5
Regionalization	1	5
Enhance Refuges of Nesting Sea Turtle	1	5
<b>Total</b>	<b>29</b>	<b>115</b>

Statutory Criteria	Number of Component Criteria	Available Points
<b>Inlet Management</b>		
Balancing the Sediment Budget	1	20
Inlet Management Plan	3	15
Local Sponsor Financial and Administrative Commitment	6	10
Previous State Commitment	4	10
Availability of Federal Funding	3	10
Sand Reaching the Inlet	1	10
Cost Effectiveness	1	10
Enhanced Project Performance	1	5
<b>Total</b>	<b>20</b>	<b>90</b>

<sup>50</sup> Section 161.143(2)(a)-(h), F.S.; see DEP, *Strategic Beach Management Plan: Introduction*, 10, 14 (May 2018), available at [https://floridadep.gov/sites/default/files/SBMP-Introduction\\_0.pdf](https://floridadep.gov/sites/default/files/SBMP-Introduction_0.pdf) (last visited Feb. 26, 2019). Inlet bypassing projects take sand from one side of the inlet, or from within the inlet, and place it along the shorelines adjacent to the inlet, to mitigate the erosive effects of the inlet. Beach restoration, beach nourishment, and inlet bypassing are collectively referred to as "active management." As of 2017, 229.1 miles of Florida's critically eroded sandy beaches are under active management.

<sup>51</sup> Fla. Admin. Code R. 62B-36.006.

<sup>52</sup> Office of Program Policy Analysis & Government Accountability (OPPAGA), *The Beach Management Funding Assistance Program Was Recently Improved, but Some Stakeholder Concerns Persist*, 4 (Dec. 2014), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1412rpt.pdf> (last visited Feb. 25, 2019).

<sup>53</sup> *Id.*

DEP is prohibited from funding projects that provide only recreational benefits.<sup>54</sup> All funded projects are required to have an identifiable beach erosion control or beach preservation benefit directed toward maintaining or enhancing the sand in the system.<sup>55</sup> The following is a list of activities that are ineligible for cost sharing:

- Recreational structures, such as piers, decks, and boardwalks.
- Park activities and facilities, except for erosion control.
- Aesthetic vegetation.
- Water quality components of stormwater management systems.
- Experimental or demonstration projects, unless favorably peer-reviewed or scientifically documented.
- Hard structures, unless designed for erosion control or to enhance beach nourishment project longevity or bypassing performance.
- Operations and maintenance, with the exception of nourishment.
- Maintenance and repair of over-walks.
- Navigation construction, operation, and maintenance activities, except those elements whose purpose is to place or keep sand on adjacent beaches.<sup>56</sup>

In December of 2014, the Office of Program Policy Analysis and Government Accountability (OPPAGA) released a report evaluating DEP's process for selecting and prioritizing beach management and inlet management projects.<sup>57</sup> The review considered the current statutory criteria and related administrative rules, as well as the funding request application process, information requirements, and timeline.<sup>58</sup> OPPAGA also reviewed how DEP uses each ranking criteria for establishing the annual priority order for beach management and restoration projects.<sup>59</sup>

The report made several findings, including, but not limited to, finding that:

- A limited number of factors account for a majority of the points awarded.
- The criteria do not account for statewide differences in beach conditions, such as regional differences in erosion patterns and variations in project costs.
- The criteria do not adequately take into account the economic impact of beach projects, particularly the value of tourism.
- The criteria do not adequately account for a project's cost effectiveness or performance.
- The criteria do not take into account the impacts of recent storms or the current conditions of the shoreline.
- Stakeholders found the application requirements for funding to be too complicated and time consuming.
- Stakeholders perceived a bias for projects that received federal funding.

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<sup>54</sup> Section 161.101(13), F.S.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> OPPAGA, *The Beach Management Funding Assistance Program Was Recently Improved, but Some Stakeholder Concerns Persist* (Dec. 2014), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1412rpt.pdf> (last visited Feb. 26, 2019).

<sup>58</sup> *Id.* at 1.

<sup>59</sup> *Id.*

- Stakeholders found that the criteria do not adequately provide for endangered and threatened species.<sup>60</sup>

### III. Effect of Proposed Changes:

#### Beach Erosion Control Projects

**Section 1** amends s. 161.101, F.S., to require the Department of Environmental Protection (DEP) to adopt by rule a scoring system to use when determining the annual funding priorities for beach erosion control projects. The scoring system must consist of four tiers, and use equally weighted criteria within each tier. If multiple projects qualify equally under the scoring system, priority will be assigned to the projects shown to be most ready to proceed. The new scoring system will go into effect on July 1, 2020.

##### *Tier 1 (20% of the total project score)*

Under Tier 1, DEP will consider the tourism-related return on investment and the economic impact of the project, using county tax data to individually assess each county with jurisdiction over the project area. The return on investment is the ratio of the tourism-related tax revenues in the most recent year to the state funding requested for the project. The economic impact is the ratio of the tourism-related tax revenues in the most recent year to all the county's tax revenues in the most recent year.

##### *Tier 2 (45% of the total project score)*

Under Tier 2, DEP will consider all of the following criteria relating to federal funding, storm damage reduction, and cost-effectiveness:

- The availability of federal matching dollars, considering federal authorization, the federal cost-share percentage, and the status of the funding award.
- The storm damage reduction benefits of the project based on the following considerations:
  - The current conditions of the project area, including any recent storm damage impact, as a percentage of volume of sand lost since the most recent beach nourishment event or most recent beach surveys. If the project area has not been previously restored, DEP must use the historical background erosion rate;
  - The overall potential threat to existing upland development, including public and private structures and infrastructure, based on the percentage of vulnerable shoreline within the project boundaries; and
  - The value of upland property benefiting from the protection provided by the project and its subsequent maintenance. A property must be within one-quarter mile of the project boundaries to be considered.
- The cost-effectiveness of the project based on the yearly cost per volume per mile of proposed beach fill placement. Cost-effectiveness is also assessed using the following criteria:
  - The existence of projects with proposed structural or design components to extend the beach nourishment interval;

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<sup>60</sup> *Id.* at 6-12.

- Existing beach nourishment projects that reduce upland storm damage costs by incorporating new or enhanced dune structures or new or existing dune restoration and revegetation projects;
- Proposed innovative technologies designed to reduce project costs; and
- Regional sediment management strategies and coordination to conserve sand source resources and reduce project costs.

***Tier 3 (20% of the total project score)***

Under Tier 3, DEP will consider all of the following criteria relating to previous state involvement in the project, recreational benefits, mitigation of the impact of inlets, and the state's most significant beach erosion problems:

- Previous state commitment and involvement in the project, considering previously funded phases, the total amount of previous state funding, and previous partial appropriations for the proposed project.
- The recreational benefits of the projects based on:
  - The accessible beach area added by the project; and
  - The percentage of linear footage within the project boundaries which is zoned:
    - As recreational or open space;
    - For commercial use; or
    - To otherwise allow for public lodging establishments.
- The extent to which the project mitigates the adverse impact of improved, modified, or altered inlets on adjacent beaches.
- The degree to which the project addresses the state's most significant beach erosion problems as a function of the linear footage of the project shoreline and the cubic yards of sand placed per mile per year.

