

Tab 1	SB 442 by Rodriguez; (Identical to H 00571) Powers of Land Authorities						
Tab 2	SB 494 by Hutson; (Identical to H 00323) Fish and Wildlife Conservation Commission						
482518	D	S	RCS	EN, Hutson	Delete everything after	11/30	11:16 AM
772768	AA	S	RCS	EN, Hutson	Delete L.31 - 106:	11/30	11:16 AM
Tab 3	SB 606 by Garcia; (Identical to H 00493) Boating Safety						
Tab 17	SPB 7012 by EN; Per- and Polyfluoroalkyl Substances Task Force						
709520	A	S	RS	EN, Brodeur	Delete L.49 - 78:	11/30	11:16 AM
209986	SA	S	RCS	EN, Brodeur	Delete L.21 - 78:	11/30	11:16 AM
Tab 18	SB 608 by Brodeur; (Similar to H 00303) Sanitary Sewer Lateral Inspection Programs						
850788	A	S	RCS	EN, Brodeur	Delete L.92 - 156:	11/30	11:16 AM
Tab 19	SB 834 by Brodeur; (Similar to H 00421) Long-term Cleanup of Harmful Algal Blooms						
Tab 20	SB 856 by Brodeur; (Identical to H 00309) Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems						
151510	A	S	RCS	EN, Brodeur	btw L.100 - 101:	11/30	11:16 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Brodeur, Chair
Senator Stewart, Vice Chair

MEETING DATE: Tuesday, November 30, 2021

TIME: 9:00—11:30 a.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Brodeur, Chair; Senator Stewart, Vice Chair; Senators Albritton, Ausley, Bean, and Perry

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 442 Rodriguez (Identical H 571)	Powers of Land Authorities; Authorizing land authorities to assist the counties in which they are located with certain activities addressing flooding and sea-level rise, etc. EN 11/30/2021 Favorable CA RC	Favorable Yeas 6 Nays 0
2	SB 494 Hutson (Identical H 323)	Fish and Wildlife Conservation Commission; Revising the vessel conditions that an officer of the Fish and Wildlife Conservation Commission or a law enforcement agency may use to determine that a vessel is at risk of becoming derelict; prohibiting municipalities and counties from designating public bathing beach areas or swim areas within their jurisdictions which are within the marked channel portion of the Florida Intracoastal Waterway or within a specified distance from any portion of the marked channel; authorizing the commission to establish a program to provide grants to local governments for certain actions regarding derelict vessels and those declared to be a public nuisance; providing that all employees of the commission or the Florida Forest Service may operate drones for specified purposes, etc. EN 11/30/2021 Fav/CS AEG AP	Fav/CS Yeas 6 Nays 0
3	SB 606 Garcia (Identical H 493)	Boating Safety; Citing this act as the "Boating Safety Act of 2022"; authorizing a court to impose a specified fine for certain boating collisions and accidents; prohibiting liveries, beginning on a specified date, from offering a vessel for lease or rent without a livery permit; revising the conditions under which a livery may not knowingly lease or rent a vessel; increasing fines for violations of certain boating regulations; providing that an improper transfer of vessel title is subject to a civil penalty, etc. EN 11/30/2021 Favorable AEG AP	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Tuesday, November 30, 2021, 9:00—11:30 a.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Governing Board of the Northwest Florida Water Management District			
4	Alter, John W. (Malone)	03/01/2023	Temporarily Postponed
5	Upton, Anna H. (Tallahassee)	03/01/2024	Temporarily Postponed
6	Pate, Jerome K. (Pensacola)	03/01/2025	Temporarily Postponed
Governing Board of the South Florida Water Management District			
7	Butler, Benjamin L. (Lorida)	03/01/2024	Temporarily Postponed
8	Roman, Charlette I. (Marco Island)	03/01/2025	Temporarily Postponed
9	Meads, Cheryl Anne (Tavernier)	03/01/2025	Temporarily Postponed
Governing Board of the Southwest Florida Water Management District			
10	Bispham, Paul Jack (Myakka City)	03/01/2025	Recommend Confirm Yeas 6 Nays 0
11	Hogarth, William (Treasure Island)	03/01/2022	Recommend Confirm Yeas 6 Nays 0
12	Hall, John E. (Auburndale)	03/01/2025	Recommend Confirm Yeas 6 Nays 0
Governing Board of the Suwannee River Water Management District			
13	Cole, George M. (Monticello)	03/01/2023	Recommend Confirm Yeas 6 Nays 0
14	Lloyd, William (High Springs)	03/01/2023	Recommend Confirm Yeas 6 Nays 0
15	Johns, Virginia H. (Gainesville)	03/01/2025	Recommend Confirm Yeas 6 Nays 0
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	Consideration of proposed bill:		
17	SPB 7012	Per- and Polyfluoroalkyl Substances Task Force; Creating the task force within the Department of Environmental Protection; providing the membership, organization, and duties of the task force; requiring the department to provide staffing to assist the task force in the performance of its duties; requiring the task force to convene by a specified date; requiring the task force to submit an annual report to the Governor and the Legislature by a specified date, etc.	Submitted and Reported Favorably as Committee Bill Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Tuesday, November 30, 2021, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
18	SB 608 Brodeur (Similar H 303)	Sanitary Sewer Lateral Inspection Programs; Defining the term "continuous monolithic pipe system"; authorizing counties and municipalities, respectively, to access sanitary sewer laterals within their jurisdiction for specified purposes; requiring counties and municipalities to notify private property owners within a specified timeframe if the county or municipality intends to access the owner's sanitary sewer lateral; authorizing a program established by a county or a municipality to evaluate and rehabilitate sanitary sewer laterals on residential and commercial properties to use state or local funds allocated for environmental preservation or the protection of water quality, etc. EN 11/30/2021 Fav/CS CA AP	Fav/CS Yeas 6 Nays 0
19	SB 834 Brodeur (Similar H 421)	Long-term Cleanup of Harmful Algal Blooms; Citing this act as the "Implementation of Long-term Solutions for Cleaning Florida's Water Bodies Act"; requiring the Department of Environmental Protection to take certain actions to physically remove, reduce, clean up, and respond to harmful algal blooms; requiring the department to give preference to innovative technologies that meet certain standards, etc. EN 11/30/2021 Favorable AEG AP	Favorable Yeas 6 Nays 0
20	SB 856 Brodeur (Identical H 309)	Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems; Authorizing private provider inspections of onsite sewage treatment and disposal systems under certain conditions; prohibiting the Department of Environmental Protection from charging certain inspection and permit fees; specifying requirements for private providers and onsite sewage treatment and disposal system owners and authorized contractors, etc. EN 11/30/2021 Fav/CS AEG AP	Fav/CS Yeas 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 442

INTRODUCER: Senator Rodriguez

SUBJECT: Powers of Land Authorities

DATE: November 29, 2021 REVISED: _____

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

I. Summary:

SB 442 authorizes land authorities to assist the counties within which they are located in the administration of state and federal grants awarded to those counties for residential flood and sea-level rise mitigation projects. These projects include grants for the elevation of structures above minimum flood elevations, the demolition and reconstruction of structures above minimum flood elevations, and the acquisition of land with structures at risk of flooding.

The bill is effective July 1, 2022.

II. Present Situation:

Land Authorities

Sections 380.0661-380.0685, F.S. (Act), authorize certain counties – specifically, counties in which one or more designated areas of critical state concern¹ are located² – to create land authorities by ordinance³ to “equitably deal with the challenges of implementing comprehensive land use plans developed pursuant to the area of critical state concern program, which challenges are often complicated by the environmental sensitivity of such areas.”⁴

¹ The Areas of Critical State Concern Program, which was created by the Florida Environmental Land and Water Management Act of 1972, is intended to “protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources.” Fla. Dep’t of Economic Opportunity, *Areas of Critical State Concern Program*, <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Nov. 3, 2021).

² The following areas have been designated as areas of critical state concern: Big Cypress Area (portions of Collier, Miami-Dade, and Monroe counties); Green Swamp Area (portions of Polk and Lake counties); City of Key West and the Florida Keys Areas (Monroe County); and the Apalachicola Bay Area (Franklin County). *Id.*

³ Section 380.0663(1), F.S.

⁴ Section 380.0661(1), F.S.

Land authorities are intended to be both corporate and political public bodies having stable funding and the flexibility to address plan implementation innovatively and by acting as intermediaries between individual landowners and the governmental entities regulating land use.⁵ The governing body of the land authority is the governing board of the county.⁶

Land authorities' powers are statutorily enumerated and include, among other powers, the powers to sue and be sued; to make and execute contracts and other instruments; to commission studies and analyses of county land planning needs within areas of critical state concern; to acquire and dispose of real and personal property under specified conditions; to contribute tourist impact tax revenues pursuant to s. 125.0108, F.S., to certain authorized government and state agency recipients for specified purposes under certain conditions; to borrow money through the issuance of bonds and to buy, hold, cancel, or resell such bonds; and to do any and all things otherwise necessary or convenient to carry out the purposes of the Act.⁷

The Monroe County Land Authority

The Monroe County Comprehensive Plan Land Authority, known as the Monroe County Land Authority (Authority), has a core mission to acquire property for conservation use. The Authority also provides funding for affordable housing projects, prevents or satisfies private property acquisition, and maintains the conservation land stewardship program in Monroe County within the Florida Keys and Key West Areas of Critical State Concern.⁸

The Authority was established to assist in the implementation of land use plans and to serve as an intermediary between landowners and government agencies that regulate land use. The Authority is a component of Monroe County government created in 1986 and governed by the Board of County Commissioners (BOCC).⁹

III. Effect of Proposed Changes:

The bill amends s. 380.0666, F.S., to authorize land authorities to assist the counties within which they are located in the administration of state and federal grants awarded to those counties for residential flood and sea-level rise mitigation projects. Such grants include grants for the elevation of structures above minimum flood elevations, the demolition and reconstruction of structures above minimum flood elevations, and the acquisition of land with structures at risk of flooding.

The bill takes effect on July 1, 2022.

⁵ Sections 380.0661(2); 380.0663(1), F.S.

⁶ Section 380.0663(1), F.S.

⁷ See generally Section 380.0666, F.S.

⁸ Monroe County, *Monroe County Land Authority*, <https://www.monroecounty-fl.gov/272/Land-Authority> (last visited Nov. 22, 2021).

⁹ *Id.*

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 380.0666 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Rodriguez

39-00711-22

2022442__

A bill to be entitled

An act relating to the powers of land authorities;
amending s. 380.0666, F.S.; authorizing land
authorities to assist the counties in which they are
located with certain activities addressing flooding
and sea-level rise; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (3) of
section 380.0666, Florida Statutes, to read:

380.0666 Powers of land authority.—The land authority shall
have all the powers necessary or convenient to carry out and
effectuate the purposes and provisions of this act, including
the following powers, which are in addition to all other powers
granted by other provisions of this act:

(3)

(c) To assist the county in which it is located in the
administration of state and federal grants awarded to the county
for residential flood and sea-level rise mitigation projects,
including grants for the elevation of structures above minimum
flood elevations; the demolition and reconstruction of
structures above minimum flood elevations; and the acquisition
of land with structures at risk of flooding.

Section 2. This act shall take effect July 1, 2022.



2022 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Fish and Wildlife Conservation Commission

BILL INFORMATION

BILL NUMBER:	<u>Senate Bill (SB) 494</u>
BILL TITLE:	<u>Fish and Wildlife Conservation Commission</u>
BILL SPONSOR:	<u>Senator Travis Hutson</u>
EFFECTIVE DATE:	<u>July 1, 2022</u>

COMMITTEES OF REFERENCE

1) Environment and Natural Resources
2) Approps Sub. on Ag., Environment, and Gen. Gov.
3) Appropriations
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Environment and Natural Resources

SIMILAR BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

PREVIOUS LEGISLATION

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.

IDENTICAL BILLS

BILL NUMBER:	HB 323
SPONSOR:	Representative Tyler Sirois

Is this bill part of an agency package?

Yes

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	October 18, 2021
LEAD AGENCY ANALYST:	Jess Melkun
ADDITIONAL ANALYST(S):	Ed Bishop
LEGAL ANALYST:	Brandy Elliott
FISCAL ANALYST:	Charlotte Jerrett

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Senate Bill 494 amends certain sections of the language passed in the 2021 Legislative Session in SB 1086 – *Operation and Safety of Motor Vehicles and Vessels*, to correct logistical and legal issues.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:**

Derelict Vessels and Vessels At-Risk of Becoming Derelict

A derelict vessel, as defined by s. 823.11(1)(b), Florida Statutes (F.S.), is a vessel that is in a wrecked, junked, or substantially dismantled condition upon any waters of this state; at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached upon the property of another without the consent of the owner of the property. It is unlawful to allow a derelict vessel to remain occupied or unoccupied on the waters of this state for more than 24 hours.

Pursuant to s. 327.4107, F.S., a vessel is at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater.
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods.
- The vessel has broken loose or is in danger of breaking loose from its anchor.
- The vessel is listing due to water intrusion.
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair.

Rule 68D-15.002, F.A.C., establishes the test for determining if a vessel has an effective means of propulsion for safe navigation.

Section 327.73(1)(aa), F.S., provides that vessels declared a public nuisance because the owner has been convicted three times within 18 months for the same at-risk violation under s. 327.4107, F.S., are treated identically to derelict vessels with respect to the procedures for abandoned or lost property under ch. 705, F.S.

Protection Zones for Springs

Pursuant to s. 327.45(2), F.S., the Florida Fish and Wildlife Conservation Commission (FWC) is authorized to establish protection zones that restrict the speed and operation of vessels or that prohibit the anchoring, mooring, beaching, or grounding of vessels to protect and prevent statutorily identified harms to first, second, and third magnitude springs and spring groups, and their associated spring runs. The types of harm which may lead to springs protection zones include negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent species. When developing a protection zone, FWC must consult and coordinate with the water management district, the Department of Environmental Protection, and the governing bodies of the county and municipality, if applicable, in which the zone is located. If the zone includes navigable waters of the U.S., FWC must also coordinate with the U.S. Coast Guard and the U.S. Army Corps of Engineers.

Boating-Restricted Areas

Pursuant to s. 327.46, F.S., boating-restricted areas may be established on state waters for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands. FWC may establish a boating-restricted area pursuant to the Administrative Procedure Act, and municipalities and counties have the authority to establish certain boating-restricted areas by ordinance, including establishing a vessel exclusion zone if the area is designated as a public bathing beach or swim area.

Drones

Section 934.50, F.S., authorizes a non-law enforcement employee of FWC or the Florida Forest Service to use a drone for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.

2. EFFECT OF THE BILL:

Derelict Vessels

With respect to at-risk vessels, the bill specifies that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted mooring or other structure. Additionally, the term “abandoned property” is amended to include vessels declared a public nuisance pursuant to s. 327.73(1)(aa), F.S.

The bill also clarifies that law enforcement may relocate, remove, and store, but not destroy or dispose of derelict vessels that are immediate dangers. This corrects language that allowed law enforcement to destroy and dispose of such vessels without proper due process of law.

The bill creates a requirement that the owner or other individual responsible for a public nuisance vessel that has been declared as such because the owner has been cited three times within 18 months for the same at-risk condition is responsible for repaying the state or other governmental entity for all costs of removal, storage, destruction, and disposal associated with removing the public nuisance vessel from the waters of the state and disposing of it.

Finally, the bill expands the use of the derelict vessel funding source to also provide for the removal of those vessels declared a public nuisance because the owner has been convicted three times of the same at-risk violation within 18 months. Additionally, the bill authorizes FWC to provide grant funding to local governments for the removal of these public nuisance vessels from a grant funding program that was previously only authorized for the removal of derelict vessels. The program must be funded from the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund and funds must be appropriated by the Legislature.

The bill repeals s. 376.15, F.S., which established nearly identical provisions of law related to derelict vessels as those established in s. 823.11, F.S. Instead, the bill moves the few portions of the law not covered in s. 823.11, F.S., into that section.

Protection Zones for Springs

The bill requires that, in order for FWC to create a protection zone for springs, substantial competent evidence must show that demonstrable harm has been caused by vessel activity. See the legal analysis for an explanation of the need for this change.

Boating-Restricted Areas

The bill specifies that when a local government establishes a vessel exclusion zone that is designated as a public bathing beach or swim area, such public bathing beach or swim areas may not be established within the marked channel of the Florida Intracoastal Waterway or within 100 feet of any portion of the marked channel.

Terminology

The bill clarifies the definitions of “marine fish” and “saltwater fish” to reflect updates in the scientific classification of certain identifying terminology.

Drones

The bill authorizes FWC law enforcement to use a drone for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats. This change would further clarify that, as a state agency, FWC is authorized to use drones for the assessment of damage due to natural disasters and for vegetation and wildlife management as provided in s. 934.50(4)(g), F.S.