***Tier 4 (15% of the total project score)***

Under Tier 4, DEP will consider all of the following criteria relating to projects that have not received funding after successive years, habitat enhancement, and a project's overall readiness:

- Increased prioritization of projects that have been on DEP's ranked project list for successive years and have not previously secured state funding for project implementation.
- Environmental habitat enhancement, recognizing state or federal critical habitat areas for threatened or endangered species which may be subject to extensive shoreline armoring, or recognizing areas where extensive shoreline armoring threatens the availability or quality of habitat for such species. Turtle-friendly designs, dune and vegetation projects for areas with redesigned or reduced fill templates, proposed incorporation of best management practices and adaptive management strategies to protect resources, and innovative technologies designed to benefit critical habitat preservation may also be considered.
- The overall readiness of the project to proceed in a timely manner, considering the project's readiness for the construction phase of development, the status of required permits, the status of any needed easement acquisition, the availability of local funding sources, and the establishment of an erosion control line. If DEP identifies specific reasonable and documented concerns that the project will not proceed in a timely manner, DEP may choose not to include the project in the annual funding priorities submitted to the Legislature.

**Section 2** amends s. 161.101(20), F.S., to revise provisions relating to project lists, reporting requirements, and surplus funding.

### ***Project Lists, Notification, and Summary Reports***

The bill requires DEP to update the active project lists quarterly. DEP is already required to maintain the lists on its website organized by fiscal year.

The bill redefines the term “significant change” to mean a project-specific change or cumulative changes that either: exceed the project’s original allocation by \$500,000 or exceed 25 percent of the project’s original allocation. DEP is required to notify the Governor and the Legislature when a significant change occurs in the funding levels of a given project, as compared to the originally approved allocation.

The bill requires DEP to provide a summary of project activities, funding statuses, and changes to annual project lists for both the current and preceding year. Currently, DEP is not required to include information for the preceding fiscal year in its summary. DEP submits the summary along with its annual legislative budget request.

The bill requires that funding approved by the Legislature for specific projects on the annual project lists must remain available for such projects for 18 months. The bill requires that, when a local project sponsor releases appropriated project dollars, DEP will notify the Governor and the Legislature of such release and indicate in the notification how the project dollars are recommended to be used following the release.

### ***Surplus Funding***

The bill requires DEP to provide supporting justification when notifying the Governor and Legislature to indicate whether DEP intends to use surplus dollars. The bill adds beach restoration and beach nourishment projects to the various project types DEP is authorized to use surplus funds for.

The bill authorizes DEP to use surplus funds for projects that do not have a significant change. DEP will be authorized to use surplus funds for the following purposes, as long as they do not have a significant change: inlet management projects or beach restoration and beach nourishment projects; to be offered for reversion for the next appropriations process; or to be used for other priority projects on active project lists. DEP must post such uses of surplus funds on its website, on the project listing web page. The bill states that no other notice or supporting justification is required before using surplus funds for a project that does not have a significant change.

### ***Inlet Management Projects***

**Section 3** amends s. 161.143, F.S., to revise the required considerations for the ranking criteria used to establish funding priorities for inlet management projects.

The bill states that inlet management projects are the intended scope of the section, and of s. 161.142, F.S., which establishes policies for inlet management. The scope of inlet management projects considered for annual funding priority is expanded to include the “improvement of infrastructure to facilitate sand bypassing.”

The bill requires the inlet management projects considered for funding under s. 161.143, F.S., to be considered separate and apart from the beach erosion control projects reviewed and prioritized under s. 161.101, F.S.

The bill requires DEP to give equal consideration to the ranking criteria in s. 161.143(2)(a)-(h), F.S., and revises such criteria by:

- Removing the term “existing” from the provision requiring DEP to consider the extent to which bypassing activities at an inlet would benefit from modest, cost-effective improvements.
- Requiring DEP to consider the cost-effectiveness of sand made available by a proposed inlet management project or activity relative to other sand source opportunities that could be used to address inlet-caused beach erosion.
- Removing the requirement that DEP consider the interest and commitment of local governments as demonstrated by their willingness to coordinate the planning, design, construction, and maintenance of an inlet management project and their financial plan for funding the local cost share for initial construction, ongoing sand bypassing, channel dredging, and maintenance.
- Requiring DEP to consider the existence of a proposed or recently updated inlet management plan or a local-government-sponsored inlet study addressing the mitigation of an inlet’s erosive effects on adjacent beaches.
- Clarifying that DEP is to consider the criteria in s. 161.101(14), F.S., when establishing funding priorities for inlet management projects, but only to the extent the beach erosion control project criteria are distinct from and not duplicative of the inlet management project criteria.

The bill authorizes DEP to pay from legislative appropriations up to 75 percent of the construction costs of an initial major inlet management project and requires that the remaining balance be paid from other funding sources, such as local sponsors. The bill requires that costs not associated with the initial major inlet management project be shared equally by state and local sponsors.

The bill deletes authorization for DEP to use a legislative appropriation to contract for studies on sediment transport volumes and responsibilities of inlet beneficiaries for beach erosion. In the subsection requiring DEP to annually provide an inlet management project list, the bill deletes the requirement for DEP to include information on the management of ten separate inlets.

The bill deletes the current requirement that at least ten percent of annual legislative appropriations for statewide beach management be made available for the three highest-ranked projects on the current year’s inlet management project list. Instead, the bill requires DEP to designate for projects on the current year’s inlet management project list an amount that is at least equal to the greater of:

- Ten percent of the total amount of legislative appropriations for statewide beach management in a given year; or
- The percentage of inlet management funding requests from local sponsors as a proportion of the total amount of statewide beach management dollars requested in a given year.

The bill deletes a requirement that DEP make certain funds available for the study, design, or development of inlet management projects, and adds a requirement that DEP include inlet monitoring activities as an aggregated subcategory on the overall project list. The bill deletes a requirement that DEP make available all statewide beach management funds which are unencumbered or are allocated to non-project-specific activities for projects on legislatively approved lists of inlet management projects.

The bill requires DEP to update and maintain an annual report on its website concerning the extent to which each inlet project has succeeded in balancing the local sediment budget and inlet's erosive effects on adjacent beaches. The report must provide an estimate of the quantity of sediment bypassed, transferred, or otherwise placed on adjacent eroding beaches, or in such beaches' nearshore area, for the purpose of offsetting the erosive effects of inlets.

### **Comprehensive Long-Term Beach Management Plan**

**Section 4** amends s. 161.161, F.S., which establishes requirements for DEP's comprehensive long-term beach management plan. The changes in section 4 will go into effect on July 1, 2020.

In developing and maintaining the comprehensive long-term beach management plan, the bill requires DEP to do the following:

- Include recommendations for improvement of infrastructure to facilitate sand bypassing to mitigate the erosive impact of an inlet that is a significant cause of beach erosion.
- Consider the establishment of regional sediment management alternatives for one or more individual beach and inlet sand bypassing projects as an alternative to beach restoration when appropriate and cost-effective, and recommend the location of such regional sediment management alternatives and the source of beach-compatible sand.
- Maintain an updated list of critically eroded sandy beaches based on data, analyses, and investigations of shoreline conditions.
- Identify existing beach projects without dune features or with dunes without adequate elevations, and encourage dune restoration and revegetation to be incorporated as part of storm damage recovery projects or future dune maintenance.
- Document procedures and policies for preparing post-storm damage assessments and corresponding recovery plans, including repair cost estimates.
- Identify and assess appropriate management measures for all of the state's critically eroded beaches.