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:	The bill authorizes FWC to adopt by rule procedures for local governments to submit a grant application for grant funding to remove public nuisance vessels
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	that have been so designated because the owner or other responsible party has been convicted of the same three at-risk violations within 18 months.
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.):	68-1.003, F.A.C.

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

Proponents and summary of position:	Unknown.
Opponents and summary of position:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	Click or tap here to enter text.
Date Due:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS

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

Revenues:	Indeterminate; local governments would potentially benefit from expanded use of grant programs.
Expenditures:	None.
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?	Not applicable.
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2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☒ N ☐

Revenues:	None.
Expenditures:	Indeterminate; expanded use of grant programs could necessitate the need for additional funding.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	Not applicable.

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

Revenues:	None.
Expenditures:	Indeterminate; violators of these expanded provisions could be subject to penalties.
Other:	Not applicable.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

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.	Click or tap here to enter text.
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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.	Click or tap here to enter text.
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ADDITIONAL COMMENTS

Click or tap here to enter text.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	<p>Section 327.4107, F.S., as currently written, requires FWC to adopt rules related to the creation of protection zones for springs. The language appears to provide that the creation of specific protection zones for springs is discretionary – meaning FWC could choose to never adopt such a protection zone or to adopt such zones in every first, second, or third magnitude spring or spring group and their associated spring runs. Such an interpretation does not seem consistent with the legislative history surrounding the creation of the law and will subject FWC to challenges of being arbitrary and capricious in the creation of such zones. Moreover, if FWC were to move forward with adopting a springs protection zone, the current language suggests that even the possibility that future damage could occur to a spring or spring group and associated spring runs would be enough to warrant such a protection zone. FWC does not have rulemaking authority to establish any standards to adopt such criteria. The changes proposed in this bill would establish quantifiable standards for when to create spring protection zones, thus saving any such zones from challenge as being arbitrary or capricious.</p>
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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.)

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

BILL: CS/SB 494

INTRODUCER: Environment and Natural Resources Committee and Senator Hutson

SUBJECT: Fish and Wildlife Conservation Commission

DATE: November 30, 2021 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 494 revises laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities. The bill:

- Specifies that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted mooring or other structure.
- Specifies the circumstances in which law enforcement may destroy or dispose of a vessel.
- Reorganizes provisions authorizing FWC to establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict vessels.
- Allows operation of human-powered vessels in the marked channel of the Florida Intracoastal Waterway for specified reasons.
- Specifies that a certificate of title may not be issued for a public nuisance vessel.
- Specifies that a local government cannot create a public bathing beach or swim area in the marked channel of the Florida Intracoastal Waterway or within 100 feet of the marked channel.
- Adds public nuisance vessels to the definition of abandoned property.
- Places liability for costs of vessel removal, storage, destruction, and disposition on the owner or responsible party after notice is given.
- Authorizes FWC law enforcement officers to use drones to manage and eradicate invasive plants or animals on public lands and to suppress and mitigate wildfire threats.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.¹ 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.² 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.

Chapters 327 and 328, F.S., concerning vessel safety and vessel title certificates, liens, and registration, are enforced by FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.³ The Division of Law Enforcement manages the state's waterways to ensure boating safety for residents and visitors.⁴ This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.⁵

Boating Safety Regulations

A vessel operator in Florida must operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or due to vessel overloading or excessive speed.⁶ Operating a vessel in excess of a posted speed limit is a noncriminal infraction, for which the penalty is \$50.⁷

Vessel owners and operators must maintain safety equipment in accordance with current Coast Guard safety equipment requirements, unless expressly exempted.⁸ Vessel owners and operators are also subject to additional safety requirements relating to appropriate equipment and the use of personal flotation devices.⁹

¹ FLA. CONST. art. IV, s. 9.

² *Id.*; see also s. 379.102(1), F.S.

³ Section 327.70(1), F.S.; see s. 943.10(1), F.S., which defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

⁴ Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Nov. 5, 2021).

⁵ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Nov. 5, 2021). See s. 327.70(1) and (4), F.S.

⁶ Section 327.33, F.S.

⁷ Section 327.73(h), F.S.

⁸ Section 327.50, F.S.

⁹ *Id.*

Testing for Alcohol, Chemical Substances, and Controlled Substances

Anyone who operates a motor vehicle or vessel in the state, by operating such a vehicle or vessel, consents to an approved chemical or physical breath test to determine breath alcoholic content, or a urine test to detect the presence of chemical substances or controlled substances.¹⁰ These tests may be performed if the person is lawfully arrested for any offense allegedly committed while the person was driving or in actual physical control of a motor vehicle, or operating a vessel, while under the influence of alcohol or chemical or controlled substances.¹¹

Additionally, anyone who operates a motor vehicle or vessel in the state consents to an approved blood test to determine blood alcoholic content or to detect the presence of chemical substances or controlled substances.¹² These tests may be performed if there is reasonable cause to believe that the person was driving or in actual physical control of a motor vehicle, or operating a vessel, while under the influence of alcohol or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or emergency vehicle, and the administration of a breath or urine test is impractical or impossible.¹³

A person who operates a motor vehicle and fails to submit to a breath, urine, or blood test will have his or her driver's license suspended for a period of one year for a first refusal, or 18 months for a repeat refusal.¹⁴ A person who operates a motor vehicle who fails to submit to such test who has previously had his or her license suspended for a prior refusal commits a misdemeanor of the first degree and is subject to additional penalties.¹⁵

A person who operates a vessel and fails to submit to a breath, urine, or blood test is subject to a civil penalty of \$500 for a first refusal.¹⁶ A person who operates a vessel and fails to submit to such test who has been previously fined commits a misdemeanor and is subject to additional penalties.¹⁷

Boating-Restricted Areas

Boating-restricted areas, which may restrict the speed and operation of vessels, may be established on the waters of the state for any purpose necessary to protect the safety of the public, taking into account boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards, as well as seagrass protection on privately owned submerged lands.¹⁸

¹⁰ Sections 316.1932(1)(a) and 327.352(1)(a), F.S.

¹¹ *Id.*

¹² Sections 316.1932(1)(c) and 327.352(1)(c), F.S.

¹³ *Id.*

¹⁴ Section 316.1932(1)(a) and (1)(c), F.S.

¹⁵ *Id.*; s. 316.1939, F.S.

¹⁶ Section 327.352(1)(a) and (1)(c), F.S.

¹⁷ *Id.*; s. 327.259, F.S.

¹⁸ Section 327.46(1), F.S.

Local governments have authority to establish boating-restricted areas by ordinance within the portion of the Florida Intracoastal Waterway within their jurisdiction.¹⁹ These areas include, but are not limited to:

- Idle-speed, no wake areas;
- Slow speed, minimum wake areas; and
- Vessel-exclusion zones.

Local governments can establish vessel-exclusion zones if the area is:

- Designated as a public bathing beach or swim area;
- Within 300 feet of a dam, spillway, or flood control structure;
- Reserved as a canoe trail or otherwise limited to vessels under oars or sail; or
- Reserved exclusively for a particular activity and user group separation must be imposed to protect the safety of participants.²⁰

Derelict Vessels

A derelict vessel is a vessel that is left, stored, or abandoned in a wrecked, junked, or substantially dismantled condition upon any public waters of this state; at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached upon the property of another without the consent.²¹ It is unlawful to store, leave, or abandon any derelict vessel in this state.²²

At-Risk Vessels

Neglected or deteriorating vessels may not occupy the waters of this state.²³ A vessel is at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is listing due to water intrusion; or
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives notice.²⁴

Vessels Declared to be a Public Nuisance

If a vessel is declared at risk of becoming derelict under the same condition three or more times within an 18-month period, and if the determination results in dispositions other than acquittal or

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 823.11(1)(b), F.S.

²² Section 376.15, F.S.; s. 823.11(2), F.S.

²³ Chapter 2016-108, Laws of Fla.; s. 327.4107, F.S.

²⁴ Section 327.4107, F.S.

dismissal, the vessel is declared to be a public nuisance.²⁵ A vessel is at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is listing due to water intrusion; or
- The vessel does not have effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives notice.²⁶

A vessel that is declared to be a public nuisance and threatens navigation, or is a danger to the environment, property, or persons, may be relocated, removed, stored, destroyed, or disposed of by FWC or other law enforcement.²⁷ When a derelict vessel or a vessel declared to be a public nuisance through the process described above is located on the waters of the state, a law enforcement officer shall place a notice on the vessel in a form substantially similar to the one provided by statute.²⁸

Abandoned Vessels

“Abandoned property”²⁹ means all tangible personal property that does not have an identifiable owner and that has been disposed of on public property in a wrecked, inoperative, or partially dismantled condition, or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels, as defined in state law.

When a derelict vessel or a vessel declared to be a public nuisance is on the waters of the state, a law enforcement officer must place a notice of removal on the vessel. The law enforcement agency must then contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner, and must mail a copy of the notice to the owner.³⁰

If, after 21 days of posting and mailing the notice, the owner has not removed the vessel from the waters of the state or shown reasonable cause for failure to do so, the law enforcement agency may remove, destroy, or dispose of the vessel.³¹

The owner of a derelict vessel or a vessel declared to be a public nuisance who does not remove the vessel after receiving notice, is liable to the law enforcement agency for all costs of removal, storage, and destruction of the vessel, less any salvage value obtained by its disposal.³² Upon the final disposition of the vessel, the law enforcement officer must notify the owner of the amount

²⁵ Section 327.73(1)(aa), F.S.; 327.4107(2), F.S.

²⁶ Section 327.4107(2), F.S.

²⁷ Section 327.73(1)(aa), F.S.; 823.11(3), F.S.

²⁸ Section 705.103(1)(b), F.S.

²⁹ Section 705.101(3), F.S.

³⁰ Section 705.103(2), F.S.

³¹ *Id.*

³² Section 705.103(4), F.S.

owed. A person who neglects or refuses to pay the amount owed is not entitled to be issued a certificate of registration for the vessel, or any other vessel, until such costs have been paid.³³

Local governments are authorized to enact and enforce regulations to implement the procedures for abandoned or lost property that allow a local law enforcement agency, after providing written notice, to remove a vessel affixed to a public dock within its jurisdiction that is abandoned or lost property.³⁴

Removal of Derelict Vessels

FWC's Division of Law Enforcement and its officers, the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officers have the responsibility and authority to enforce vessel safety and vessel title certificates, liens, and registration.³⁵ Sections 376.15 and 823.11, F.S., both address the treatment of derelict vessels. Much of the language between the two statutes is duplicative.³⁶

Both state and local law enforcement are authorized and empowered to relocate, remove, store, destroy, or dispose of a derelict vessel from waters of the state if the derelict vessel threatens navigation or is a danger to the environment, property, or persons.³⁷ FWC officers and other law enforcement agency officers or contractors who perform relocation or removal activities at FWC's direction are required to be licensed, insured, and properly equipped to perform the services to be provided.³⁸

The costs incurred by FWC or another law enforcement agency for relocating or removing a derelict vessel are recoverable against the vessel owner.³⁹ A vessel owner who neglects or refuses to pay the costs of removal, storage, and destruction of the vessel, less any salvage value obtained by its disposal, is not entitled to be issued a certificate of registration for such vessel, or any other vessel or motor vehicle, until the costs are paid.⁴⁰

FWC has the authority to provide grants, funded from the Marine Resource Conservation Trust Fund or the Florida Coastal Protection Trust Fund, to local governments for the removal of derelict vessels from waters of this state, if funds are appropriated for the grant program.⁴¹ However, each fiscal year, if all program funds are not requested by and granted to local governments for the removal of derelict vessels by the end of the third quarter, FWC may use the remainder of the funds to remove, or pay private contractors to remove, derelict vessels.⁴²

³³ *Id.*

³⁴ Section 327.60(5), F.S.

³⁵ Section 327.70, F.S.

³⁶ Section 376.15, F.S.; s. 823.11, F.S.

³⁷ Section 823.11(3), F.S.; s. 376.15(3)(a), F.S.

³⁸ Section 823.11(3)(c), F.S.; s. 376.15(3)(c), F.S.

³⁹ Section 823.11(3)(a), F.S.; s. 376.15(3)(a), F.S.

⁴⁰ Section 705.103(4), F.S.

⁴¹ Section 376.15, F.S.

⁴² Section 376.15, F.S.

Pursuant to this, FWC established the Derelict Vessel Removal Grant Program in 2019.⁴³ Grants are awarded based on a set of criteria outlined in FWC rules.⁴⁴

Penalties for Prohibited Acts Relating to Derelict Vessels and Anchoring and Mooring

It is a first degree misdemeanor to store, leave, or abandon a derelict vessel in Florida.⁴⁵ Violations are punishable by imprisonment of no more than one year and a fine of up to \$1,000.⁴⁶ Further, such violation is punishable by a civil penalty of up to \$75,000 per violation per day.⁴⁷ Each day during any portion of which the violation occurs constitutes a separate offense.⁴⁸

An owner or operator of a vessel at risk of becoming derelict on waters of this state or who allows such vessel to occupy such waters, is subject to a uniform boating citation and civil penalty. The civil penalty provided is:

- \$100 for a first offense;
- \$250 for a second offense occurring 30 days or more after a first offense; and
- \$500 for a third offense occurring 30 days or more after a previous offense.⁴⁹

An owner or operator of a vessel or floating structure who anchors or moors in a prohibited area is subject to a uniform boating citation and penalties. The civil penalty provided is up to a maximum of:

- \$50 for a first offense;
- \$100 for a second offense; and
- \$250 for a third offense.⁵⁰

Any person who fails to appear or otherwise properly respond to a uniform boating citation must, in addition to the charge relating to the violation of the boating laws, be charged with a second degree misdemeanor, which is punishable by a maximum fine of \$500 and no more than 60 days of imprisonment.⁵¹

Florida Intracoastal Waterway

The Florida Intracoastal Waterway consists of the following waterways: the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to

⁴³ Fish and Wildlife Conservation Commission, *FWC Derelict Vessel Removal Grant Program Guidelines*, 2 (2019), available at <https://myfwc.com/media/22317/dv-grant-guidelines.pdf> (last visited Nov. 15, 2021). Incorporated by reference in Fla. Admin. Code R. 68-1.003.

⁴⁴ *Id.*

⁴⁵ Sections 376.15(2) and 823.11(2) and (5), F.S. A first degree misdemeanor is punishable by up to one year in county jail and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

⁴⁶ Sections 775.082(4)(a) and 775.083(1)(d), F.S.

⁴⁷ Sections 376.15(2) and 376.16(1), F.S.

⁴⁸ Section 376.16(1), F.S.

⁴⁹ Section 327.73(1)(aa), F.S.

⁵⁰ Section 327.73(1)(bb), F.S.

⁵¹ Sections 327.73(1), 775.082 and 775.083, F.S.

Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section, using the Gulf of Mexico; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida.⁵² The Florida Intracoastal Waterway is shown in the map below.⁵³



Drones

A drone is a powered, aerial vehicle that does not carry a human operator; uses aerodynamic forces to provide vehicle lift; can fly autonomously or be piloted remotely; can be expendable or recoverable; and can carry a lethal or nonlethal payload.⁵⁴ Florida law prohibits the use of drones by a law enforcement agency to gather evidence or other information, and by a person, state agency, or political subdivision to conduct surveillance on privately-owned real property or on the owner, tenant, occupant, invitee, or licensee of the real property.⁵⁵ The exceptions to the prohibition allow a non-law enforcement employee of FWC or the Florida Forest Service to use a drone to manage or eradicate invasive exotic plants or animals on public lands and to suppress wildfire threats.⁵⁶

⁵² Section 327.02(15), F.S.

⁵³ Florida Department of Transportation, *Florida Waterways System Plan*, Figure 1-2 on p. 1-12 (2015), available at https://www.fdot.gov/docs/default-source/seaport/pdfs/2015-Florida-Waterways-System-Plan_Final.pdf (last visited Nov. 5, 2021).

⁵⁴ Section 934.50(1)(a), F.S.

⁵⁵ Section 934.50(3), F.S.

⁵⁶ Section 934.50(4)(p), F.S.

Remote sensing using drones for the surveillance, detection, and reporting of an invasive species can improve early detection of invading plants and animals, making management more efficient and less expensive.⁵⁷ Studies have shown that drones can efficiently and inexpensively cover a large geographic range, reach places that are difficult to access, carry a variety of cameras and sensors, collect biological specimens, and target and eliminate individual organisms through ballistic application of herbicides.⁵⁸

III. Effect of Proposed Changes:

Section 1 amends s. 327.352, F.S., to change a driver's license suspension to a driving privilege suspension, as related to a refusal to submit to a lawful breath, urine, or blood test.

Section 2 amends s. 327.35215, F.S., to require that the Fish and Wildlife Commission (FWC) provide the certified statement forms that a law enforcement officer must fill out upon arresting a person for refusing to submit to lawful a breath, blood, or urine test.

Section 3 amends s. 327.371, F.S., to allow a person to operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway when participating in interscholastic, intercollegiate, intramural, or club athletic teams or sports affiliated with an educational institution.

Section 4 amends s. 327.4107, F.S., to allow an FWC officer or other law enforcement officer to determine that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted structure or mooring.

Section 5 amends s. 327.46, F.S., to clarify that when municipalities and counties establish public bathing beach or swim areas as vessel-exclusion zones, they may not establish them within the marked channel of the Florida Intracoastal Waterway or within 100 feet of any portion of the marked channel.

Section 6 repeals s. 376.15, F.S. The repeal has no effect, as the bill merely moves non-duplicative language in s. 376.15, F.S., relating to derelict vessels and their relocation or removal from waters of this state, from that section to s. 823.11, F.S., which also addresses derelict vessels.

Section 7 amends s. 379.101, F.S., to clarify the definitions of "marine fish" and "saltwater fish" to reflect updates in the scientific classification of certain identifying terminology.

Section 8 amends s. 705.101, F.S., to add vessels declared a public nuisance to the definition of abandoned property. Vessels that are abandoned property are declared a public nuisance after

⁵⁷ Barbara Martinez, Alex Dehgan, Brad Zamft, David Baisch, Colin McCormick, Anthony J. Giordano, Rebecca Aicher, Shah Selbe, Cassie Hoffman, *Advancing federal capacities for the early detection of and rapid response to invasive species through technology innovation*, National Invasive Species Council: Contractor's Report, Mar. 2017, available at [federal capacities for edrr through technology innovation prepub 8.7.17.pdf \(doi.gov\)](#) (last visited Nov. 15 2021).

⁵⁸ *Id.*

having been found at risk of dereliction three or more times for the same condition within 18 months.

Section 9 amends s. 705.103, F.S., relating to procedures for abandoned or lost property. The bill adds vessels declared to be a public nuisance into the notice requirements and liability provisions applicable to owners of, or parties responsible for, derelict vessels. The bill also allows law enforcement officers to dispose of derelict vessels or vessels declared to be a public nuisance. This section also makes technical changes and deletes a cross-reference to s. 376.15, F.S.

Section 10 amends s. 705.103, F.S., as amended by chapters 2019-76 and 2021-184, Laws of Florida, which will be effective July 1, 2023, to make the changes discussed in Section 9 of the bill.

Section 11 amends s. 823.11, F.S., to clarify that additional time provided for an owner or responsible party to remove a derelict vessel from the waters of this state, or to repair and remedy the vessel's derelict condition in the event of an accident or event, does not apply if the vessel was already derelict. The bill removes language allowing law enforcement to destroy or dispose of derelict vessels threatening navigation or endangering environment, property, or persons. The bill moves language relating to grants for removal and disposal of derelict vessels from s. 376.15, F.S., (deleted by the bill) into s. 823.11, F.S. It also makes technical changes and deletes references to s. 376.15, F.S.

Section 12 amends s. 934.50, F.S., relating to searches and seizure using a drone. The bill deletes language prohibiting law enforcement employees of FWC and the Florida Forest Service from using a drone to manage and eradicate invasive exotic plants and animals on public lands and to suppress and mitigate wildfire threats.

Section 13 amends s. 327.04, F.S., to delete a reference to s. 376.15, F.S.

Section 14 amends s. 328.09, F.S., to delete and revise a reference to s. 376.15, F.S. The bill also provides that the Department of Highway Safety and Motor Vehicles may not issue a certificate of title for a vessel that has been deemed a public nuisance after having been found at risk of becoming derelict three or more times within an 18-month period. The bill authorizes the department to issue a certificate of title once law enforcement has verified in writing that the vessel is no longer a public nuisance. The bill adds these requirements for public nuisance vessels to the current requirements for derelict vessels.

Section 15 amends repeals s. 25 of ch. 2021-184, Laws of Florida, to remove reference to s. 376.15, F.S.

Section 16 amends s. 328.72, F.S., to delete and revise a reference to s. 376.15, F.S.

Section 17 amends s. 376.11, F.S., to direct that Florida Coastal Protection Trust Fund moneys may be used to fund grant programs for local governments for the removal of public nuisance vessels, in addition to derelict vessels, from the public waters of the state. The bill also deletes and revises a reference to s. 376.15, F.S.

Sections 18, 19, and 20 of the bill reenact ss. 327.73(1)(dd), 125.01(4), and 379.2412, F.S., to incorporate the amendments made by this bill to allow human-powered vessels to operate in the Florida Intracoastal Waterway for certain reasons, and to make clarifying revisions to the definition of marine and saltwater fish.

Section 21 of the bill provides that except as otherwise expressly provided, the effective date is July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate; local governments may benefit from expanded use of grant programs; expanded use of grant programs may necessitate the need for additional funding from state government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The amendment in Section 4 revises a section of law authorizing an FWC or other law enforcement officer to determine if a vessel is at risk of becoming derelict. All existing criteria are related to the condition of the vessel, however the criteria the bill adds is unrelated to the condition of the vessel. A clarification may be appropriate.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 327.352, 327.35215, 327.371, 327.4107, 327.46, 379.101, 705.101, 705.103, 823.11, 934.50, 327.04, 328.09, 328.72, 376.11.

This bill repeals section 376.15 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 327.73(1)(dd), 125.01(4), 379.2412.

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

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

CS by Environment and Natural Resources on November 30, 2021:

- Requires that the commission, not the department, provide the forms that a law enforcement officer must fill out upon arresting a person for refusing to submit to lawful a breath, blood, or urine test.
- Removes the requirement, created by the underlying bill, that the department must have substantial, competent evidence that shows demonstrable harm before establishing springs protection zones.
- Allows a person to operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway when participating in interscholastic, intercollegiate, intramural, or club athletic teams or sports affiliated with an education institution.
- Provides that the department may not issue a certificate of title to an applicant for a vessel that has been deemed a public nuisance after having been found at risk of becoming derelict three or more times within an 18-month period.
- Authorizes the department to issue a certificate of title once law enforcement has verified in writing that a vessel is no longer a public nuisance.
- Allows moneys from the Florida Coastal Protection Trust Fund to be granted to local governments for the removal of public nuisance vessels, in addition to derelict vessels, from the waters of the state.
- Reenacts the noncriminal infraction relating to the regulation of human-powered vessels to incorporate the amendment made by the strike-all.
- Retains all other provisions in the bill except as otherwise described.

B. Amendments:

None.

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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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/30/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (a) and (c) of subsection (1) of
section 327.352, Florida Statutes, are amended to read:

327.352 Tests for alcohol, chemical substances, or
controlled substances; implied consent; refusal.—

(1)(a)1. The Legislature declares that the operation of a
vessel is a privilege that must be exercised in a reasonable



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manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, a person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath under this chapter will result in a civil penalty ~~of \$500~~, and ~~shall also be told~~ that if he or she refuses to submit to a lawful test of his or her breath and he or she has been previously fined under s. 327.35215 or ~~has previously had~~ his or her driving privilege has been previously ~~driver license~~ suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a



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chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test must ~~shall~~ be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her urine under this chapter will result in a civil penalty ~~of \$500~~, and ~~shall also be told~~ that if he or she refuses to submit to a lawful test of his or her urine and he or she has been previously fined under s. 327.35215 or ~~has previously had~~



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his or her driving privilege has been previously ~~driver license~~ suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

(c) A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test must ~~shall~~ be performed in a reasonable manner. A person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty ~~of~~ \$500. The refusal to submit to a blood test upon the request of



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a law enforcement officer is ~~shall be~~ admissible in evidence in any criminal proceeding.

Section 2. Subsections (1) and (2) of section 327.35215, Florida Statutes, are amended to read:

327.35215 Penalty for failure to submit to test.—

(1) A person ~~who is~~ lawfully arrested for an alleged violation of s. 327.35 ~~and~~ who refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352 is subject to a civil penalty ~~of \$500~~.

(2) When a person refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352, a law enforcement officer ~~who is~~ authorized to make arrests for violations of this chapter shall file with the clerk of the court, on a form provided by the commission ~~department~~, a certified statement that probable cause existed to arrest the person for a violation of s. 327.35 and that the person refused to submit to a test as required by s. 327.352. Along with the statement, the officer shall ~~must~~ also submit a sworn statement on a form provided by the commission ~~department~~ that the person has been advised of both the penalties for failure to submit to the blood, breath, or urine test and the procedure for requesting a hearing.

Section 3. Present paragraph (c) of subsection (1) of section 327.371, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

327.371 Human-powered vessels regulated.—

(1) A person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway as defined in s. 327.02:



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(c) When participating in interscholastic, intercollegiate, intramural, or club athletic teams or sports affiliated with an educational institution identified in s. 1000.21, s. 1002.01(2), s. 1003.01(2), s. 1005.02(4), or s. 1005.03(1)(d).

Section 4. Paragraph (f) is added to subsection (2) of section 327.4107, Florida Statutes, to read:

327.4107 Vessels at risk of becoming derelict on waters of this state.—

(2) An officer of the commission or of a law enforcement agency specified in s. 327.70 may determine that a vessel is at risk of becoming derelict if any of the following conditions exist:

(f) The vessel is tied to an unlawful or unpermitted structure or mooring.

Section 5. Paragraph (b) of subsection (1) of section 327.46, Florida Statutes, is amended to read:

327.46 Boating-restricted areas.—

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

(b) Municipalities and counties may establish the following boating-restricted areas by ordinance, including, notwithstanding the prohibition in s. 327.60(2)(c), within the portion of the Florida Intracoastal Waterway within their



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jurisdiction:

1. An ordinance establishing an idle speed, no wake boating-restricted area, if the area is:

a. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.

b. Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

c. Inside or within 300 feet of any lock structure.

2. An ordinance establishing a slow speed, minimum wake boating-restricted area if the area is:

a. Within 300 feet of any bridge fender system.

b. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

c. On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.

d. On a lake or pond of less than 10 acres in total surface area.

e. Within the boundaries of a permitted public mooring



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field and a buffer around the mooring field of up to 100 feet.

3. An ordinance establishing a vessel-exclusion zone if the area is:

a. Designated as a public bathing beach or swim area, except that public bathing beach or swim areas may not be established in whole or in part within the marked channel of the Florida Intracoastal Waterway or within 100 feet of any portion of the marked channel.

b. Within 300 feet of a dam, spillway, or flood control structure.

Vessel exclusion zones created pursuant to this subparagraph must be marked with uniform waterway markers permitted by the commission in accordance with this chapter. Such zones may not be marked by ropes.

Section 6. Section 376.15, Florida Statutes, is repealed.

Section 7. Subsections (22) and (34) of section 379.101, Florida Statutes, are amended to read:

379.101 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(22) "Marine fish" means any saltwater species of finfish of the classes Agnatha, Chondrichthyes, and Osteichthyes, ~~and~~ marine invertebrates of ~~in~~ the classes Gastropoda and ~~and~~ Bivalvia, the subphylum and Crustacea, or the phylum Echinodermata; however, the term ~~but~~ does not include nonliving shells or echinoderms.

(34) "Saltwater fish" means:

(a) Any saltwater species of finfish of the classes



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Agnatha, Chondrichthyes, or Osteichthyes and marine invertebrates of the classes Gastropoda and, Bivalvia, the subphylum ~~or~~ Crustacea, or ~~of~~ the phylum Echinodermata; however, the term ~~but~~ does not include nonliving shells or echinoderms; and

(b) All classes of pisces, shellfish, sponges, and crustaceans ~~crustacea~~ native to salt water.

Section 8. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.—As used in this chapter:

(3) "Abandoned property" means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels as defined in s. 823.11 and vessels declared a public nuisance pursuant to s. 327.73(1)(aa).

Section 9. Paragraph (a) of subsection (2) and subsection (4) of section 705.103, Florida Statutes, are amended to read:

705.103 Procedure for abandoned or lost property.—

(2)(a)1. Whenever a law enforcement officer ascertains that:

a. An article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:



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NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)...., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description)... has been determined to be ...(derelict or a public nuisance)... and is unlawfully upon waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact information for person who can arrange for a hearing in accordance with this section).... The owner or the party determined to be legally responsible for the vessel being upon



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the waters of this state in a derelict condition or as a public nuisance will be liable for the costs of removal, destruction, and disposal if this vessel is not removed by the owner. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

2. The notices required under subparagraph 1. may not be less than 8 inches by 10 inches and must ~~shall~~ be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15(1). On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return receipt requested, to the owner. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the mailed notice must inform the owner or



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responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency shall follow the processes set forth in s. 120.569. Local governmental entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such a hearing. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after posting the notice in sub-subparagraph 1.b., and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following shall apply:

a. For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and



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destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order has been entered or the case is otherwise closed.

(4) The owner of any abandoned or lost property, or in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the owner or other party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition or as a public nuisance, who, after notice as provided in this section, does not remove such property within the specified period ~~is shall be~~ liable to the law enforcement agency, other governmental entity, or the agency's or entity's designee for all costs of removal, storage, ~~and~~ destruction, and disposal of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer or representative of the law enforcement agency or other governmental entity shall notify the owner or in the case of a derelict vessel or vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the owner or other party determined to be



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legally responsible, if known, of the amount owed. In the case of an abandoned vessel or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel or motor vehicle, or any other vessel or motor vehicle, until such costs have been paid. A person who has neglected or refused to pay all costs of removal, storage, disposal, and destruction of a vessel or motor vehicle as provided in this section, after having been provided written notice via certified mail that such costs are owed, and who applies for and is issued a registration for a vessel or motor vehicle before such costs have been paid in full commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The law enforcement officer or representative of the law enforcement agency or other governmental entity shall supply the Department of Highway Safety and Motor Vehicles with a list of persons whose vessel registration privileges and motor vehicle privileges have been revoked under this subsection. The department or a person acting as an agent of the department may not issue a certificate of registration to a person whose vessel and motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

Section 10. Effective July 1, 2023, paragraph (a) of subsection (2) of section 705.103, Florida Statutes, as amended by chapters 2019-76 and 2021-184, Laws of Florida, is amended to read:

705.103 Procedure for abandoned or lost property.—

(2)(a)1. Whenever a law enforcement officer ascertains that:



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a. An article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description of location)... has been determined to be ...(derelict or a public nuisance)... and is unlawfully upon the waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed



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and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact information for person who can arrange for a hearing in accordance with this section)... The owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition or as a public nuisance will be liable for the costs of removal, destruction, and disposal if this vessel is not removed by the owner. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

2. The notices required under subparagraph 1. may not be less than 8 inches by 10 inches and must ~~shall~~ be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15. On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return



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receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return receipt requested, to the owner. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the mailed notice must inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency shall follow the processes as set forth in s. 120.569. Local governmental entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such a hearing. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after posting the notice in sub-subparagraph 1.b., and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following shall apply:

a. For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local



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government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order has been entered or the case is otherwise closed.

Section 11. Present subsections (4), (5), and (6) of section 823.11, Florida Statutes, are redesignated as subsections (5), (6), and (7), respectively, a new subsection (4) is added to that section, and subsection (1), paragraph (c) of subsection (2), subsection (3), and present subsections (5) and (6) of that section are amended, to read:

823.11 Derelict vessels; relocation or removal; penalty.—

(1) As used in this section ~~and s. 376.15~~, the term:

(a) "Commission" means the Fish and Wildlife Conservation



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Commission.

(b) "Derelict vessel" means a vessel, as defined in s. 327.02, that is:

1. In a wrecked, junked, or substantially dismantled condition upon any waters of this state.

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

b. A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion as required by s. 327.4107(2) (e) and associated rules.

c. A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken:

(I) The steering system;

(II) The propulsion system; or

(III) The exterior hull integrity.

Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if such motor is not an effective means of propulsion as required by s. 327.4107(2) (e) and associated rules.



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2. At a port in this state without the consent of the agency having jurisdiction thereof.

3. Docked, grounded, or beached upon the property of another without the consent of the owner of the property.

(c) "Gross negligence" means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct.

(d) "Willful misconduct" means conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner.

(2)

(c) The additional time provided in subparagraph (b)2. for an owner or responsible party to remove a derelict vessel from the waters of this state or to repair and remedy the vessel's derelict condition ~~This subsection~~ does not apply to a vessel that was derelict upon the waters of this state before the stated accident or event.

(3) The commission, an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, and store, ~~destroy, or dispose of~~ or cause to be relocated, removed, and stored, ~~destroyed, or disposed of~~ a derelict vessel from waters of this state as defined in s. 327.02 if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons. The commission, an officer of the commission, or any other law enforcement agency or officer



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562 acting pursuant to this subsection to relocate, remove, and
563 ~~store, destroy, dispose of~~ or cause to be relocated, removed,
564 and ~~stored, destroyed, or disposed of~~ a derelict vessel from
565 waters of this state shall be held harmless for all damages to
566 the derelict vessel resulting from such action unless the damage
567 results from gross negligence or willful misconduct.