The bill also deletes the following requirements for DEP in developing and maintaining the comprehensive long-term beach management plan:

- Include cost estimates necessary to take inlet corrective measures and recommendations regarding cost sharing among the beneficiaries of such inlet.

- Evaluate the establishment of feeder beaches as an alternative to direct beach restoration and recommend the location of such feeder beaches.
- Project long-term erosion for all major beach and dune systems by surveys and profiles;
- Identify shoreline development and degree of density.
- In identifying short-and long-term economic costs and benefits of beaches, include recreational value to user groups, tax base, revenues generated, and beach acquisition and maintenance costs.
- Identify alternative management responses in order to prevent inappropriate development and redevelopment on migrating beaches.
- Consider abandonment as an alternative management response.
- Establish criteria, including costs and specific implementation actions, for alternative management techniques.
- Establish a list of restoration and beach nourishment projects arranged in order of priority, and the funding levels needed for such projects.
- Submit regional plans on a set schedule and in accordance with specified requirements.

The bill requires that the comprehensive long-term beach management plan, at a minimum, include: a strategic beach management plan; a critically eroded beaches report; and a statewide long-range budget plan.

### ***Strategic Beach Management Plan***

The bill requires the strategic beach management plan to identify and recommend appropriate measures for the state's critically eroded sandy beaches. DEP is authorized to incorporate regional plans and take into account areas of greatest need and probable federal or local funding when creating the SBMP. The bill requires that, before finalizing a strategic beach management plan, DEP must hold a public meeting or a public webinar in the region for which the plan is prepared. The bill's revisions to the requirements for the comprehensive long-term beach management plan may significantly change what DEP includes in the SBMP.

### ***Critically Eroded Beaches Report***

The bill requires that DEP develop and maintain the critically eroded beaches report based primarily on data, analyses, and investigations of shoreline conditions.

### ***Long-Range Budget Plan***

The bill requires the long range budget plan to include at least five years of planned beach restoration, beach nourishment, and inlet management project funding needs, as identified and refined by local governments. The plan must consist of two components:

- A "three-year work plan" identifying and prioritizing beach restoration, beach nourishment, and inlet management projects viable for implementation during the next three fiscal years. In developing and submitting the three year work plan, the bill requires DEP to:
  - Use the following criteria for determining the viability of projects:
    - Available cost-sharing,
    - Local sponsor support,



- Regulatory considerations, and
- The ability for the project to proceed as scheduled;
- Identify, for each of the three fiscal years, proposed projects and their current development status, and list the projects in priority order based on the criteria in ss. 161.101(14) and 161.143(2), F.S.; and
- Submit the three-year work plan to the Legislature annually, accompanied by a three-year financial forecast of available funding for the projects, and any modifications of specific funding requests or criteria ranking that are warranted in each successive fiscal year.
- A “long-range plan” identifying projects for inclusion into the three-year work plan in the fourth and fifth ensuing fiscal years, which includes issues that may prevent successful completion and recommended solutions that will allow projects to progress into the three-year work plan.

Upon approval of the plans, the bill requires DEP to use regional plans and three-year work plans to serve as the basis for state funding decisions.

**Section 5** states that, unless otherwise expressly provided in the act, the bill takes effect July 1, 2019.

#### **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:**

The bill includes tourism-related return on investment in the criteria considered when establishing funding priorities for beach erosion control projects. Increased tourism could result in economic benefits to businesses and residents in beach communities. Therefore, the bill may have an indeterminate, positive fiscal impact on the private sector.

**C. Government Sector Impact:**

The bill may have a positive, indeterminate impact on local governments that receive funding for beach erosion control projects or inlet management projects.

The bill may have a positive, indeterminate impact on local governments that receive increased tax revenues due to increasing rates of tourism at or around their beaches.

The bill may have a negative, indeterminate impact on DEP, because DEP may incur additional costs by implementing the bill. Implementation may require adopting new rules, developing new agency procedures, and producing new deliverables on an ongoing basis.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 161.101, 161.143, and 161.161.

**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 Mayfield

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A bill to be entitled

An act relating to coastal management; amending s. 161.101, F.S.; revising the criteria the Department of Environmental Protection must consider in determining and assigning annual funding priorities for beach management and erosion control projects; specifying tiers for such criteria; requiring tiers to be given certain weight; requiring the department to update active project lists on its website; redefining the term "significant change"; revising the department's reporting requirements; specifying allowable uses for certain surplus funds; revising the requirements for a specified summary; requiring that funding for certain projects remain available for a specified period; amending s. 161.143, F.S.; specifying the scope of certain projects; revising the list of projects included as inlet management projects; requiring that certain projects be considered separate and apart from other specified projects; revising the ranking criteria to be used by the department to establish certain funding priorities for certain inlet-caused beach erosion projects; revising provisions authorizing the department to spend certain appropriated funds for the management of inlets; deleting a provision authorizing the department to spend certain appropriated funds for specified inlet studies; revising the required elements of the department's report of prioritized inlet management projects; revising the funds that the department must

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30 make available to certain inlet management projects;  
31 requiring the department to include specified  
32 activities on the inlet management project list;  
33 deleting provisions requiring the department to make  
34 available funding for specified projects; deleting a  
35 requirement that the Legislature designate a project  
36 as an Inlet of the Year; requiring the department to  
37 update and maintain a report regarding the progress of  
38 certain inlet management projects; deleting certain  
39 temporary provisions relating to specified  
40 appropriations; revising the requirements for the  
41 report; amending s. 161.161, F.S.; revising  
42 requirements for the comprehensive long-term  
43 management plan; requiring the plan to include a  
44 strategic beach management plan, a critically eroded  
45 beaches report, and a statewide long-range budget  
46 plan; providing for the development and maintenance of  
47 such plans; deleting a requirement that the department  
48 submit a certain beach management plan on a certain  
49 date each year; requiring the department to hold a  
50 public meeting before finalization of the strategic  
51 beach management plan; requiring the department to  
52 submit a 3-year work plan and a related forecast for  
53 the availability of funding to the Legislature;  
54 providing effective dates.