568 ~~(a) Removal of derelict vessels under this subsection may~~
569 ~~be funded by grants provided in ss. 206.606 and 376.15. The~~
570 ~~commission shall implement a plan for the procurement of any~~
571 ~~available federal disaster funds and use such funds for the~~
572 ~~removal of derelict vessels.~~

573 ~~(b)~~ All costs, including costs owed to a third party,
574 incurred by the commission, another law enforcement agency, or a
575 governmental subdivision, when the governmental subdivision has
576 received authorization from a law enforcement officer or agency,
577 in the relocation, removal, storage, destruction, or disposal of
578 a derelict vessel are recoverable against the vessel owner or
579 the party determined to be legally responsible for the vessel
580 being upon the waters of this state in a derelict condition. The
581 Department of Legal Affairs shall represent the commission in
582 actions to recover such costs. As provided in s. 705.103(4), a
583 person who neglects or refuses to pay such costs may not be
584 issued a certificate of registration for such vessel or for any
585 other vessel or motor vehicle until such costs have been paid. A
586 person who has neglected or refused to pay all costs of removal,
587 storage, destruction, or disposal of a derelict vessel as
588 provided in this section, after having been provided written
589 notice via certified mail that such costs are owed, and who
590 applies for and is issued a registration for a vessel or motor



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vehicle before such costs have been paid in full commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) ~~(e)~~ A contractor performing such activities at the direction of the commission, an officer of the commission, a law enforcement agency or officer, or a governmental subdivision, when the governmental subdivision has received authorization for the relocation or removal from a law enforcement officer or agency, pursuant to this section must be licensed in accordance with applicable United States Coast Guard regulations where required; obtain and carry in full force and effect a policy from a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions; and be properly equipped to perform the services to be provided.

(4) (a) Removal of derelict vessels under this subsection may be funded by grants provided in s. 206.606.

(b) The commission may implement a plan for the procurement of any available federal disaster funds and use such funds for the removal of derelict vessels.

(c) The commission may establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict vessels from the waters of this state. This grant funding may also be used for the removal, storage, destruction, and disposal of vessels declared a public nuisance pursuant to s. 327.73(1) (aa). The program must be funded from the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund. Notwithstanding s. 216.181(11), funds available for these grants may only be



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authorized by appropriations acts of the Legislature. In a given fiscal year, if all funds appropriated pursuant to this paragraph are not requested by and granted to local governments for the removal, storage, destruction, and disposal of derelict vessels or vessels declared a public nuisance pursuant to s. 327.73(1)(aa) by the end of the third quarter, the Fish and Wildlife Conservation Commission may use the remainder of the funds to remove, store, destroy, and dispose of, or to pay private contractors to remove, store, destroy, and dispose of, derelict vessels or vessels declared a public nuisance pursuant to s. 327.73(1)(aa). The commission shall adopt by rule procedures for local governments to submit a grant application and criteria for allocating available funds. Such criteria must include, at a minimum, the following:

1. The number of derelict vessels within the jurisdiction of the applicant.

2. The threat posed by such vessels to public health or safety, the environment, navigation, or the aesthetic condition of the general vicinity.

3. The degree of commitment of the local government to maintain waters free of abandoned and derelict vessels and to seek legal action against those who abandon vessels in the waters of this state as defined in s. 327.02.

~~(6)-(5)~~ A person, firm, or corporation violating this section commits a misdemeanor of the first degree and shall be punished as provided by law. A conviction under this section does not bar the assessment and collection of a ~~the~~ civil penalty ~~provided in s. 376.16 for violation of s. 376.15~~. The court having jurisdiction over the criminal offense,



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notwithstanding any jurisdictional limitations on the amount in controversy, may order the imposition of such civil penalty in addition to any sentence imposed for the first criminal offense.

~~(7)~~~~(6)~~ If an owner or a responsible party of a vessel determined to be derelict through an administrative or criminal proceeding has been charged by an officer of the commission or any law enforcement agency or officer as specified in s. 327.70 under subsection (5) for a violation of subsection (2) ~~or a violation of s. 376.15(2)~~, a person may not reside or dwell on such vessel until the vessel is removed from the waters of the state permanently or returned to the waters of the state in a condition that is no longer derelict.

Section 12. Paragraph (p) of subsection (4) of section 934.50, Florida Statutes, is amended to read:

934.50 Searches and seizure using a drone.—

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

(p) By an ~~a non-law enforcement~~ employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.

Section 13. Section 327.04, Florida Statutes, is amended to read:

327.04 Rules.—The commission may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this chapter, the provisions of chapter 705 relating to vessels, and s. ~~ss. 376.15 and 823.11~~ conferring powers or duties upon it.

Section 14. Subsection (4) of section 328.09, Florida



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Statutes, is amended to read:

328.09 Refusal to issue and authority to cancel a certificate of title or registration.—

(4) The department may not issue a certificate of title to an applicant for a vessel that has been deemed derelict or a public nuisance by a law enforcement officer under s. 327.73(1)(aa) or s. 376.15 ~~or s. 823.11~~. A law enforcement officer must inform the department in writing, which may be provided by facsimile, e-mail ~~electronic mail~~, or other electronic means, of the vessel's derelict or public nuisance status and supply the department with the vessel title number or vessel identification number. The department may issue a certificate of title once a law enforcement officer has verified in writing, which may be provided by facsimile, e-mail ~~electronic mail~~, or other electronic means, that the vessel is no longer a derelict or public nuisance vessel.

Section 15. Section 25 of chapter 2021-184, Laws of Florida, is repealed.

Section 16. Paragraph (c) of subsection (15) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(15) DISTRIBUTION OF FEES.—Except as provided in this subsection, moneys designated for the use of the counties, as specified in subsection (1), shall be distributed by the tax collector to the board of county commissioners for use only as provided in this section. Such moneys to be returned to the counties are for the sole purposes of providing, maintaining, or operating recreational channel marking and other uniform



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waterway markers, public boat ramps, lifts, and hoists, marine railways, boat piers, docks, mooring buoys, and other public launching facilities; and removing derelict vessels, debris that specifically impedes boat access, not including the dredging of channels, and vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53. Counties shall demonstrate through an annual detailed accounting report of vessel registration revenues that the registration fees were spent as provided in this subsection. This report shall be provided to the Fish and Wildlife Conservation Commission no later than November 1 of each year. If, before January 1 of each calendar year, the accounting report meeting the prescribed criteria has still not been provided to the commission, the tax collector of that county may not distribute the moneys designated for the use of counties, as specified in subsection (1), to the board of county commissioners but shall, for the next calendar year, remit such moneys to the state for deposit into the Marine Resources Conservation Trust Fund. The commission shall return those moneys to the county if the county fully complies with this section within that calendar year. If the county does not fully comply with this section within that calendar year, the moneys shall remain within the Marine Resources Trust Fund and may be appropriated for the purposes specified in this subsection.

(c) From the vessel registration fees designated for use by the counties in subsection (1), the following amounts shall be remitted to the state for deposit into the Marine Resources Conservation Trust Fund to fund derelict vessel removal grants, as appropriated by the Legislature pursuant to s. 823.11(4)(c)



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~~s. 376.15:~~

1. Class A-2: \$0.25 for each 12-month period registered.

2. Class 1: \$2.06 for each 12-month period registered.

3. Class 2: \$9.26 for each 12-month period registered.

4. Class 3: \$16.45 for each 12-month period registered.

5. Class 4: \$20.06 for each 12-month period registered.

6. Class 5: \$25.46 for each 12-month period registered.

Section 17. Paragraph (h) of subsection (6) of section 376.11, Florida Statutes, is amended to read:

376.11 Florida Coastal Protection Trust Fund.—

(6) Moneys in the Florida Coastal Protection Trust Fund may be used for the following purposes:

(h) The funding of a grant program to local governments, pursuant to s. 823.11(4)(c) ~~s. 376.15(3)(d) and (e)~~, for the removal of derelict and public nuisance vessels from the public waters of the state.

Section 18. For the purpose of incorporating the amendment made by this act to section 327.371, Florida Statutes, in a reference thereto, paragraph (dd) of subsection (1) of section 327.73, Florida Statutes, is reenacted to read:

327.73 Noncriminal infractions.—

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

(dd) Section 327.371, relating to the regulation of human-powered vessels.

Any person cited for a violation of any provision of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be



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cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 19. For the purpose of incorporating the amendment made by this act to section 379.101, Florida Statutes, in a reference thereto, subsection (4) of section 125.01, Florida Statutes, is reenacted to read:

125.01 Powers and duties.—

(4) The legislative and governing body of a county shall not have the power to regulate the taking or possession of saltwater fish, as defined in s. 379.101, with respect to the method of taking, size, number, season, or species. However, this subsection does not prohibit a county from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that county, nor does it prohibit the imposition of excise taxes by county ordinance.

Section 20. For the purpose of incorporating the amendment made by this act to section 379.101, Florida Statutes, in a reference thereto, section 379.2412, Florida Statutes, is reenacted to read:

379.2412 State preemption of power to regulate.—The power



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to regulate the taking or possession of saltwater fish, as defined in s. 379.101, is expressly reserved to the state. This section does not prohibit a local government from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that local government.

Section 21. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2022.

===== 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 the Fish and Wildlife Conservation Commission; amending ss. 327.352 and 327.35215, F.S.; revising the notices a person must be given and revising the fines a person is subject to for failure to submit to certain tests for alcohol, chemical substances, or controlled substances; making technical changes; amending s. 327.371, F.S.; authorizing certain athletic teams or sports affiliated with specified educational institutions to operate a human-powered vessel within the marked channel of the Florida Intracoastal Waterway; amending s. 327.4107, F.S.; revising the vessel conditions that an officer of the Fish and Wildlife Conservation Commission or a law enforcement agency may use to determine that a vessel is at risk of becoming derelict; amending s.



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327.46, F.S.; prohibiting municipalities and counties from designating public bathing beach areas or swim areas within their jurisdictions which are within the marked channel portion of the Florida Intracoastal Waterway or within a specified distance from any portion of the marked channel; repealing s. 376.15, F.S., relating to derelict vessels and the relocation and removal of such vessels from the waters of this state; amending s. 379.101, F.S.; revising the definitions of the terms "marine fish" and "saltwater fish"; amending s. 705.101, F.S.; revising the definition of the term "abandoned property" to include vessels declared to be a public nuisance; amending s. 705.103, F.S.; clarifying the notice requirements and procedures for vessels declared to be public nuisances; amending s. 823.11, F.S.; making technical changes; authorizing the commission to establish a program to provide grants to local governments for certain actions regarding derelict vessels and those declared to be a public nuisance; specifying sources for the funds to be used, subject to an appropriation; authorizing the commission to use funds not awarded as grants for certain purposes; requiring the commission to adopt rules for the grant applications and the criteria for allocating the funds; amending s. 934.50, F.S.; providing that all employees of the commission or the Florida Forest Service may operate drones for specified purposes; amending ss. 327.04, 328.09, 328.72, and 376.11, F.S.; conforming provisions to



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changes made by the act; repealing s. 25, chapter 2021-184, Laws of Florida, relating to derelict vessels; reenacting s. 327.73(1)(dd), F.S., relating to noncriminal boating infractions, to incorporate the amendment made to s. 327.371, F.S., in a reference thereto; reenacting ss. 125.01(4) and 379.2412, F.S., relating to powers and duties of legislative and governing bodies of counties and state preemption of the regulating of taking or possessing saltwater fish, respectively, to incorporate the amendment made to s. 379.101(34), F.S., in a reference thereto; providing effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/30/2021	.	
	.	
	.	
	.	

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

**Senate Amendment to Amendment (482518) (with title
amendment)**

Delete lines 31 - 106
and insert:

chapter will result in a civil penalty of \$500, and ~~shall also~~
~~be told~~ that if he or she refuses to submit to a lawful test of
his or her breath and he or she has been previously fined under
s. 327.35215 or ~~has previously had~~ his or her driving privilege
has been previously ~~driver license~~ suspended for refusal to



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submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test must ~~shall~~ be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his



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or her urine under this chapter will result in a civil penalty of \$500, and ~~shall also be told~~ that if he or she refuses to submit to a lawful test of his or her urine and he or she has been previously fined under s. 327.35215 or ~~has previously had~~ his or her driving privilege has been previously ~~driver license~~ suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

(c) A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test must ~~shall~~ be performed in a reasonable manner. A person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed



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not to have withdrawn his or her consent to such test. A person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of \$500. The refusal to submit to a blood test upon the request of a law enforcement officer is ~~shall be~~ admissible in evidence in any criminal proceeding.

Section 2. Subsections (1) and (2) of section 327.35215, Florida Statutes, are amended to read:

327.35215 Penalty for failure to submit to test.—

(1) A person ~~who is~~ lawfully arrested for an alleged violation of s. 327.35 ~~and~~ who refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352 is subject to a civil penalty of \$500.

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

And the title is amended as follows:

Delete lines 810 - 811

and insert:

revising the notices a person must be given for
failure

By Senator Hutson

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A bill to be entitled

An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.4107, F.S.; revising the vessel conditions that an officer of the Fish and Wildlife Conservation Commission or a law enforcement agency may use to determine that a vessel is at risk of becoming derelict; amending s. 327.45, F.S.; requiring specified evidence before the commission may establish certain vessel restriction rules for protection zones for springs; amending s. 327.46, F.S.; prohibiting municipalities and counties from designating public bathing beach areas or swim areas within their jurisdictions which are within the marked channel portion of the Florida Intracoastal Waterway or within a specified distance from any portion of the marked channel; repealing s. 376.15, F.S., relating to derelict vessels and the relocation and removal of such vessels from the waters of this state; amending s. 379.101, F.S.; revising the definitions of the terms "marine fish" and "saltwater fish"; amending s. 705.101, F.S.; revising the definition of the term "abandoned property" to include vessels declared to be a public nuisance; amending s. 705.103, F.S.; clarifying the notice requirements and procedures for vessels declared to be public nuisances; amending s. 823.11, F.S.; making technical changes; authorizing the commission to establish a program to provide grants to local governments for certain actions regarding derelict vessels and those declared to be a

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public nuisance; specifying sources for the funds to be used, subject to an appropriation; authorizing the commission to use funds not awarded as grants for certain purposes; requiring the commission to adopt rules for the grant applications and the criteria for allocating the funds; amending s. 934.50, F.S.; providing that all employees of the commission or the Florida Forest Service may operate drones for specified purposes; amending ss. 327.04, 328.09, 328.72, and 376.11, F.S.; conforming provisions to changes made by the act; repealing s. 25, chapter 2021-184, Laws of Florida, relating to derelict vessels; reenacting ss. 125.01(4) and 379.2412, F.S., relating to powers and duties of legislative and governing bodies of counties and state preemption of the regulating of taking or possessing saltwater fish, respectively, to incorporate the amendment made to s. 379.101(34), F.S., in a reference thereto; providing effective dates.

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

Section 1. Paragraph (f) is added to subsection (2) of section 327.4107, Florida Statutes, to read:

327.4107 Vessels at risk of becoming derelict on waters of this state.—

(2) An officer of the commission or of a law enforcement agency specified in s. 327.70 may determine that a vessel is at risk of becoming derelict if any of the following conditions

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exist:

(f) The vessel is tied to an unlawful or unpermitted mooring or other structure.

Section 2. Subsection (2) of section 327.45, Florida Statutes, is amended to read:

327.45 Protection zones for springs.—

(2) When substantial, competent evidence shows that demonstrable harm has been caused by vessel activity, the commission may establish by rule protection zones that restrict the speed and operation of vessels, or that prohibit the anchoring, mooring, beaching, or grounding of vessels, to protect and prevent harm to first, second, and third magnitude springs and springs groups, including their associated spring runs, as determined by the commission using the most recent Florida Geological Survey springs bulletin. This harm includes negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent species.

Section 3. Paragraph (b) of subsection (1) of section 327.46, Florida Statutes, is amended to read:

327.46 Boating-restricted areas.—

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

(b) Municipalities and counties may establish the following

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boating-restricted areas by ordinance, including,
notwithstanding the prohibition in s. 327.60(2)(c), within the
portion of the Florida Intracoastal Waterway within their
jurisdiction:

1. An ordinance establishing an idle speed, no wake
boating-restricted area, if the area is:

a. Within 500 feet of any boat ramp, hoist, marine railway,
or other launching or landing facility available for use by the
general boating public on waterways more than 300 feet in width
or within 300 feet of any boat ramp, hoist, marine railway, or
other launching or landing facility available for use by the
general boating public on waterways not exceeding 300 feet in
width.

b. Within 500 feet of fuel pumps or dispensers at any
marine fueling facility that sells motor fuel to the general
boating public on waterways more than 300 feet in width or
within 300 feet of the fuel pumps or dispensers at any licensed
terminal facility that sells motor fuel to the general boating
public on waterways not exceeding 300 feet in width.

c. Inside or within 300 feet of any lock structure.