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

57  
58 Section 1. Effective July 1, 2020, subsection (14) of

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section 161.101, Florida Statutes, is amended to read:

161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.—

(14) The intent of the Legislature in preserving and protecting Florida's sandy beaches pursuant to this act is to direct beach erosion control appropriations to the state's most severely eroded beaches, and to prevent further adverse impact caused by improved, modified, or altered inlets, coastal armoring, or existing upland development. In establishing annual project funding priorities, the department shall seek formal input from local coastal governments, beach and general government interest groups, and university experts. The department shall adopt by rule a scoring system to determine annual project funding priorities. The scoring system must consist of the following criteria equally weighted within the following specified tiers ~~criteria to be considered by the department in determining annual funding priorities shall include:~~

(a) Tier 1 must account for 20 percent of the total score and consist of the tourism-related return on investment and the economic impact of the project. The return on investment of the project is the ratio of the tourism-related tax revenues for the most recent year to the amount of state funding requested for the proposed project. The economic impact of the project is the ratio of the tourism-related tax revenues for the most recent year to all county tax revenues for the most recent year. The department must calculate these ratios using state sales tax and tourism development tax data of the county having jurisdiction

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over the project area. If multiple counties have jurisdiction over the project area, the department must assess each county individually using these ratios. The department shall calculate the mean average of these ratios to determine the final overall assessment for the multicounty project ~~the severity of erosion conditions, the threat to existing upland development, and recreational and/or economic benefits.~~

(b) Tier 2 must account for 45 percent of the total score and consist of all of the following criteria:

1. The availability of federal matching dollars, considering federal authorization, the federal cost-share percentage, and the status of the funding award.

2. The storm damage reduction benefits of the project based on the following considerations:

a. The current conditions of the project area, including any recent storm damage impact, as a percentage of volume of sand lost since the most recent beach nourishment event or most recent beach surveys. If the project area has not been previously restored, the department must use the historical background erosion rate;

b. The overall potential threat to existing upland development, including public and private structures and infrastructure, based on the percentage of vulnerable shoreline within the project boundaries; and

c. The value of upland property benefiting from the protection provided by the project and its subsequent maintenance. A property must be within one-quarter mile of the project boundaries to be considered under the criterion specified in this sub-subparagraph.

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117       3. The cost-effectiveness of the project based on the  
118 yearly cost per volume per mile of proposed beach fill  
119 placement. The department shall also consider the following when  
120 assessing cost-effectiveness pursuant to this subparagraph:

121           a. The existence of projects with proposed structural or  
122 design components to extend the beach nourishment interval;

123           b. Existing beach nourishment projects that reduce upland  
124 storm damage costs by incorporating new or enhanced dune  
125 structures or new or existing dune restoration and revegetation  
126 projects;

127           c. Proposed innovative technologies designed to reduce  
128 project costs; and

129           d. Regional sediment management strategies and coordination  
130 to conserve sand source resources and reduce project costs.

131       (c) Tier 3 must account for 20 percent of the total score  
132 and consist of all of the following criteria: ~~The extent of~~  
133 ~~local government sponsor financial and administrative commitment~~  
134 ~~to the project, including a long-term financial plan with a~~  
135 ~~designated funding source or sources for initial construction~~  
136 ~~and periodic maintenance.~~

137       1.(d) Previous state commitment and involvement in the  
138 project, considering previously funded phases, the total amount  
139 of previous state funding, and previous partial appropriations  
140 for the proposed project.

141       2. The recreational benefits of the project based on:

142           a. The accessible beach area added by the project; and

143           b. The percentage of linear footage within the project  
144 boundaries which is zoned:

145           (I) As recreational or open space;

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146 (II) For commercial use; or

147 (III) To otherwise allow for public lodging establishments.

148 ~~(e) The anticipated physical performance of the proposed~~  
149 ~~project, including the frequency of periodic planned~~  
150 ~~nourishment.~~

151 3.-(f) The extent to which the proposed project mitigates  
152 the adverse impact of improved, modified, or altered inlets on  
153 adjacent beaches.

154 ~~(g) Innovative, cost effective, and environmentally~~  
155 ~~sensitive applications to reduce erosion.~~

156 ~~(h) Projects that provide enhanced habitat within or~~  
157 ~~adjacent to designated refuges of nesting sea turtles.~~

158 ~~(i) The extent to which local or regional sponsors of beach~~  
159 ~~erosion control projects agree to coordinate the planning,~~  
160 ~~design, and construction of their projects to take advantage of~~  
161 ~~identifiable cost savings.~~

162 4.-(j) The degree to which the project addresses the state's  
163 most significant beach erosion problems as a function of the  
164 linear footage of the project shoreline and the cubic yards of  
165 sand placed per mile per year.

166 (d) Tier 4 must account for 15 percent of the total score  
167 and consist of all of the following criteria:

168 1. Increased prioritization of projects that have been on  
169 the department's ranked project list for successive years and  
170 that have not previously secured state funding for project  
171 implementation.

172 2. Environmental habitat enhancement, recognizing state or  
173 federal critical habitat areas for threatened or endangered  
174 species which may be subject to extensive shoreline armoring, or



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recognizing areas where extensive shoreline armoring threatens the availability or quality of habitat for such species. Turtle-friendly designs, dune and vegetation projects for areas with redesigned or reduced fill templates, proposed incorporation of best management practices and adaptive management strategies to protect resources, and innovative technologies designed to benefit critical habitat preservation may also be considered.

3. The overall readiness of the project to proceed in a timely manner, considering the project's readiness for the construction phase of development, the status of required permits, the status of any needed easement acquisition, the availability of local funding sources, and the establishment of an erosion control line. If the department identifies specific reasonable and documented concerns that the project will not proceed in a timely manner, the department may choose not to include the project in the annual funding priorities submitted to the Legislature.

~~If In the event that~~ more than one project qualifies equally under the provisions of this subsection, the department shall assign funding priority to those projects shown to be most ~~that are~~ ready to proceed.

Section 2. Subsection (20) of section 161.101, Florida Statutes, is amended to read:

161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.—

(20) The department shall maintain active project lists, updated at least quarterly, ~~listings~~ on its website by fiscal

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year in order to provide transparency regarding those projects receiving funding and the funding amounts, and to facilitate legislative reporting and oversight. In consideration of this intent:

(a) The department shall notify the Executive Office of the Governor and the Legislature regarding any significant changes in the funding levels of a given project as initially requested in the department's budget submission and subsequently included in approved annual funding allocations. The term "significant change" means a project-specific change or cumulative changes that exceed the project's original allocation by \$500,000 or that exceed those changes exceeding 25 percent of the a project's original allocation.

1. Except as provided in subparagraph 2., if there is surplus funding, the department must provide a notification and supporting justification ~~shall be provided~~ to the Executive Office of the Governor and the Legislature to indicate whether surplus additional dollars are intended to be used for inlet management projects pursuant to s. 161.143 or for beach restoration and beach nourishment projects, offered for reversion as part of the next appropriations process, or used for other specified priority projects on active project lists.

2. For surplus funds for projects that do not have a significant change, the department may use such funds for the same purposes identified in subparagraph 1. The department must post the uses of such funds on the project listing web page of its website. No other notice or supporting justification is required before the use of surplus funds for a project that does not have a significant change.

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(b) The department shall prepare a summary of specific project activities for the current fiscal year, their funding status, and changes to annual project lists for the current and preceding fiscal year. ~~shall be prepared by~~ The department shall include the summary and included with the department's submission of its annual legislative budget request.

(c) Funding for specific projects on annual project lists approved by the Legislature must remain available for such projects for 18 months. A local project sponsor may at any time release, in whole or in part, appropriated project dollars by formal notification to the department. The department, which shall notify the Executive Office of the Governor and the Legislature of such release and. ~~Notification must indicate in the notification~~ how the project dollars are recommended intended to be used after such release.

Section 3. Subsections (2) through (5) of section 161.143, Florida Statutes, are amended to read:

161.143 Inlet management; planning, prioritizing, funding, approving, and implementing projects.—

(2) The department shall establish annual funding priorities for studies, activities, or other projects concerning inlet management. Such inlet management projects constitute the intended scope of this section and s. 161.142 and consist of ~~include, but are not limited to,~~ inlet sand bypassing, improvement of infrastructure to facilitate sand bypassing, modifications to channel dredging, jetty redesign, jetty repair, disposal of spoil material, and the development, revision, adoption, or implementation of an inlet management plan. Projects considered for funding pursuant to this section must be

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considered separate and apart from projects reviewed and prioritized in s. 161.101(14). The funding priorities established by the department under this section must be consistent with the requirements and legislative declaration in ss. 161.101(14), 161.142, and 161.161(1)(b). In establishing funding priorities under this subsection and before transmitting the annual inlet project list to the Legislature under subsection (4) ~~(5)~~, the department shall seek formal input from local coastal governments, beach and general government associations and other coastal interest groups, and university experts concerning annual funding priorities for inlet management projects. In order to maximize the benefits of efforts to address the inlet-caused beach erosion problems of this state, the ranking criteria used by the department to establish funding priorities for studies, activities, or other projects concerning inlet management must include equal consideration of:

(a) An estimate of the annual quantity of beach-quality sand reaching the updrift boundary of the improved jetty or inlet channel.

(b) The severity of the erosion to the adjacent beaches caused by the inlet ~~and the extent to which the proposed project mitigates the erosive effects of the inlet.~~

(c) The overall significance and anticipated success of the proposed project in mitigating the erosive effects of the inlet, balancing the sediment budget of the inlet and adjacent beaches, and addressing the sand deficit along the inlet-affected shorelines.

(d) The extent to which ~~existing~~ bypassing activities at an

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inlet would benefit from modest, cost-effective improvements when considering the volumetric increases from the proposed project, the availability of beach-quality sand currently not being bypassed to adjacent eroding beaches, and the ease with which such beach-quality sand may be obtained.

(e) The cost-effectiveness of sand made available by a proposed inlet management project or activity relative to other sand source opportunities that would be used to address inlet-caused beach erosion ~~The interest and commitment of local governments as demonstrated by their willingness to coordinate the planning, design, construction, and maintenance of an inlet management project and their financial plan for funding the local cost share for initial construction, ongoing sand bypassing, channel dredging, and maintenance.~~

(f) The existence of a proposed or recently updated ~~The previous completion or approval of a state-sponsored inlet management plan or a local-government-sponsored inlet study addressing concerning the inlet addressed by the proposed project, the ease of updating and revising any such plan or study, and the adequacy and specificity of the plan's or study's recommendations concerning the mitigation of an inlet's erosive effects on adjacent beaches.~~

(g) The degree to which the proposed project will enhance the performance and longevity of proximate beach nourishment projects, thereby reducing the frequency of such periodic nourishment projects.

(h) The project-ranking criteria in s. 161.101(14) to the extent such criteria are applicable to inlet management studies, projects, and activities and are distinct from, and not

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320 duplicative of, the criteria listed in paragraphs (a)-(g).

321 (3) The department may pay from legislative appropriations  
322 up to 75 percent of the construction costs of an initial major  
323 inlet management project component for the purpose of mitigating  
324 the erosive effects of the inlet to the shoreline and balancing  
325 the sediment budget. The remaining balance of such construction  
326 costs must be paid from other funding sources, such as local  
327 sponsors. All project costs not associated with an initial major  
328 inlet management project component must be shared equally by  
329 state and local sponsors in accordance with, ~~pursuant to s.~~  
330 ~~161.101 and notwithstanding s. 161.101(15), pay from legislative~~  
331 ~~appropriations provided for these purposes 75 percent of the~~  
332 ~~total costs, or, if applicable, the nonfederal costs, of a~~  
333 ~~study, activity, or other project concerning the management of~~  
334 ~~an inlet. The balance must be paid by the local governments or~~  
335 ~~special districts having jurisdiction over the property where~~  
336 ~~the inlet is located.~~

337 ~~(4) Using the legislative appropriation to the statewide~~  
338 ~~beach management support category of the department's fixed~~  
339 ~~capital outlay funding request, the department may employ~~  
340 ~~university based or other contractual sources and pay 100~~  
341 ~~percent of the costs of studies that are consistent with the~~  
342 ~~legislative declaration in s. 161.142 and that:~~

343 ~~(a) Determine, calculate, refine, and achieve general~~  
344 ~~consensus regarding net annual sediment transport volumes to be~~  
345 ~~used for the purpose of planning and prioritizing inlet~~  
346 ~~management projects; and~~

347 ~~(b) Appropriate, assign, and apportion responsibilities~~  
348 ~~between inlet beneficiaries for the erosion caused by a~~

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particular inlet on adjacent beaches.

~~(4)(5)~~ The department shall annually provide an inlet management project list, in priority order, to the Legislature as part of the department's budget request. ~~The list must include studies, projects, or other activities that address the management of at least 10 separate inlets and that are ranked according to the criteria established under subsection (2).~~

(a) The department shall designate for ~~make available at~~ least 10 percent of the total amount that the Legislature appropriates in each fiscal year for statewide beach management ~~for the three highest-ranked projects on the current year's inlet management project list, in priority order, an amount that is at least equal to the greater of:~~

1. Ten percent of the total amount that the Legislature appropriates in the fiscal year for statewide beach management;  
or

2. The percentage of inlet management funding requests from local sponsors as a proportion of the total amount of statewide beach management dollars requested in a given year.

(b) The department shall include inlet monitoring activities ranked on the inlet management project list as one aggregated subcategory on the overall inlet management project list ~~make available at least 50 percent of the funds appropriated for the feasibility and design category in the department's fixed capital outlay funding request for projects on the current year's inlet management project list which involve the study for, or design or development of, an inlet management project.~~

~~(c) The department shall make available all statewide beach~~

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management funds that remain unencumbered or are allocated to non-project specific activities for projects on legislatively approved inlet management project lists. Funding for local-government specific projects on annual project lists approved by the Legislature must remain available for such purposes for a period of 18 months pursuant to s. 216.301(2)(a). Based on an assessment and the department's determination that a project will not be ready to proceed during this 18-month period, such funds shall be used for inlet management projects on legislatively approved lists.

(5)(d) The Legislature shall designate one of the three highest projects on the inlet management project list in any year as the Inlet of the Year. The department shall update and maintain an annual annually report on its website to the Legislature concerning the extent to which each inlet project designated by the Legislature as Inlet of the Year has succeeded in balancing the sediment budget of the inlet and adjacent beaches and in, mitigating the inlet's erosive effects on adjacent beaches. The report must provide an estimate of the quantity of sediment bypassed, transferred, and transferring or otherwise placed placing beach-quality sand on adjacent eroding beaches, or in such beaches' nearshore area, for the purpose of offsetting the erosive effects of inlets on the beaches of this state.