2. An ordinance establishing a slow speed, minimum wake
boating-restricted area if the area is:

a. Within 300 feet of any bridge fender system.

b. Within 300 feet of any bridge span presenting a vertical
clearance of less than 25 feet or a horizontal clearance of less
than 100 feet.

c. On a creek, stream, canal, or similar linear waterway if
the waterway is less than 75 feet in width from shoreline to
shoreline.

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d. On a lake or pond of less than 10 acres in total surface area.

e. Within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet.

3. An ordinance establishing a vessel-exclusion zone if the area is:

a. Designated as a public bathing beach or swim area, except that public bathing beaches or swim areas may not be established in whole or in part within the marked channel of the Florida Intracoastal Waterway or within 100 feet of any portion of the marked channel.

b. Within 300 feet of a dam, spillway, or flood control structure.

Vessel exclusion zones created pursuant to this subparagraph must be marked with uniform waterway markers permitted by the commission in accordance with this chapter. Such zones may not be marked by ropes.

Section 4. Section 376.15, Florida Statutes, is repealed.

Section 5. Subsections (22) and (34) of section 379.101, Florida Statutes, are amended to read:

379.101 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(22) "Marine fish" means any saltwater species of finfish of the classes Agnatha, Chondrichthyes, and Osteichthyes, ~~and~~ marine invertebrates of ~~in~~ the classes Gastropoda and ~~and~~ Bivalvia, the subphylum ~~and~~ Crustacea, or the phylum Echinodermata; however, the term ~~but~~ does not include nonliving shells or

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echinoderms.

(34) "Saltwater fish" means:

(a) Any saltwater species of finfish of the classes Agnatha, Chondrichthyes, or Osteichthyes and marine invertebrates of the classes Gastropoda and, Bivalvia, the subphylum ~~of~~ Crustacea, or ~~of~~ the phylum Echinodermata; however, the term ~~but~~ does not include nonliving shells or echinoderms; and

(b) All classes of pisces, shellfish, sponges, and crustaceans ~~crustacea~~ native to salt water.

Section 6. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.—As used in this chapter:

(3) "Abandoned property" means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels as defined in s. 823.11 and vessels declared a public nuisance pursuant to s. 327.73(1)(aa).

Section 7. Paragraph (a) of subsection (2) and subsection (4) of section 705.103, Florida Statutes, are amended to read:

705.103 Procedure for abandoned or lost property.—

(2)(a)1. Whenever a law enforcement officer ascertains that:

a. An article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause

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a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description)... has been determined to be ...(derelict or a public nuisance)... and is unlawfully upon waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact

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information for person who can arrange for a hearing in accordance with this section).... The owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition or as a public nuisance will be liable for the costs of removal, destruction, and disposal if this vessel is not removed by the owner. Dated this: ...(setting forth the date of posting of notice)...., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

2. The notices required under subparagraph 1. may not be less than 8 inches by 10 inches and must ~~shall~~ be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15(1). On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by

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certified mail, return receipt requested, to the owner. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the mailed notice must inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency shall follow the processes set forth in s. 120.569. Local governmental entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such a hearing. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after posting the notice in sub-subparagraph 1.b., and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following shall apply:

a. For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public

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nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order has been entered or the case is otherwise closed.

(4) The owner of any abandoned or lost property, or in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the owner or other party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition or as a public nuisance, who, after notice as provided in this section, does not remove such property within the specified period ~~is shall be~~ liable to the law enforcement agency, other governmental entity, or the agency's or entity's designee for all costs of removal, storage, ~~and~~ destruction, and disposal of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer or representative of the law enforcement agency or other

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governmental entity shall notify the owner or in the case of a
derelict vessel or vessel declared a public nuisance pursuant to
s. 327.73(1)(aa), the owner or other party determined to be
legally responsible, if known, of the amount owed. In the case
of an abandoned vessel or motor vehicle, any person who neglects
or refuses to pay such amount is not entitled to be issued a
certificate of registration for such vessel or motor vehicle, or
any other vessel or motor vehicle, until such costs have been
paid. A person who has neglected or refused to pay all costs of
removal, storage, disposal, and destruction of a vessel or motor
vehicle as provided in this section, after having been provided
written notice via certified mail that such costs are owed, and
who applies for and is issued a registration for a vessel or
motor vehicle before such costs have been paid in full commits a
misdemeanor of the first degree, punishable as provided in s.
775.082 or s. 775.083. The law enforcement officer or
representative of the law enforcement agency or other
governmental entity shall supply the Department of Highway
Safety and Motor Vehicles with a list of persons whose vessel
registration privileges and motor vehicle privileges have been
revoked under this subsection. The department or a person acting
as an agent of the department may not issue a certificate of
registration to a person whose vessel and motor vehicle
registration privileges have been revoked, as provided by this
subsection, until such costs have been paid.

Section 8. Effective July 1, 2023, paragraph (a) of
subsection (2) of section 705.103, Florida Statutes, as amended
by chapters 2019-76 and 2021-184, Laws of Florida, is amended to
read:

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320 705.103 Procedure for abandoned or lost property.—

321 (2)(a)1. Whenever a law enforcement officer ascertains
322 that:

323 a. An article of lost or abandoned property other than a
324 derelict vessel or a vessel declared a public nuisance pursuant
325 to s. 327.73(1)(aa) is present on public property and is of such
326 nature that it cannot be easily removed, the officer shall cause
327 a notice to be placed upon such article in substantially the
328 following form:

329
330 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
331 PROPERTY. This property, to wit: ...(setting forth brief
332 description)... is unlawfully upon public property known as
333 ...(setting forth brief description of location)... and must be
334 removed within 5 days; otherwise, it will be removed and
335 disposed of pursuant to chapter 705, Florida Statutes. The owner
336 will be liable for the costs of removal, storage, and
337 publication of notice. Dated this: ...(setting forth the date of
338 posting of notice)..., signed: ...(setting forth name, title,
339 address, and telephone number of law enforcement officer)....
340

341 b. A derelict vessel or a vessel declared a public nuisance
342 pursuant to s. 327.73(1)(aa) is present on the waters of this
343 state, the officer shall cause a notice to be placed upon such
344 vessel in substantially the following form:

345
346 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
347 VESSEL. This vessel, to wit: ...(setting forth brief description
348 of location)... has been determined to be ...(derelict or a

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public nuisance)... and is unlawfully upon the waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact information for person who can arrange for a hearing in accordance with this section)... The owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition or as a public nuisance will be liable for the costs of removal, destruction, and disposal if this vessel is not removed by the owner. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

2. The notices required under subparagraph 1. may not be less than 8 inches by 10 inches and must ~~shall~~ be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the

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vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15. On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return receipt requested, to the owner. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the mailed notice must inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency shall follow the processes as set forth in s. 120.569. Local governmental entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such a hearing. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after posting the notice in sub-subparagraph 1.b., and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following shall apply:

a. For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa),

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the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order has been entered or the case is otherwise closed.

Section 9. Present subsections (4), (5), and (6) of section 823.11, Florida Statutes, are redesignated as subsections (5), (6), and (7), respectively, a new subsection (4) is added to that section, and subsection (1), paragraph (c) of subsection (2), subsection (3), and present subsections (5) and (6) of that section are amended, to read:

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823.11 Derelict vessels; relocation or removal; penalty.—

(1) As used in this section ~~and s. 376.15~~, the term:

(a) "Commission" means the Fish and Wildlife Conservation Commission.

(b) "Derelict vessel" means a vessel, as defined in s. 327.02, that is:

1. In a wrecked, junked, or substantially dismantled condition upon any waters of this state.

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

b. A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion as required by s. 327.4107(2)(e) and associated rules.

c. A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken:

(I) The steering system;

(II) The propulsion system; or

(III) The exterior hull integrity.

Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer

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be substantially dismantled if such motor is not an effective means of propulsion as required by s. 327.4107(2)(e) and associated rules.

2. At a port in this state without the consent of the agency having jurisdiction thereof.

3. Docked, grounded, or beached upon the property of another without the consent of the owner of the property.

(c) "Gross negligence" means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct.

(d) "Willful misconduct" means conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner.

(2)

(c) The additional time provided in subparagraph (b)2. for an owner or responsible party to remove a derelict vessel from the waters of this state or to repair and remedy the vessel's derelict condition ~~This subsection~~ does not apply to a vessel that was derelict upon the waters of this state before the stated accident or event.

(3) The commission, an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, and store, ~~destroy, or dispose of~~ or cause to be relocated, removed, and stored, ~~destroyed, or disposed of~~ a derelict vessel from waters of this state as defined in s. 327.02 if the derelict vessel obstructs or threatens to obstruct

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navigation or in any way constitutes a danger to the environment, property, or persons. The commission, an officer of the commission, or any other law enforcement agency or officer acting pursuant to this subsection to relocate, remove, and store, ~~destroy, dispose of~~ or cause to be relocated, removed, and stored, ~~destroyed, or disposed of~~ a derelict vessel from waters of this state shall be held harmless for all damages to the derelict vessel resulting from such action unless the damage results from gross negligence or willful misconduct.

(a) ~~Removal of derelict vessels under this subsection may be funded by grants provided in ss. 206.606 and 376.15. The commission shall implement a plan for the procurement of any available federal disaster funds and use such funds for the removal of derelict vessels.~~

~~(b)~~ All costs, including costs owed to a third party, incurred by the commission, another law enforcement agency, or a governmental subdivision, when the governmental subdivision has received authorization from a law enforcement officer or agency, in the relocation, removal, storage, destruction, or disposal of a derelict vessel are recoverable against the vessel owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition. The Department of Legal Affairs shall represent the commission in actions to recover such costs. As provided in s. 705.103(4), a person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid. A person who has neglected or refused to pay all costs of removal, storage, destruction, or disposal of a derelict vessel as

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provided in this section, after having been provided written notice via certified mail that such costs are owed, and who applies for and is issued a registration for a vessel or motor vehicle before such costs have been paid in full commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) ~~(e)~~ A contractor performing such activities at the direction of the commission, an officer of the commission, a law enforcement agency or officer, or a governmental subdivision, when the governmental subdivision has received authorization for the relocation or removal from a law enforcement officer or agency, pursuant to this section must be licensed in accordance with applicable United States Coast Guard regulations where required; obtain and carry in full force and effect a policy from a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions; and be properly equipped to perform the services to be provided.

(4) (a) Removal of derelict vessels under this subsection may be funded by grants provided in s. 206.606.

(b) The commission may implement a plan for the procurement of any available federal disaster funds and use such funds for the removal of derelict vessels.

(c) The commission may establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict vessels from the waters of this state. This grant funding may also be used for the removal, storage, destruction, and disposal of vessels declared a public nuisance pursuant to s. 327.73(1) (aa). The program must be

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552 funded from the Marine Resources Conservation Trust Fund or the
553 Florida Coastal Protection Trust Fund. Notwithstanding s.
554 216.181(11), funds available for these grants may only be
555 authorized by appropriations acts of the Legislature. In a given
556 fiscal year, if all funds appropriated pursuant to this
557 paragraph are not requested by and granted to local governments
558 for the removal, storage, destruction, and disposal of derelict
559 vessels or vessels declared a public nuisance pursuant to s.
560 327.73(1)(aa) by the end of the third quarter, the Fish and
561 Wildlife Conservation Commission may use the remainder of the
562 funds to remove, store, destroy, and dispose of, or to pay
563 private contractors to remove, store, destroy, and dispose of,
564 derelict vessels or vessels declared a public nuisance pursuant
565 to s. 327.73(1)(aa). The commission shall adopt by rule
566 procedures for local governments to submit a grant application
567 and criteria for allocating available funds. Such criteria must
568 include, at a minimum, the following:

569 1. The number of derelict vessels within the jurisdiction
570 of the applicant.

571 2. The threat posed by such vessels to public health or
572 safety, the environment, navigation, or the aesthetic condition
573 of the general vicinity.

574 3. The degree of commitment of the local government to
575 maintain waters free of abandoned and derelict vessels and to
576 seek legal action against those who abandon vessels in the
577 waters of this state as defined in s. 327.02.

578 (6)(5) A person, firm, or corporation violating this
579 section commits a misdemeanor of the first degree and shall be
580 punished as provided by law. A conviction under this section

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581 does not bar the assessment and collection of a ~~the~~ civil
582 penalty ~~provided in s. 376.16 for violation of s. 376.15~~. The
583 court having jurisdiction over the criminal offense,
584 notwithstanding any jurisdictional limitations on the amount in
585 controversy, may order the imposition of such civil penalty in
586 addition to any sentence imposed for the first criminal offense.

587 (7) ~~(6)~~ If an owner or a responsible party of a vessel
588 determined to be derelict through an administrative or criminal
589 proceeding has been charged by an officer of the commission or
590 any law enforcement agency or officer as specified in s. 327.70
591 under subsection (5) for a violation of subsection (2) ~~or a~~
592 ~~violation of s. 376.15(2)~~, a person may not reside or dwell on
593 such vessel until the vessel is removed from the waters of the
594 state permanently or returned to the waters of the state in a
595 condition that is no longer derelict.

596 Section 10. Paragraph (p) of subsection (4) of section
597 934.50, Florida Statutes, is amended to read:

598 934.50 Searches and seizure using a drone.—

599 (4) EXCEPTIONS.—This section does not prohibit the use of a
600 drone:

601 (p) By an ~~a non-law enforcement~~ employee of the Fish and
602 Wildlife Conservation Commission or of the Florida Forest
603 Service for the purposes of managing and eradicating invasive
604 exotic plants or animals on public lands and suppressing and
605 mitigating wildfire threats.

606 Section 11. Section 327.04, Florida Statutes, is amended to
607 read:

608 327.04 Rules.—The commission may adopt rules pursuant to
609 ss. 120.536(1) and 120.54 to implement this chapter, the

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provisions of chapter 705 relating to vessels, and s. ss. 376.15
and 823.11 conferring powers or duties upon it.

Section 12. Subsection (4) of section 328.09, Florida
Statutes, is amended to read:

328.09 Refusal to issue and authority to cancel a
certificate of title or registration.—

(4) The department may not issue a certificate of title to
an applicant for a vessel that has been deemed derelict by a law
enforcement officer under ~~s. 376.15~~ or s. 823.11. A law
enforcement officer must inform the department in writing, which
may be provided by facsimile, electronic mail, or other
electronic means, of the vessel's derelict status and supply the
department with the vessel title number or vessel identification
number. The department may issue a certificate of title once a
law enforcement officer has verified in writing, which may be
provided by facsimile, electronic mail, or other electronic
means, that the vessel is no longer a derelict vessel.

Section 13. Section 25 of chapter 2021-184, Laws of
Florida, is repealed.

Section 14. Paragraph (c) of subsection (15) of section
328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges;
surcharge; disposition of fees; fines; marine turtle stickers.—

(15) DISTRIBUTION OF FEES.—Except as provided in this
subsection, moneys designated for the use of the counties, as
specified in subsection (1), shall be distributed by the tax
collector to the board of county commissioners for use only as
provided in this section. Such moneys to be returned to the
counties are for the sole purposes of providing, maintaining, or

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operating recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, boat piers, docks, mooring buoys, and other public launching facilities; and removing derelict vessels, debris that specifically impedes boat access, not including the dredging of channels, and vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53. Counties shall demonstrate through an annual detailed accounting report of vessel registration revenues that the registration fees were spent as provided in this subsection. This report shall be provided to the Fish and Wildlife Conservation Commission no later than November 1 of each year. If, before January 1 of each calendar year, the accounting report meeting the prescribed criteria has still not been provided to the commission, the tax collector of that county may not distribute the moneys designated for the use of counties, as specified in subsection (1), to the board of county commissioners but shall, for the next calendar year, remit such moneys to the state for deposit into the Marine Resources Conservation Trust Fund. The commission shall return those moneys to the county if the county fully complies with this section within that calendar year. If the county does not fully comply with this section within that calendar year, the moneys shall remain within the Marine Resources Trust Fund and may be appropriated for the purposes specified in this subsection.

(c) From the vessel registration fees designated for use by the counties in subsection (1), the following amounts shall be remitted to the state for deposit into the Marine Resources Conservation Trust Fund to fund derelict vessel removal grants,

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as appropriated by the Legislature pursuant to s. 823.11(4)(c)
~~s. 376.15~~:

1. Class A-2: \$0.25 for each 12-month period registered.
2. Class 1: \$2.06 for each 12-month period registered.
3. Class 2: \$9.26 for each 12-month period registered.
4. Class 3: \$16.45 for each 12-month period registered.
5. Class 4: \$20.06 for each 12-month period registered.
6. Class 5: \$25.46 for each 12-month period registered.

Section 15. Paragraph (h) of subsection (6) of section
376.11, Florida Statutes, is amended to read:

376.11 Florida Coastal Protection Trust Fund.—

(6) Moneys in the Florida Coastal Protection Trust Fund may
be used for the following purposes:

(h) The funding of a grant program to local governments,
pursuant to s. 823.11(4)(c) ~~s. 376.15(3)(d) and (e)~~, for the
removal of derelict vessels from the public waters of the state.