Section 4. Effective July 1, 2020, subsection (1) and present subsection (2) of section 161.161, Florida Statutes, are amended, a new subsection (2) is added to that section, and present subsections (2) through (7) are redesignated as subsections (3) through (8), respectively, to read:



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161.161 Procedure for approval of projects.—

(1) The department shall develop and maintain a comprehensive long-term beach management plan for the restoration and maintenance of the state's critically eroded beaches fronting the Atlantic Ocean, Gulf of Mexico, and Straits of Florida. In developing and maintaining this ~~the beach management plan,~~ the department shall:

(a) Address long-term solutions to the problem of critically eroded beaches in this state.

(b) Evaluate each improved, modified, or altered inlet and determine whether the inlet is a significant cause of beach erosion. With respect to each inlet determined to be a significant cause of beach erosion, the plan shall include:

~~1.~~ the extent to which such inlet causes beach erosion and recommendations to mitigate the erosive impact of the inlet, including, but not limited to, ~~recommendations regarding~~ inlet sediment bypassing; improvement of infrastructure to facilitate sand bypassing; modifications to channel dredging, jetty design, and disposal of spoil material; establishment of feeder beaches; and beach restoration and beach nourishment; ~~and~~

~~2. Cost estimates necessary to take inlet corrective measures and recommendations regarding cost sharing among the beneficiaries of such inlet.~~

(c) Evaluate ~~Design~~ criteria for beach restoration and beach nourishment projects, including, but not limited to, ~~1.~~

~~1.~~ dune elevation and width and revegetation and stabilization requirements, ~~1.~~ and

~~2.~~ beach profiles ~~profile~~.

(d) Consider ~~Evaluate~~ the establishment of regional

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436 sediment management alternatives for one or more individual  
437 beach and inlet sand bypassing projects ~~feeder beaches~~ as an  
438 alternative to ~~direct~~ beach restoration when appropriate and  
439 cost-effective, and recommend the location of such regional  
440 sediment management alternatives ~~feeder beaches~~ and the source  
441 of beach-compatible sand.

442 (e) Identify causes of shoreline erosion and change,  
443 determine ~~calculate~~ erosion rates, and maintain an updated list  
444 of critically eroded sandy beaches based on data, analyses, and  
445 investigations of shoreline conditions ~~and project long-term~~  
446 ~~erosion for all major beach and dune systems by surveys and~~  
447 ~~profiles.~~

448 (f) ~~Identify shoreline development and degree of density~~  
449 ~~and~~ Assess impacts of development and coastal protection  
450 ~~shoreline protective~~ structures on shoreline change and erosion.

451 (g) Identify short-term and long-term economic costs and  
452 benefits of beaches to the state of Florida and individual beach  
453 communities, ~~including recreational value to user groups, tax~~  
454 ~~base, revenues generated, and beach acquisition and maintenance~~  
455 ~~costs.~~

456 (h) Study dune and vegetation conditions, identify existing  
457 beach projects without dune features or with dunes without  
458 adequate elevations, and encourage dune restoration and  
459 revegetation to be incorporated as part of storm damage recovery  
460 projects or future dune maintenance events.

461 (i) Identify beach areas used by marine turtles and develop  
462 strategies for protection of the turtles and their nests and  
463 nesting locations.

464 (j) Identify alternative management responses to preserve

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undeveloped beach and dune systems and, to restore damaged beach and dune systems. In identifying such management responses, the department shall consider, at a minimum, and to prevent inappropriate development and redevelopment on migrating beaches, and consider beach restoration and nourishment, armoring, relocation and abandonment, dune and vegetation restoration, and acquisition.

(k) Document procedures and policies for preparing post-storm damage assessments and corresponding recovery plans, including repair cost estimates ~~Establish criteria, including costs and specific implementation actions, for alternative management techniques.~~

(l) Identify and assess ~~Select and recommend~~ appropriate management measures for all of the state's critically eroded sandy beaches in a beach management program.

~~(m) Establish a list of beach restoration and beach nourishment projects, arranged in order of priority, and the funding levels needed for such projects.~~

(2) The comprehensive long-term management plan developed and maintained by the department pursuant to subsection (1) must include, at a minimum, a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan. The long-range budget plan must include a 3-year work plan for beach restoration, beach nourishment, and inlet management projects that lists planned projects for each of the 3 fiscal years addressed in the work plan.

(a) The strategic beach management plan must identify and recommend appropriate measures for all of the state's critically eroded sandy beaches and may incorporate plans ~~be prepared at~~

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the regional level, taking into account ~~based upon~~ areas of greatest need and probable federal and local funding. Upon approval in accordance with this section, such regional plans, along with the 3-year work plan identified in subparagraph (c)1., must ~~shall be components of the statewide beach management plan and shall~~ serve as the basis for state funding decisions ~~upon approval in accordance with chapter 86-138, Laws of Florida.~~ Before finalizing the strategic beach management plan ~~In accordance with a schedule established for the submission of regional plans by the department, any completed plan must be submitted to the secretary of the department for approval no later than March 1 of each year. These regional plans shall include, but shall not be limited to, recommendations of appropriate funding mechanisms for implementing projects in the beach management plan, giving consideration to the use of single-county and multicounty taxing districts or other revenue generation measures by state and local governments and the private sector. Prior to presenting the plan to the secretary of the department, the department shall hold a public meeting in the region areas for which the plan is prepared or hold a publicly noticed webinar. The plan submission schedule shall be submitted to the secretary for approval. Any revisions to such schedule must be approved in like manner.~~

(b) The critically eroded beaches report must be developed and maintained based primarily on the requirements specified in paragraph (1) (e).

(c) The statewide long-range budget plan must include at least 5 years of planned beach restoration, beach nourishment,

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and inlet management project funding needs as identified, and subsequently refined, by local government sponsors. This plan must consist of two components:

1. A 3-year work plan that identifies beach restoration, beach nourishment, and inlet management projects viable for implementation during the next 3 fiscal years, as determined by available cost-sharing, local sponsor support, regulatory considerations, and the ability of the project to proceed as scheduled. The 3-year work plan must, for each fiscal year, identify proposed projects and their current development status, listing them in priority order based on the applicable criteria established in ss. 161.101(14) and 161.143(2). Specific funding requests and criteria ranking, pursuant to ss. 161.101(14) and 161.143(2), may be modified as warranted in each successive fiscal year, and such modifications must be documented and submitted to the Legislature with each 3-year work plan. Year one projects shall consist of those projects identified for funding consideration in the ensuing fiscal year.

2. A long-range plan that identifies projects for inclusion in the fourth and fifth ensuing fiscal years. These projects may be presented by region and do not need to be presented in priority order; however, the department should identify issues that may prevent successful completion of such projects and recommend solutions that would allow the projects to progress into the 3-year work plan.