Section 16. For the purpose of incorporating the amendment
made by this act to section 379.101, Florida Statutes, in a
reference thereto, subsection (4) of section 125.01, Florida
Statutes, is reenacted to read:

125.01 Powers and duties.—

(4) The legislative and governing body of a county shall
not have the power to regulate the taking or possession of
saltwater fish, as defined in s. 379.101, with respect to the
method of taking, size, number, season, or species. However,
this subsection does not prohibit a county from prohibiting, for
reasons of protecting the public health, safety, or welfare,
saltwater fishing from real property owned by that county, nor
does it prohibit the imposition of excise taxes by county

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ordinance.

Section 17. For the purpose of incorporating the amendment made by this act to section 379.101, Florida Statutes, in a reference thereto, section 379.2412, Florida Statutes, is reenacted to read:

379.2412 State preemption of power to regulate.—The power to regulate the taking or possession of saltwater fish, as defined in s. 379.101, is expressly reserved to the state. This section does not prohibit a local government from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that local government.

Section 18. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2022.



2022 AGENCY LEGISLATIVE BILL ANALYSIS DEPARTMENT OF REVENUE

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BILL INFORMATION

BILL NUMBER:	SB 606
BILL TITLE:	Boating Safety
BILL SPONSOR:	Senator Garcia
EFFECTIVE DATE:	July 1, 2022

COMMITTEES OF REFERENCE

1) Environment and Natural Resources
2) Appropriations Subcommittee on Agriculture, Environment, and General Government
3) Appropriations
4)
5)

CURRENT COMMITTEE

Environment and Natural Resources

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	HB 493
SPONSOR:	Representative Botana

PREVIOUS LEGISLATION

YEAR/BILL NUMBER/SPONSOR/LAST ACTION:
2021/ HB 271/ Tourism, Infrastructure & Energy Subcommittee, Representatives Botana and McFarland/ Died in Commerce Committee
2021/ SB 1658/ Senator Bradley/ Died in Environment and Natural Resources

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	11/04/2021
AGENCY CONTACT:	Office of Legislative and Cabinet Services (850) 617-8324

POLICY ANALYSIS

1. ANALYSIS OF EACH SECTION THAT AFFECTS THE DEPARTMENT OF REVENUE.

Section 1. (p. 3): This act may be cited as the “Boating Safety Act of 2022.”

Section 2. Collisions, accidents, and casualties. (p. 3):

PRESENT SITUATION

Section 327.30, F.S., provides for certain duties for the operator of a vessel involved in a collision, accident, or other casualty.

Section 327.30(5), F.S., provides that it is unlawful for a person operating a vessel involved in an accident or injury to leave the scene of the accident or injury without giving all possible aid to all persons involved and making a reasonable effort to locate the owner or persons affected and subsequently complying with and notifying the appropriate law enforcement official as required under s. 327.30, F.S. Any person who violates s. 327.30(5), F.S., with respect to an accident resulting in personal injury commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S. Any person who violates this s. 327.30(5), F.S., with respect to an accident resulting in property damage only commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

EFFECT OF THE BILL

The bill amends s. 327.30, F.S., to provide a new subsection (7), which states that in addition to any other penalty provided by law, a court may order a person convicted of a violation of s. 327.30, F.S., or of any rule adopted or order issued by the Fish and Wildlife Conservation Commission to pay an additional fine of up to \$1,000 per violation, which must be deposited into the Marine Resources Conservation Trust Fund to be used to enhance state and local law enforcement activities related to boating infractions. As used in subsection (7), the terms “convicted” and “conviction” mean any judicial disposition other than acquittal or dismissal.

Section 3. Liveries; safety regulations; penalty (pp. 3-10):

PRESENT SITUATION

Section 327.54, F.S., provides certain safety regulations for liveries. Any person convicted of violating s. 327.54, F.S., commits a misdemeanor of the second degree.

EFFECT OF THE BILL

The bill provides that a person who violates certain livery safety regulations commits a misdemeanor of the first degree and is subject to certain minimum mandatory fines (of \$500 or \$1,000) for violations of s. 327.54, F.S., if the person violates s. 327.54, F.S., within so many years after a previous conviction(s) for violating s. 327.54, F.S.

Section 4. Noncriminal infractions. (pp. 10-15):

PRESENT SITUATION

Section 327.73, F.S., provides a listing of violations of the vessel laws of Florida that are noncriminal infractions. Fees and civil penalties assessed and collected pursuant to s. 327.73, F.S., must be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund for boating safety education purposes.

EFFECT OF THE BILL

The bill increases the amount of various noncriminal infractions and specifies that the funds deposited into the Marine Resources Conservation Trust Fund are also for law enforcement purposes.

The bill adds the following provisions, the violation of which are noncriminal infractions:

- Section 328.03, F.S., relating to an improper transfer of title, for which the penalty is up to a maximum of \$500.
- Section 328.48(9), F.S., relating to the failure to update vessel registration information, for which the penalty is up to a maximum of \$500.

Section 5. Mandatory education for violators. (pp. 15-16):

PRESENT SITUATION

Section 327.731(1), F.S., states that a person convicted of a criminal violation under Ch. 327, F.S.; convicted of a noncriminal infraction under Ch. 327, F.S., if the infraction resulted in a reportable boating accident; or convicted of two noncriminal infractions as specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y), F.S., said infractions occurring within a 12-month period, must successfully complete a boating safety course.

EFFECT OF THE BILL

The bill amends s. 327.731(1), F.S., to add that such person must also pay a fine of \$500. The clerk of the court must remit all fines assessed and collected under s. 327.731(1), F.S., to the Department to be deposited into the Marine Resources Conservation Trust Fund to support law enforcement activities.

Section 6. through Section 8. (pp. 16-19): These sections refer to the noncriminal infractions added to s. 327.73, F.S., by Section 4. of the bill.

Section 9. through Section 11. (pp. 19-20): These sections do not apply to the Department.

Section 12. (pp. 20-21): Except as otherwise expressly provided in this act, this act shall take effect July 1, 2022.

2. DOES THE DEPARTMENT EXPECT TO DEVELOP, ADOPT, MODIFY OR ELIMINATE ANY RULES, REGULATIONS, POLICIES, OR PROCEDURES? ☐ YES ☒ NO

If yes, explain:	
Rule(s) impacted (provide references to F.A.C., etc.):	

3. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? N/A

4. DOES THE BILL REQUIRE THE DEPARTMENT TO SUBMIT, MODIFY OR DELETE ANY REPORTS, STUDIES OR PLANS? ☐ YES ☒ NO

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

5. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? ☐ YES ☒ NO

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

6. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to local governments.

7. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to state government.
Expenditures: <i>(Department of Revenue expenditures and operational impacts)</i>	<input type="checkbox"/> NO IMPACT <input checked="" type="checkbox"/> LESS THAN \$25,000 <input type="checkbox"/> MORE THAN \$25,000 <input type="checkbox"/> UNABLE TO DETERMINE <input type="checkbox"/> OPERATIONAL IMPACT ONLY
Does the legislation contain an appropriation to the Department?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

8. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? The Department of Revenue does not conduct this analysis.
9. DOES THE BILL INCREASE OR DECREASE TAXES, FEES OR FINES? The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.

TECHNOLOGY IMPACT

If any, see attached Fiscal Impact Analysis.

FEDERAL IMPACT

If any, see Additional Comments section below.

ADDITIONAL COMMENTS

10. STATUTE(S) AFFECTED: Sections 327.30, 327.54, 327.73, 327.731, 328.03, 328.48, F.S.

11. HAS BILL LANGUAGE BEEN ANALYZED EARLIER THIS SESSION? ☐ YES ☒ NO

If no, go to #12. If yes:

A. Identify bill number or source.

B. Were issues/problems identified? ☐ YES ☐ NO

a. If yes, have they been resolved? ☐ YES ☐ NO If no, briefly explain.

C. Are new issues/problems created? ☐ YES ☐ NO If yes, briefly identify.

12. DOES THE BILL PRESENT DIFFICULTY IN IMPLEMENTATION, ADMINISTRATION OR ENFORCEMENT? ☒ YES ☐ NO

If yes, describe administrative problems, technical errors, or other difficulties:

- Section 2.: The bill provides that violators of s. 327.30, F.S., may be ordered to pay an additional fine of up to \$1,000, which must be deposited into the Marine Resources Conservation Trust Fund. However, the bill does not state who is responsible for ensuring the additional fine is deposited in the Marine Resources Conservation Trust Fund.

Recommended replacement language for Line 73 of the bill:

\$1,000 per violation. All fines assessed and collected pursuant to this subsection shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine

- Section 3.: It is unclear if this section of the bill applies to the Department. Lines 218-228 of the bill describe new minimum mandatory fines for certain violators of the livery safety regulations in s. 327.54, F.S. The bill does not state where the fines are to be deposited and who is responsible for depositing the money.

Recommended language may be supplied upon clarification of legislative intent.

13. OTHER:

Revenue Accounting will need to make changes to the Clerk of Courts Revenue Remittance System (CCRRS).

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 606

INTRODUCER: Senator Garcia

SUBJECT: Boating Safety

DATE: November 29, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson/Carroll	Rogers	EN	Favorable
2.			AEG	
3.			AP	

I. Summary:

SB 606 creates the “Boating Safety Act of 2022.”

Relating to liveries, the bill:

- Requires a no-cost, annual livery permit, effective January 1, 2023.
- Requires liveries to implement certain safety requirements.
- Adds penalties for violations of livery requirements.

The bill increases or adds penalties for noncriminal infractions of vessel safety laws. It increases the additional civil penalty for noncriminal infractions of vessel laws from \$50 to \$100. It directs certain penalties to the Marine Resource Conservation Trust Fund (MRCTF) to supplement law enforcement activities.

Relating to boating safety programs, the bill:

- Adds a \$500 fine for certain vessel operators.
- Requires FWC to maintain a program to ensure compliance with mandatory boating safety education requirements.
- Creates the Illegal Boating Strike Team to enhance law enforcement activities.

The bill requires a physical residential or business address for vessel registration applicants, with a limited exception for live-aboard vessel owners.

The bill provides appropriations to create the Illegal Boating Strike Team, enhance compliance with mandatory boating safety education requirements, and implement the no-cost livery permitting requirement.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.¹ FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.² Under Article IV, Section 9 of the Florida Constitution, FWC has 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.

Chapters 327 and 328, F.S., concerning vessel safety and vessel title certificates, liens, and registration, are enforced by FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.³ The Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state.⁴ This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.⁵

Regulation of Liveries

A livery vessel is defined as a vessel that is leased, rented, or chartered to another for consideration.⁶ A livery may not knowingly lease, hire, or rent vessels:

- When the number of persons intending to use the vessel exceeds the number considered to constitute a maximum safety load for the vessel.
- When the horsepower of the motor exceeds the capacity of the vessel.
- When the vessel does not contain required safety equipment.
- When the vessel is not seaworthy.
- When the vessel is equipped with a motor of 10 horsepower or greater, unless the livery provides required pre-rental or pre-ride instruction, which must be provided by a person who has successfully completed a National Association of State Boating Law Administrators (NASBLA) and state-approved boater safety course.
- Unless the livery displays boating safety information in a place visible to the renting public.⁷

¹ FLA. CONST. art. IV, s. 9.

² *Id.*; see also s. 379.102(1), F.S.

³ Section 327.70(1), F.S.; see s. 943.10(1), F.S., which defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

⁴ Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Nov. 22, 2021).

⁵ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Nov. 22, 2021). See s. 327.70(1) and (4), F.S.

⁶ Section 327.02(24), F.S.

⁷ Section 327.54(1), F.S.

A livery also may not knowingly lease, hire, or rent:

- Vessels powered by a motor of 10 horsepower or greater to any person who is required to comply with boater safety education requirements, unless the person presents photographic identification and a valid boater safety identification card to the livery, or meets one of the listed exemptions.⁸
- Personal watercraft to persons under 18 years of age or who have not received instruction in the safe handling of personal watercraft and provided a written statement attesting to that fact.⁹
- Personal watercraft without a proper insurance policy.¹⁰

Liveries are required to notify the proper authorities if a leased, hired, or rented vessel is unnecessarily overdue.¹¹ Violations of livery regulations are a second-degree misdemeanor.¹²

Boating Infractions and Penalties

Chapter 327, F.S., the “Florida Vessel Safety Law,” addresses boating violations.¹³ The law imposes a statutory duty to assist other persons in a vessel collision or accident, provide information to any injured parties or the owner of damaged property, and provide notice to law enforcement of the accident.¹⁴ Leaving the scene of an accident that resulted in personal injury is a third-degree felony, and leaving the scene of an accident that resulted in property damage is a second-degree misdemeanor.¹⁵

Section 327.73, F.S., sets forth the fines for noncriminal infractions of the Florida Vessel Safety Law. Unless otherwise specified, the civil penalty for a noncriminal infraction is \$50.¹⁶ If a person fails to appear or respond to a uniform boating citation, he or she is charged with the offense of failing to respond to a citation. Upon conviction, such person will be guilty of a second-degree misdemeanor.¹⁷ Noncriminal violations include operating with an expired registration, operating without a registration, and failing to display the appropriate registration information.

Several noncriminal violations are subject to increased penalties for additional offenses. For example, for a violation of navigation rules that does not result in an accident or that results in an accident without serious bodily injury or death, there is a maximum penalty of:

- \$250 for a first offense;
- \$750 for a second offense; and
- \$1,000 for a third or subsequent offense.¹⁸

⁸ Section 327.54(2), F.S.

⁹ Section 327.54(4), F.S.

¹⁰ Section 327.54(5), F.S.

¹¹ Section 327.54(3), F.S.

¹² Section 327.54(6), F.S.

¹³ Section 327.01, F.S.

¹⁴ Section 327.30(1), (2), and (3), F.S.

¹⁵ Section 327.30, F.S.

¹⁶ Section 327.73(1), F.S.

¹⁷ *Id.*

¹⁸ Section 327.73(o), F.S.

For violating a springs protection zone, or operating a vessel in a careless manner that causes seagrass scarring within an aquatic preserve, except the Lake Jackson, Ocklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, the penalty is:

- \$50 for a first offense;
- \$250 for a second offense occurring within 12 months of a prior conviction;
- \$500 for a third offense occurring within 36 months of a prior conviction; and
- \$1,000 for a fourth or subsequent offense occurring within 72 months of a prior conviction.¹⁹

For anchoring in an anchoring limitation area and anchoring or mooring in a prohibited area, the penalty is:

- A maximum of \$50 for a first offense;
- A maximum of \$100 for a second offense; and
- A maximum of \$250 for a third or subsequent offense.²⁰

For violating areas where vessels creating special hazards are operating, the penalty is:

- \$50 for a first offense;
- \$100 for a second offense occurring within 12 months of a prior offense; and
- \$250 for a third offense occurring within 36 months of a prior offense.²¹

Mandatory Education for Violators

A person who is convicted of two non-criminal boating safety infractions within a 12-month period must enroll in, attend (in-person or online), and successfully complete a NASBLA and state-approved boater education course.²² The person must file proof of completion of the course with FWC's Boating and Waterways Section within 90 days of the violation and is not permitted to operate a vessel until proof is filed.²³

A person who is convicted of a criminal boating violation or a noncriminal boating safety infraction that resulted in a boating accident must complete the boater education course,²⁴ as well as a separate course for violators. The provider of the course for violators automatically sends proof of completion electronically to FWC.²⁵

Marine Resources Conservation Trust Fund

¹⁹ Section 327.73(x) and (y), F.S.

²⁰ Section 327.73(z) and (bb), F.S.

²¹ Section 327.73(cc), F.S.

²² Section 327.731(1)(a), F.S.

²³ Section 327.731(1)(b) and (c), F.S.

²⁴ Section 327.731(1), F.S.; see also FWC, *Mandatory Boating Education*, <https://myfwc.com/boating/regulations/mandatory-boating-education/> (last visited Oct. 6, 2021).

²⁵ FWC, *Mandatory Boating Education*, <https://myfwc.com/boating/regulations/mandatory-boating-education/> (last visited Oct. 6, 2021).