~~(3)(2) Annually,~~ The secretary shall annually present the 3-year work plan to the Legislature. The work plan must be accompanied by a 3-year financial forecast for the availability of funding for the projects ~~recommendations for funding beach~~

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552 ~~erosion control projects prioritized according to the criteria~~  
553 ~~established in s. 161.101(14).~~

554 Section 5. Except as otherwise expressly provided in this  
555 act, this act shall take effect July 1, 2019.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

4-H

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

3/6/19  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Florida 4-H program

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Montana Rose Smith

Job Title \_\_\_\_\_

Address 3214 Ranch Place Blvd  
Street

Phone \_\_\_\_\_

Zephyrhills FL 33541  
City State Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

4-H

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/6/19  
Meeting Date

☒ Bill Number (if applicable)  
\_\_\_\_\_  
Amendment Barcode (if applicable)

Topic Florida 4-H program

Name Kata Emily Muellerette

Job Title \_\_\_\_\_

Address 8418 N. GOMEZ AVE  
Street  
Tampa FL 33614  
City State Zip

Phone (813) 956-7807

Email kataemilyann@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)



**APPEARANCE RECORD**

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

3/6/19  
Meeting Date✓  
Bill Number (if applicable)Topic Florida 4-H Program

Amendment Barcode (if applicable)

Name Miranda Bird

Job Title \_\_\_\_\_

Address 4683 Golden Spike Court  
StreetPhone (904) 401-0507Jacksonville Florida 32257  
City State ZipEmail mebpanda@gmail.comSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing SelfAppearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.***This form is part of the public record for this meeting.**

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/5/19

Meeting Date

SB286

Bill Number (if applicable)

Topic Blue Star Legislation

Amendment Barcode (if applicable)

Name Chris Snow

Job Title Director of External Affairs

Address 200 Weatherford Avenue  
Street

Phone 4072239194

Altamonte Springs FL 32714  
City State Zip

Email csnow@viva.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Utilities Inc. of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

March 2019  
Meeting Date

286  
Bill Number (if applicable)

Topic Blue Star Legislation

☒ Amendment Barcode (if applicable)

Name David Childs

Job Title Counsel

Address 119 S. Monroe St. Suite 300  
Street

Phone 850 222-7500

Tallahassee FL 32301  
City State Zip

Email DAVIDC@H6SLAW.COM

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing F.W.E.A. Utility Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/5/19

Meeting Date

286

Bill Number (if applicable)

Topic Onsite Sewage

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title

Address 310 W College Ave

Phone 850-228-1296

Street

Tallah

FL

32301

City

State

Zip

Email Jim@magalicsfrategiesllc.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Okaloosa Utility Authority

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/5/19

Meeting Date

286

Bill Number (if applicable)

Topic

Domestic waste water collection

Amendment Barcode (if applicable)

Name

Dwinda Merritt

Job Title

Mayor

Address

1350 Hwy 40 W

Phone

Street

Englis

City

FL

State

34449

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Town of Englis

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/5/19

Meeting Date

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

286

Bill Number (if applicable)

Topic Domestic Wastewater Collection

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address PO Box 1757

Phone 222 9684

Tallahassee FL 32302-1757

City

State

Zip

Email rohara@flcities.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Fla League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/5/19

Meeting Date

320

Bill Number (if applicable)

Topic Environment & Natural Resources

Name Jessica Crawford

Job Title Legislative Affairs Director

Address 620 S. Meridian St.

Street

Tallahassee

City

FL

State

32379

Zip

Phone 850.487.3795

Email jessica.crawford@myfwc.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Fish & Wildlife Conservation Commission

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3-5-2019

Meeting Date

376

Bill Number (if applicable)

Topic

Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name

Richard Gentry

Job Title

Address

2305 BRAEBURN CIR.

Street

Phone

850-251-1837

City

Tallah

FL

State

32309

Zip

Email

rgentry@comcast.net

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Stand Up For North Florida

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/5/19

Meeting Date

SB 376

Bill Number (if applicable)

Topic Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name Danielle H. Irwin

Job Title Lobby Corps Volunteer, League of Women Voters

Address 3185 Ferns Glen Dr.

Phone 904/537-5013

Street

Tallahassee

City

State

FL

Zip

Email danielle.h.irwin@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

MARCH 5, 2019

Meeting Date

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

376

Bill Number (if applicable)

Topic HURRICANE MICHAEL RECOVERY

Amendment Barcode (if applicable)

Name MATT ALFORD

Job Title DEP LOG DIRECTOR

Address \_\_\_\_\_  
Street

Phone (850) 617-7722

City

State

Zip

Email MATTHEW.ALFORD@FROSH FROM FLORIDA.COM

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FL DEP + AGRICULTURE & CONSUMER SERVICES

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/19

Meeting Date

376

Bill Number (if applicable)

Topic

Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name

Adam Basford

Job Title

Legislative Affairs Director

Address

370 W College Ave

Phone

850 272 287

Street

Tallahassee

FL

32301

Email

adam.basford@ffba.org

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FL Farm Bureau

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/5/19

Meeting Date

376

Bill Number (if applicable)

583172

Amendment Barcode (if applicable)

Topic LATF

Name Aliki Moncrief (a-LEE-key)

Job Title Executive Director

Address 1700 N. Monroe St #11-286

Street

TLH

City

FL

State

32303

Zip

Phone 8506294656

Email Contact@fcvoters.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Conservation Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

3/5/19

Meeting Date

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

446

Bill Number (if applicable)

Topic Coastal Management

Amendment Barcode (if applicable)

Name Devon West

Job Title Legislative Policy Advisor

Address 115 S. Andrews Ave.

Phone 954-789-9293

Street

Ft. Lauderdale

FL

33301

City

State

Zip

Email dewest@broward.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Broward County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

March 5 2019  
Meeting Date

446  
Bill Number (if applicable)

Topic Coastal Management

Amendment Barcode (if applicable)

Name Edgar Fernandez

Job Title \_\_\_\_\_

Address 201 W Park Ave Ste 100

Phone 786 255-5755

Tallahassee FL 32301  
City State Zip

Email Edgar.Fernandez@tallahassee.fl.gov

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Palm Beach County

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

## ***THE FLORIDA SENATE***

## APPEARANCE RECORD

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

March 5, 2019  
Meeting Date

446  
Bill Number (if applicable)

Topic Coastal Management

Name Doug Smith

Job Title Commissioner

Address 2401 SE Monterey Road

*Street*

Stuart

FL

State

349 96

**Zip**

Phone (772) 486-4134

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Martin County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/5  
Meeting Date

446  
Bill Number (if applicable)

Topic Coastal Management

Amendment Barcode (if applicable)

Name Natalie Kato

Job Title \_\_\_\_\_

Address 315 S. Calhoun St.  
Street

Phone \_\_\_\_\_

Orlando FL 32301  
City State Zip

Email NKato@kw-law.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing St. Lucie County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/5/19

Meeting Date

446

Bill Number (if applicable)

Topic Coastal Mgmt

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Job Title \_\_\_\_\_

Address P.O. Box 2020  
Street

Phone 727.421.6902

St. Petersburg FL 33731  
City State Zip

Email travis@moore-relations.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Defenders of Wildlife

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/5/19

Meeting Date

SB 0446

Bill Number (if applicable)

Topic COASTAL MANAGEMENT

Amendment Barcode (if applicable)

Name ALINA GONZALEZ

Job Title INTERGOVERNMENTAL AFFAIRS

Address 111 NW 1ST

Street

Phone 305-375-5602

MIAMI

City

State

Zip

Email ALINAG@MIAMI-DADE.GOV

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/5/19

Meeting Date

446

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Diana Ferguson

Job Title Attorney

Address 119 S Monroe St Ste 202

Phone 850-681-6788

Street

Tall

City

FL

State

32801

Zip

Email dferguson@nuff-eceria.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FL Association of Counties