The Marine Resources Conservation Trust Fund (MRCTF) within FWC serves as a broad-based depository for funds from various marine-related and boating-related activities.²⁶ FWC can administer the trust fund for the following purposes:

- Marine research;
- Fishery enhancement;
- Marine law enforcement;
- Administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities;
- FWC operations;
- Titling and registration of vessels;
- Marine turtle protection, research, and recovery activities;
- Rehabilitation of oyster harvesting areas;
- Boating research, boating-related programs and activities, and law enforcement on state waters; and
- The stone crab trap reduction program, the blue crab effort management program, the spiny lobster trap certificate program, and the trap retrieval program.²⁷

The MRCTF will receive the proceeds from:

- All license fees for purse seines, saltwater products, nets, special activities, Apalachicola Bay oyster harvesting, and wholesale and retail saltwater products dealers;
- All funds collected from vessel registration and other related fees;
- All fees related to the spiny lobster, blue crab, and black sea bass trap retrieval program; the tarpon license program; the stone crab take endorsement; the blue crab take endorsement; and the spiny lobster trap certificate program;
- All fines and penalties relating to take, harvest, or possession of certain marine life; use of illegal nets; violations involving certain finfish; and violations involving saltwater products; and
- Other revenues as provided by law.²⁸

Vessel Titling and Registrations

All motorized vessels operating on Florida's public waterways must be titled and registered pursuant to ch. 328, F.S.²⁹ The Department of Highway Safety and Motor Vehicles (DHSMV) is responsible for issuing vessel registrations and titles.³⁰ Registration and title applications must be filed at a county tax collector or license plate agent office,³¹ but DHSMV is responsible for issuing vessel registrations.³²

²⁶ Section 379.208(1), F.S.

²⁷ *Id.*

²⁸ Section 379.208(2), F.S.

²⁹ See s. 328.03, F.S. Certain vessels are not required to have a certificate of title, including, but not limited to, vessels used only on private lakes or ponds and vessels owned by the U.S. Government or a state or political subdivision thereof.

³⁰ Section 328.40, F.S.

³¹ Section 328.48(1)(a), F.S.

³² Section 328.48(3), F.S.

A purchaser of a new or used vessel has 30 days to title and register the vessel.³³ The required information for a vessel registration application includes: the owner's name and address; residency status; personal identification (a driver license or identification card) or business identification (a federal employer identification number or Florida state, city, or county business license or number); a complete description of the vessel; payment of the applicable fee; and proof of ownership of the vessel.³⁴ During the 30-day period before registration, the owner must carry proof of the date of purchase aboard the vessel.³⁵

Every vessel operated, used, or stored on the waters of Florida must be registered unless it is:

- A vessel operated, used, and stored exclusively on private lakes and ponds;
- A vessel owned by the United States Government;
- A non-motor-powered vessel less than 16 feet in length;
- A federally documented vessel;
- A vessel already covered by a registration number awarded to it by another state or the U.S. Coast Guard, if the vessel is not located in this state for more than 90 consecutive days;
- A vessel from a country other than the United States, if the vessel is not located in this state for more than 90 days;
- An amphibious vessel for which a vehicle title is issued by DHSMV;
- A vessel used solely for demonstration, testing, or sales promotional purposes by the manufacturer or dealer; or
- A vessel owned and operated by the state or a political subdivision thereof.³⁶

No person may sell, assign, or transfer a vessel titled in the state without providing the purchaser or transferee a valid certificate of title with an assignment on it showing transfer of title to the purchaser or transferee.³⁷ The purchaser or transferee is required to file an application for a title transfer with the county tax collector within 30 days after a change in vessel ownership.³⁸ Unless specified otherwise, a person who fails to meet titling and registration requirements is guilty of a second degree misdemeanor.³⁹

Wildlife Alert

The Wildlife Alert Reward Association, Inc. (Wildlife Alert) is a 501(c)(3) non-profit organization created in 1979 that allows citizens to report known or suspected violations of Florida's fish, wildlife, environmental, and boating laws, and encourages citizen involvement in conservation and protection.⁴⁰ In 2014, Wildlife Alert and FWC signed a letter of agreement recognizing Wildlife Alert as an FWC Citizen Support Organization.⁴¹ Reporters who know or suspect a violation of Florida's fish, wildlife, environmental, or boating laws may call, text, or

³³ Section 328.46(1), F.S.

³⁴ Section 328.48(1), F.S.

³⁵ Section 328.46(1), F.S.

³⁶ Section 328.48(2), F.S.

³⁷ Section 328.03(3), F.S.

³⁸ *Id.*

³⁹ Section 328.21, F.S.

⁴⁰ FWC, *Wildlife Alert* (2014) available at <https://myfwc.com/media/4539/wildlife-alert.pdf> (last visited Nov. 22, 2021).

⁴¹ FWC, *Wildlife Alert Reward Program* (2020) available at https://flmtph.myfwc.com/media/19135/10_travis_wildlife-alert-pp-2020-mstm.pdf (last visited Nov. 22, 2021).

file an online report. They may be asked to provide information about the physical descriptions of violators and vehicles, license tag numbers, locations, and other pertinent information. Reporters may remain anonymous. The Wildlife Alert program offers rewards in exchange for information that leads to the arrest of poachers or other violators.⁴²

III. Effect of Proposed Changes:

Section 1 names this act the “Boating Safety Act of 2022.”

Section 2 amends s. 327.30, F.S., to create an additional fine of up to \$1,000 for a violation of the vessel collision and accident laws, or any associated rule or order of the Fish and Wildlife Commission (FWC). A conviction is any judicial disposition other than acquittal or dismissal. Money from the additional fine is to be deposited into the Marine Resources Conservation Trust Fund (MRCTF) to enhance law enforcement activities relating to boating infractions.

Section 3 amends s. 327.54, F.S., to revise existing requirements for liveries. The bill defines the term “conviction” as any judicial disposition other than acquittal or dismissal. It defines “livery” as a person who offers a vessel for use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. A vessel rented or leased by a livery is a livery vessel. The bill defines “seaworthy” to mean a vessel whose parts and equipment, including, but not limited to, engines, bilge pumps, and kill switches, are functional and reasonably fit for their intended purpose.

The bill provides that, effective January 1, 2023, a livery must obtain a no-cost, annual livery permit from FWC. To qualify for the permit, an applicant must:

- Provide FWC with a list of vessels offered by the livery for lease or rent by another;
- Have a sufficient amount of U.S. Coast Guard-approved lawful personal flotation devices on site to accommodate the capacity of all vessels offered by the livery for lease or rent by another;
- Have on site all safety equipment required by the U.S. Coast Guard to equip all vessels offered by the livery for rent or lease by another; and
- Display boating safety information in a place visible to the renting public.

If the information required to qualify for a permit changes before the annual renewal of the permit, the livery must provide FWC with the updated information within 10 days after the change. The bill authorizes FWC to adopt rules to implement the no-cost livery permit program. A violation of the permit requirement is a misdemeanor of the first degree.

The bill prevents a livery from knowingly leasing or renting a derelict vessel or a vessel at risk of becoming derelict.

The bill removes the prohibition that a livery cannot knowingly lease or rent a vessel to any person if it is equipped with a motor of 10 horsepower or greater unless the livery provides pre-rental or pre-ride instruction. Instead, pre-rental or pre-ride instruction must be in compliance

⁴² *Id.*

with rules established by FWC. The bill provides that instruction on local characteristics of the waterway where the vessel will be operated includes navigational hazards, boating-restricted areas, and water depths, as well as emergency procedures such as appropriate responses to capsizing, falls overboard, taking on water, and vessel accidents. The bill reorganizes language requiring the person delivering this information to have successfully completed a boater safety course.

The bill adds that a livery may not knowingly lease or rent a vessel to any person unless the livery has a written agreement with the renter or lessee. The livery must maintain each agreement for no less than 1 year and must make it available for inspection by law enforcement upon request. The written agreement must include:

- The names, addresses, and dates of birth of all persons who will be aboard the vessel;
- The time the vessel must be returned to the livery or other specified location; and
- An emergency contact name, address, and telephone number.

A livery may not knowingly lease or rent a vessel to any person who is required to have photographic identification and a boating safety card or certificate, unless the person presents the required documentation for the operation of a vessel or is exempt from the requirement.

The following requirements, which currently apply to “personal watercraft,” are broadened to apply to “vessels.”⁴³

- A livery may not knowingly lease or rent a vessel to any person under 18 years of age.
- A livery may not knowingly lease or rent a vessel to any person unless the livery first obtains a policy from a licensed insurance carrier in Florida, which insures the livery against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the vessel. The policy must provide coverage of at least \$500,000 per person and \$1 million per event. The livery must have proof of insurance available for inspection at the location where the vessels are being leased or rented or offered for lease or rent. The livery shall provide the insurance carrier’s name and address and the insurance policy number to each renter.
- The bill requires a person who receives instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction to provide the livery with a signed form attesting to each component of the instruction. FWC shall establish the form’s content by rule. The bill also requires that the form be signed by the individual providing instruction, and the livery shall maintain the form for no less than 90 days and make the form available for inspection by law enforcement upon request.

The bill clarifies that if a vessel rented or leased by a livery is unnecessarily overdue more than 1 hour after the contracted rental time has expired, then the livery must notify law enforcement and the U.S. Coast Guard.

⁴³ A ‘personal watercraft’ is a vessel 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel. S. 327.02(36), F.S. A ‘vessel’ includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. S. 327.02(47), F.S.

The bill requires that a livery must report an accident resulting in bodily injury, death, or disappearance of any person, or damage to any vessel or other property in an apparent aggregate amount of at least \$2,000 when the operator is incapable of making a report.

The bill provides that a livery shall make its facilities and records available for inspection within 24 hours of notice by law enforcement.

The bill provides penalties for violations of the livery requirements:

- A person who violates one or more statutory requirements for liveries, but not the no-cost livery permit requirement, and who has not been convicted of a violation of the livery requirements in the past 3 years, commits a misdemeanor of the second degree and may face imprisonment of no more than 60 days and/or a fine of no more than \$500.
- If the violation has occurred within 3 years after a previous conviction, the person commits a misdemeanor of the first degree and may face imprisonment of no more than 1 year and/or a fine of no more than \$1,000. There is an additional minimum mandatory fine of \$500.
- If the person commits another violation within 5 years after two previous convictions for violations of the livery requirements, the person commits a misdemeanor of the first degree and may face imprisonment of no more than 1 year and/or a fine of no more than \$1,000. There is an additional minimum mandatory fine of \$1,000.
- A person who commits more than one violation of the livery requirements, but not the no-cost livery permit requirement, within a 3-year period may not act as a livery during a 90-day period immediately after being charged. Effective January 1, 2023, FWC may revoke or refuse to issue a no-cost livery permit based on repeated violations of the livery requirements.

Section 4 amends s. 327.73, F.S., to increase the following penalties for noncriminal infractions:

- The maximum fine for an owner or operator of a vessel with an expired registration of 6 months or less is increased from \$50 to \$100 for a first and subsequent offense.
- The maximum fine for violating the navigation rules in a way that is not reckless and does not result in an accident, or results in an accident that does not cause serious bodily injury or death:
 - Is increased from \$250 to \$500 for a first offense.
 - Is increased from \$750 to \$1,000 for a second offense.
 - Is increased from \$1,000 to \$1,500 for a third or subsequent offense.
- The fine for operating a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve, except the Lake Jackson, Ocklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, is increased from \$50 to \$100 for a first offense.
- The fine for operating a vessel in violation of a springs protection zone is increased from \$50 to \$100 for a first offense.
- The maximum fine for anchoring a vessel in an anchoring limitation area:
 - Is increased from \$50 to \$100 for a first offense.
 - Is increased from \$100 to \$250 for a second offense.
 - Is increased from \$250 to \$500 for a third or subsequent offense.
- The fine for violating an area where vessels creating a special hazard are operating:
 - Is increased from \$50 to \$100 for a first offense.

- Is increased from \$100 to \$250 for a second offense occurring within 12 months after a prior offense.
 - Is increased from \$250 to \$500 for a third offense occurring within 36 months after a prior offense.
- The maximum civil penalty for noncriminal violations of vessel laws is increased from \$50 to \$100, except as otherwise provided.

The bill adds the following penalties for noncriminal infractions:

- The maximum fine for improper transfer of vessel title is \$500.
- The maximum fine for failure to update vessel registration information is \$500.

The bill adds law enforcement purposes to the uses of fees and civil penalties collected pursuant to this section.

Section 5 amends s. 327.731, F.S., relating to mandatory education for violators. The bill adds a fine of \$500 to the list of requirements that are triggered if a person is:

- Convicted of a criminal violation under chapter 327, F.S. (relating to vessel safety);
- Convicted of a noncriminal infraction under chapter 327, F.S., if it resulted in a reportable boating accident; or
- Convicted of two noncriminal infractions of vessel laws, if the infractions occurred within a 12-month period. These infractions relate to:
 - Careless operation;
 - Waterskiing, aquaplaning, parasailing, and similar activities;
 - Interfering with navigation;
 - Violating boating-restricted areas and speed limits;
 - Required safety equipment, lights, and shapes;
 - Violating navigation rules in a way that does not result in an accident, or that results in an accident not causing serious bodily injury or death;
 - Personal watercraft;
 - Boater safety education;
 - Operating overloaded or overpowered vessels;
 - Divers-down warning devices;
 - Adequate mufflers on airboats;
 - Displaying a flag on an airboat;
 - Carelessly causing seagrass scarring; and
 - Violating springs protection zones.

The clerk of the court shall remit the fines to be deposited into the MRCTF to support law enforcement activities.

The bill requires FWC to maintain a program to ensure compliance with mandatory boating safety education requirements. The program must track any citation resulting in a conviction under this section and send notices to each person subject to the requirement for mandatory boating safety education.

Section 6 amends s. 328.03, F.S., to provide that any person who does not properly transfer title of a vessel is subject to a maximum penalty of \$500.

Section 7 amends s. 328.03, F.S., as amended by chapter 2019-76, Laws of Florida, to provide that any person who does not properly transfer title of a vessel is subject to a maximum penalty of \$500. This amendment will be effective July 1, 2023.

Section 8 amends s. 328.48, F.S., to add language requiring a vessel owner to provide a physical residential or business address when filing an application for vessel registration. The bill allows FWC to authorize a live-aboard vessel owner to provide a post office box address in lieu of a physical residential or business address so long as he or she has not been convicted of a criminal offense under ch. 327 or 328, F.S. (relating to vessel safety and vessel title certificates, liens, and registration).

The bill adds language requiring a vessel owner's physical residential or business address on each certificate of registration issued.

The bill provides that a person who does not update his or her vessel registration information with the county tax collector within 6 months after a change to the information will be subject to a maximum penalty of \$500.

Section 9 creates the Illegal Boating Strike Team. To this end, the bill appropriates \$2 million in recurring funds for the 2022-2023 fiscal year from the General Revenue Fund to FWC and authorizes seven full-time equivalent positions with associated salary rate of \$322,763. The Illegal Boating Strike Team will coordinate law enforcement at the federal, state, and local levels to increase public safety and decrease boating accidents, injuries, fatalities, and criminal activity. In areas where illegal charters and illegal liveries are found to be operating, the strike team shall do all of the following:

- Enhance law enforcement activities by increasing intergovernmental coordination to address any criminal conduct or safety violation, taxes and fees, and licensure regulations by such charter and livery operations.
- Address unsafe customer pick-ups and drop-offs.
- Improve signage and set appropriate speed limits in waterways.
- Ensure correct and current information is used for vessel registration.
- Publicize existing reporting systems and use social media to encourage citizens to report illegal activities.
- Develop educational campaigns to address and deter illegal charter operations, illegal livery operations, boating under the influence, and related public safety issues, and to encourage the reporting of boating violations.

Section 10 appropriates \$100,000 in recurring funds for the 2022-2023 fiscal year from the General Revenue Fund to FWC and authorizes one full-time equivalent position with associated salary rate of \$60,000 to implement the amendment made to s. 327.731, F.S. by this act, relating to ensuring compliance with mandatory boating safety education requirements.

Section 11 appropriates \$125,000 in nonrecurring funds for the 2022-2023 fiscal year from the General Revenue Fund to FWC for the purpose of implementing the no-cost livery permitting requirement in s. 327.54(2), F.S.

Section 12 provides that except as otherwise expressly provided, the effective date is July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Increased boating penalties are expected to have a positive fiscal impact to the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that violators of s. 327.30, F.S. (relating to vessel collisions, accidents, and casualties) may be ordered to pay an additional fine of up to \$1,000, which must be deposited

into the Marine Resources Conservation Trust Fund (MRCTF).⁴⁴ However, the bill does not state who is responsible for ensuring the additional fine is deposited in the MRCTF.⁴⁵

The Department of Revenue recommends replacement language for Line 73 of the bill:

\$1,000 per violation. All fines assessed and collected pursuant to this subsection shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine⁴⁶

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.30, 327.54, 327.73, 327.731, 328.03, and 328.48.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

⁴⁴ Department of Revenue, *2022 Agency Legislative Bill Analysis* (Nov. 4, 2021) (on file with the Senate Committee on Environment and Natural Resources).