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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3/5/19

Meeting Date

SB 446

Bill Number (if applicable)

Topic Coastal Management

Amendment Barcode (if applicable)

Name David Shepp

Job Title Lobbyist

Address P.O. Box 3739

Phone 863 581-4250

Street

Lakeland FL 33802

City

State

Zip

Email shepp@strategy.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Sarasota County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
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3/5/19

Meeting Date

446

Bill Number (if applicable)

Topic Coastal management

Amendment Barcode (if applicable)

Name ~~Susan Hutton~~ Debbie Flack

Job Title President

Address \_\_\_\_\_  
Street

Phone 770 546-8845

City

State

Zip

Email Susan@fsbpa.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Shore & Beach Preservation Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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3/5/19  
Meeting Date

446  
Bill Number (if applicable)

Topic Costal Management

Amendment Barcode (if applicable)

Name Dinda Meritt

Job Title Mayor

Address 135 Hwy 40 W  
Street

Phone 352-228-0444

Inglis FL 34449  
City State Zip

Email mayord@inglisfl.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Town of Inglis

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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**APPEARANCE RECORD**

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3/5/19

Meeting Date

446

Bill Number (if applicable)

Topic Coastal Management

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address Po Box 1757  
Street

Phone 222 9684

Tallahassee FL 32302  
City State Zip

Email rohara@flcities.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Fla League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

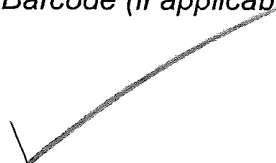
**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/5  
Meeting Date

446  
Bill Number (if applicable)

Topic Coastal Management

Amendment Barcode (if applicable) 

Name Andrew Rutledge

Job Title Public Policy Rep

Address 220 S. Monroe St

Phone -

Street

Tallahassee

City

FL

State

32301

Zip

Email andyr@flrealtors.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Realtors

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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3/5/19

Meeting Date

446

Bill Number (if applicable)

Topic COASTAL MANAGEMENT

Amendment Barcode (if applicable)

Name RAMON MAURY

Job Title CEO

Address PO BOX 12045

Phone 850 222 1568

TALL FL 32302

Email RM@RamonMaury.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking. ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing SOUTH FLORIDA FREE BEACHES - HARBOUR

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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3/5/19

Meeting Date

SB 446

Bill Number (if applicable)

Topic Coastal Management

Name Danielle H. Irwin

Job Title Volunteer

Address 3185 Ferns Glen Dr.

Street

Tallahassee

City

FL

State

32309

Zip

Phone 904/537-5203

Email danielle.hirwin@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

# CourtSmart Tag Report

**Room:** LL 37

**Case No.:**

**Caption:** Environment and Natural Resources Committee

**Type:**

**Judge:**

**Started:** 3/5/2019 2:35:14 PM

**Ends:** 3/5/2019 3:07:21 PM **Length:** 00:32:08

2:35:13 PM Call to Order  
2:35:14 PM  
2:36:00 PM Pledge of Alligence  
2:36:01 PM Opening Comments  
2:36:09 PM Chair Montford comments  
2:36:10 PM Tab 1 - Presentation by 4-H students of Florida  
2:36:23 PM Introduction of 4-H Students  
2:36:40 PM Montana Rose Smith  
2:36:47 PM Miranda Bird  
2:37:17 PM Kata Emily Muellerelle  
2:38:56 PM Montana Rose Smith - Presentation  
2:39:45 PM Description of the 4-H Progam  
2:39:46 PM Miranda Bird - Presentation  
2:40:34 PM Kata Muellerelle - Presentation  
2:40:37 PM Montana Rose Smith - Final comments  
2:41:35 PM End of Presentation  
2:41:36 PM Questions?  
2:41:41 PM Senator Berman making a comment  
2:42:06 PM Senator Montford making comments  
2:42:38 PM Senator Montford making comments  
2:42:39 PM Applause  
2:42:45 PM Tab 3 - SB 320 by Senator Hooper - Residential Conservation Program  
2:44:20 PM  
2:44:21 PM  
2:44:22 PM Questions  
2:44:31 PM Jessica Crawford waives in support for FWC  
2:44:44 PM Senator Hooper waives close  
2:44:51 PM SB 320 passes favorably  
2:44:59 PM Tab 2 SB 286 by Senator Albritton, Domestic Wastewater Collection System  
2:45:32 PM Senator Albritton explaining amendment  
2:47:29 PM 217872 amendment  
2:47:41 PM Senator Albritton explaining  
2:48:54 PM Senator Montford comments  
2:49:02 PM Amendment to Amendment 672720  
2:50:02 PM AA to amendment adopted  
2:50:17 PM Main amendment 217872 passes  
2:51:03 PM Back on bill as amended  
2:51:09 PM Chris Snow waives in support  
2:51:15 PM David Child waives in support  
2:51:23 PM Jim Spratt waives in support  
2:51:29 PM Drenda Merritt waives in support  
2:51:36 PM Rebecca Ohara waives in support  
2:51:52 PM  
2:51:53 PM Senator Albritton waives close  
2:52:00 PM CS/SB 286 is reported favorable  
2:52:20 PM CS/SB 286 is reported favorable  
2:52:21 PM Tab 5 - SB 446 by Senator Mayfield, Coastal Management  
2:52:36 PM Senator Mayfield explaining bill  
2:53:51 PM Senator Mayfield explaining bill  
2:53:52 PM Senator Montford  
2:53:58 PM Appearance forms  
2:55:40 PM Senator Berman with comments

2:56:21 PM	Senator Berman with comments
2:56:22 PM	Senator Albritton with comments
2:57:51 PM	Senator Albritton with comments
2:57:52 PM	Senator Montford with comment
2:58:01 PM	Senator Mayfield closes
2:58:48 PM	SB 446 passes favorably
2:59:00 PM	Senator Albritton in Chair
2:59:07 PM	Tab 4 SB 376 by Senator Montford - Land Acquisition Trust Fund
2:59:31 PM	Senator Montford explaining bill
3:00:31 PM	Amendment 583170
3:00:42 PM	Senator Montford explaining amendment
3:01:30 PM	Senator Albritton
3:01:40 PM	Debate on amendment
3:01:44 PM	Waives close
3:01:49 PM	Amendment 583172 passes
3:02:01 PM	Back on bill as amended
3:02:10 PM	Appearance cards
3:02:16 PM	Jim Spratt, Florida Forestry Association
3:02:46 PM	Aliki Moncrief, Ex Director, Florida Conservation Voters
3:05:33 PM	Adam Basford waives in support
3:05:33 PM	
3:05:41 PM	Matt Alford waives in support
3:05:52 PM	Danielle Irwin waives in support
3:06:00 PM	Richard Gentry waives in support
3:06:15 PM	Richard Gentry waives in support
3:06:15 PM	Debate on bill
3:06:20 PM	Senator Montford waives close
3:06:26 PM	CS/SB 376 passes favorably
3:06:46 PM	Chair Montford in chair
3:06:58 PM	Senator Albritton moves to adjourn
3:07:06 PM	Meeting adjourned