⁴⁵ *Id.*

⁴⁶ *Id.*

By Senator Garcia

37-00535A-22

2022606__

A bill to be entitled
An act relating to boating safety; providing a short
title; amending s. 327.30, F.S.; authorizing a court
to impose a specified fine for certain boating
collisions and accidents; requiring such fines to be
deposited into the Marine Resources Conservation Trust
Fund for specified purposes; defining the terms
"convicted" and "conviction"; amending s. 327.54,
F.S.; defining terms; prohibiting liveries, beginning
on a specified date, from offering a vessel for lease
or rent without a livery permit; specifying
requirements and qualifications for the permit;
authorizing the Fish and Wildlife Conservation
Commission to adopt rules; providing penalties for
permit violations; revising the conditions under which
a livery may not knowingly lease or rent a vessel;
requiring specified boating safety education courses
for certain instructors; requiring a person receiving
safety instruction to provide the livery with a
specified signed attestation; requiring liveries to
report certain issues and accidents; requiring
liveries to make facilities and records available to
law enforcement upon notice; providing penalties for
violations and additional penalties for subsequent
violations; prohibiting violators from operating a
vessel or acting as a livery for a specified timeframe
after such a violation; authorizing the commission,
beginning on a specified date, to revoke or refuse to
issue permits for repeated violations; amending s.

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30 327.73, F.S.; increasing fines for violations of
31 certain boating regulations; providing fines for
32 improper transfers of title and failures to update
33 vessel registration information; authorizing certain
34 fees and penalties deposited into the Marine Resources
35 Conservation Trust Fund to be used for law enforcement
36 purposes; amending s. 327.731, F.S.; imposing a fine
37 for persons convicted of certain criminal or
38 noncriminal infractions; providing for the deposit of
39 such fines into the Marine Resources Conservation
40 Trust Fund; requiring the commission to maintain a
41 program to ensure compliance with certain boating
42 safety education requirements; specifying requirements
43 for the program; amending s. 328.03, F.S.; providing
44 that an improper transfer of vessel title is subject
45 to a civil penalty; amending s. 328.48, F.S.;
46 requiring that the address provided in a vessel
47 registration application and a certificate of
48 registration be a physical residential or business
49 address; authorizing the commission to accept post
50 office box addresses in lieu of the physical
51 residential or business address under certain
52 circumstances; providing that a person who fails to
53 update his or her vessel registration information
54 within a specified timeframe is subject to a civil
55 penalty; providing an appropriation to, and
56 authorizing positions for, the commission to create an
57 Illegal Boating Strike Team; providing the duties of
58 the strike team; providing additional appropriations

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to the commission and authorizing a position for a
specified purpose; providing effective dates.

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

Section 1. This act may be cited as the "Boating Safety Act
of 2022."

Section 2. Subsection (7) is added to section 327.30,
Florida Statutes, to read:

327.30 Collisions, accidents, and casualties.—

(7) In addition to any other penalty provided by law, a
court may order a person convicted of a violation of this
section or of any rule adopted or order issued by the commission
pursuant to this section to pay an additional fine of up to
\$1,000 per violation, which must be deposited into the Marine
Resources Conservation Trust Fund to be used to enhance state
and local law enforcement activities related to boating
infractions. As used in this subsection, the terms "convicted"
and "conviction" mean any judicial disposition other than
acquittal or dismissal.

Section 3. Section 327.54, Florida Statutes, is amended to
read:

327.54 Liveries; safety regulations; penalty.—

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

(a) "Conviction" means any judicial disposition other than
acquittal or dismissal.

(b) "Livery" means a person who offers a vessel for use by
another in exchange for any type of consideration when such
person does not also provide the lessee or renter with a

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captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. A vessel rented or leased by a livery is a livery vessel as defined in s. 327.02.

(c) "Seaworthy" means the vessel and all of its parts and equipment, including, but not limited to, engines, bilge pumps, and kill switches, are functional and reasonably fit for their intended purpose.

(2) Beginning on January 1, 2023, a livery may not offer a vessel for lease or rent without first being issued a no-cost livery permit by the commission. The permit must be renewed annually. To qualify for issuance or renewal of a livery permit, an applicant must provide the commission with a list of all vessels offered by the livery for lease or rent by another, have valid insurance pursuant to paragraph (3)(j), have an amount of United States Coast Guard-approved lawful personal floatation devices on site sufficient to accommodate the capacity of all vessels offered by the livery for rent or lease by another, have on site all safety equipment required by s. 327.50 and the Code of Federal Regulations sufficient to equip all vessels offered by the livery for rent or lease by another, and display the information required by paragraph (3)(f). If, before the annual renewal of the permit, the information required by this subsection changes, the livery must provide the commission with the updated information within 10 days after the change.

(a) The commission may adopt rules to implement this subsection.

(b) A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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117 (3) A livery may not knowingly lease,~~hire,~~ or rent a
118 vessel to any person:

119 (a) When the number of persons intending to use the vessel
120 exceeds the number considered to constitute a maximum safety
121 load for the vessel as specified on the authorized persons
122 capacity plate of the vessel.

123 (b) When the horsepower of the motor exceeds the capacity
124 of the vessel.

125 (c) When the vessel does not contain the ~~required~~ safety
126 equipment required under s. 327.50.

127 (d) When the vessel is not seaworthy, is a derelict vessel
128 as defined in s. 823.11, or is at risk of becoming derelict as
129 provided in s. 327.4107.

130 ~~(e) When the vessel is equipped with a motor of 10~~
131 ~~horsepower or greater,~~ Unless the livery provides pre-rental
132 ~~prerental~~ or pre-ride ~~preride~~ instruction in compliance with
133 rules established by the commission. The instruction must
134 include ~~that includes,~~ but need not be limited to:

135 1. Operational characteristics of the vessel to be rented.
136 2. Safe vessel operation and vessel right-of-way.
137 3. The responsibility of the vessel operator for the safe
138 and proper operation of the vessel.

139 4. Local characteristics of the waterway where the vessel
140 will be operated, such as navigational hazards, the presence of
141 boating-restricted areas, and water depths.

142 5. Emergency procedures such as appropriate responses to
143 capsizing, falls overboard, taking on water, and vessel
144 accidents.

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~~Any person delivering the information specified in this paragraph must have successfully completed a boater safety course approved by the National Association of State Boating Law Administrators and this state.~~

(f) Unless the livery displays boating safety information in a place visible to the renting public. The commission shall prescribe by rule, pursuant to chapter 120, the contents and size of the boating safety information to be displayed.

(g) Unless the livery has a written agreement with the renter or lessee. The written agreement must include a list of the names, addresses, and dates of birth for all persons who will be aboard the vessel, as well as the time the vessel is required to be returned to the livery or another specified location and an emergency contact name, address, and telephone number. The livery shall maintain each agreement for no less than 1 year and, upon request, make each agreement available for inspection by law enforcement.

(h) Who is required to comply with s. 327.395, unless such person presents to the livery the documentation required by s. 327.395(2) for the operation of a vessel or meets the exemption provided under s. 327.395(6)(f).

(i) Who is under 18 years of age.

(j) Unless the livery first obtains and carries in full force and effect a policy from a licensed insurance carrier in this state which insures the livery against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the vessel. The insurance policy must provide coverage of at least \$500,000 per person and \$1 million per event. The livery shall have proof of such insurance

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175 available for inspection at the location where the livery's
176 vessels are being leased or rented, or offered for lease or
177 rent, and shall provide to each renter the insurance carrier's
178 name and address and the insurance policy number.

179 (4) Notwithstanding the person's age or any exemptions
180 provided in s. 327.395, any person delivering instruction
181 regarding the safe operation of vessels or pre-rental or pre-
182 ride instruction in accordance with subsection (3) must have
183 successfully completed a boating safety education course
184 approved by the National Association of State Boating Law
185 Administrators and this state.

186 (5) A person who receives instruction regarding the safe
187 operation of vessels or pre-rental or pre-ride instruction in
188 accordance with subsection (3) must provide the livery with a
189 signed form attesting to each component of the instruction.

190 (a) The commission shall establish by rule the content of
191 the form.

192 (b) The form must be signed by the individual providing the
193 instruction.

194 (c) The livery shall maintain the form for no less than 90
195 days and, upon request, make the form available for inspection
196 by law enforcement.

197 ~~(2) A livery may not knowingly lease, hire, or rent a~~
198 ~~vessel to a person who is required to comply with s. 327.395~~
199 ~~unless such person presents to the livery the documentation~~
200 ~~required by s. 327.395(2) for the operation of a vessel or meets~~
201 ~~the exemption provided under s. 327.395(6)(f).~~

202 (6)(3) If a vessel rented or leased by a livery is
203 unnecessarily overdue more than 1 hour after the contracted

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vessel rental time has expired, the livery must ~~shall~~ notify law enforcement and the United States Coast Guard ~~the proper~~ authorities.

(7) If a vessel rented or leased by a livery is involved in an accident, the livery must, as applicable under s. 327.301, report the accident.

(8) A livery shall make its facilities and records available for inspection upon request by law enforcement no later than 24 hours after receiving notice from law enforcement.

(9) (a) A person who violates this section other than subsection (2), but who has not been convicted of a violation of this section within the past 3 years, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Unless the stricter penalties in paragraph (c) apply, a person who violates this section other than subsection (2) within 3 years after a previous conviction of a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$500.

(c) A person who violates this section other than subsection (2) within 5 years after two previous convictions for a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$1,000.

(10) A person who commits more than one violation of this section, other than subsection (2), within a 3-year period may not act as a livery during a 90-day period immediately after being charged with that violation. Beginning January 1, 2023,

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the commission may revoke or refuse to issue a permit under
subsection (2) based on repeated violations of this section.

~~(4)(a) A livery may not knowingly lease, hire, or rent a
personal watercraft to any person who is under 18 years of age.~~

~~(b) A livery may not knowingly lease, hire, or rent a
personal watercraft to any person who has not received
instruction in the safe handling of personal watercraft, in
compliance with rules established by the commission pursuant to
chapter 120.~~

~~(c) Any person receiving instruction in the safe handling
of personal watercraft pursuant to a program established by rule
of the commission must provide the livery with a written
statement attesting to the same.~~

~~(5) A livery may not lease, hire, or rent any personal
watercraft or offer to lease, hire, or rent any personal
watercraft unless the livery first obtains and carries in full
force and effect a policy from a licensed insurance carrier in
this state, insuring against any accident, loss, injury,
property damage, or other casualty caused by or resulting from
the operation of the personal watercraft. The insurance policy
shall provide coverage of at least \$500,000 per person and \$1
million per event. The livery must have proof of such insurance
available for inspection at the location where personal
watercraft are being leased, hired, or rented, or offered for
lease, hire, or rent, and shall provide to each renter the
insurance carrier's name and address and the insurance policy
number.~~

~~(6) Any person convicted of violating this section commits
a misdemeanor of the second degree, punishable as provided in s.~~

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~~775.082 or s. 775.083.~~

Section 4. Subsections (1) and (8) of section 327.73, Florida Statutes, are amended to read:

327.73 Noncriminal infractions.—

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

(a) Section 328.46, relating to operation of unregistered and unnumbered vessels.

(b) Section 328.48(4), relating to display of number and possession of registration certificate.

(c) Section 328.48(5), relating to display of decal.

(d) Section 328.52(2), relating to display of number.

(e) Section 328.54, relating to spacing of digits and letters of identification number.

(f) Section 328.60, relating to military personnel and registration of vessels.

(g) Section 328.72(13), relating to operation with an expired registration, for which the penalty is:

1. For a first or subsequent offense of s. 328.72(13)(a), up to a maximum of \$100 ~~\$50~~.

2. For a first offense of s. 328.72(13)(b), up to a maximum of \$250.

3. For a second or subsequent offense of s. 328.72(13)(b), up to a maximum of \$500. Any person cited for a noncriminal infraction under this subparagraph may not have the provisions of paragraph (4)(a) available to him or her but must appear before the designated official at the time and location of the scheduled hearing.

(h) Section 327.33(2), relating to careless operation.

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(i) Section 327.37, relating to water skiing, aquaplaning, parasailing, and similar activities.

(j) Section 327.44, relating to interference with navigation.

(k) Violations relating to boating-restricted areas and speed limits:

1. Established by the commission or by local governmental authorities pursuant to s. 327.46.

2. Speed limits established pursuant to s. 379.2431(2).

(l) Section 327.48, relating to regattas and races.

(m) Section 327.50(1) and (2), relating to required safety equipment, lights, and shapes.

(n) Section 327.65, relating to muffling devices.

(o) Section 327.33(3)(b), relating to a violation of navigation rules:

1. That does not result in an accident; or

2. That results in an accident not causing serious bodily injury or death, for which the penalty is:

a. For a first offense, up to a maximum of \$500 ~~\$250~~.

b. For a second offense, up to a maximum of \$1,000 ~~\$750~~.

c. For a third or subsequent offense, up to a maximum of \$1,500 ~~\$1,000~~.

(p) Section 327.39(1), (2), (3), and (5), relating to personal watercraft.

(q) Section 327.53(1), (2), (3), and (8), relating to marine sanitation.

(r) Section 327.53(4), (5), and (7), relating to marine sanitation, and s. 327.60, relating to no-discharge zones, for which the civil penalty is \$250.

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(s) Section 327.395, relating to boater safety education. However, a person cited for violating the requirements of s. 327.395 relating to failure to have required proof of boating safety education in his or her possession may not be convicted if, before or at the time of a county court hearing, the person produces proof of the boating safety education identification card or temporary certificate for verification by the hearing officer or the court clerk and the identification card or temporary certificate was valid at the time the person was cited.

(t) Section 327.52(3), relating to operation of overloaded or overpowered vessels.

(u) Section 327.331, relating to divers-down warning devices, except for violations meeting the requirements of s. 327.33.

(v) Section 327.391(1), relating to the requirement for an adequate muffler on an airboat.

(w) Section 327.391(3), relating to the display of a flag on an airboat.

(x) Section 253.04(3)(a), relating to carelessly causing seagrass scarring, for which the civil penalty upon conviction is:

1. For a first offense, \$100 ~~\$50~~.

2. For a second offense occurring within 12 months after a prior conviction, \$250.

3. For a third offense occurring within 36 months after a prior conviction, \$500.

4. For a fourth or subsequent offense occurring within 72 months after a prior conviction, \$1,000.

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(y) Section 327.45, relating to protection zones for springs, for which the penalty is:

1. For a first offense, \$100 ~~\$50~~.
2. For a second offense occurring within 12 months after a prior conviction, \$250.
3. For a third offense occurring within 36 months after a prior conviction, \$500.
4. For a fourth or subsequent offense occurring within 72 months after a prior conviction, \$1,000.

(z) Section 327.4108, relating to the anchoring of vessels in anchoring limitation areas, for which the penalty is:

1. For a first offense, up to a maximum of \$100 ~~\$50~~.
2. For a second offense, up to a maximum of \$250 ~~\$100~~.
3. For a third or subsequent offense, up to a maximum of \$500 ~~\$250~~.

(aa) Section 327.4107, relating to vessels at risk of becoming derelict on waters of this state, for which the civil penalty is:

1. For a first offense, \$100.
2. For a second offense occurring 30 days or more after a first offense, \$250.
3. For a third or subsequent offense occurring 30 days or more after a previous offense, \$500.

A vessel that is the subject of three or more violations issued pursuant to the same paragraph of s. 327.4107(2) within an 18-month period which result in dispositions other than acquittal or dismissal shall be declared to be a public nuisance and subject to ss. 705.103(2) and (4) and 823.11(3). The commission,

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an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, or cause to be relocated or removed such public nuisance vessels from waters of this state. The commission, an officer of the commission, or a law enforcement agency or officer acting pursuant to this paragraph upon waters of this state shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct as these terms are defined in s. 823.11.

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

1. For a first offense, up to a maximum of \$100 ~~\$50~~.
2. For a second offense, up to a maximum of \$250 ~~\$100~~.
3. For a third or subsequent offense, up to a maximum of \$500 ~~\$250~~.

(cc) Section 327.463(4) (a) and (b), relating to vessels creating special hazards, for which the penalty is:

1. For a first offense, \$100 ~~\$50~~.
2. For a second offense occurring within 12 months after a prior offense, \$250 ~~\$100~~.
3. For a third offense occurring within 36 months after a prior offense, \$500 ~~\$250~~.

(dd) Section 327.371, relating to the regulation of human-powered vessels.

(ee) Section 328.03, relating to an improper transfer of title, for which the penalty is up to a maximum of \$500.

(ff) Section 328.48(9), relating to the failure to update vessel registration information, for which the penalty is up to a maximum of \$500.

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Any person cited for a violation of ~~any provision of~~ this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$100 ~~\$50~~, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation ~~shall~~, in addition to the charge relating to the violation of the boating laws of this state, must be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

(8) All fees and civil penalties assessed and collected pursuant to this section shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund for boating safety education or law enforcement purposes.

Section 5. Subsection (1) of section 327.731, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

327.731 Mandatory education for violators.—

(1) A person convicted of a criminal violation under this chapter, convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or convicted of two noncriminal infractions as specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y), the ~~said~~ infractions occurring within a 12-month period, must:

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(a) Enroll in, attend, and successfully complete, at his or her own expense, a classroom or online boating safety course that is approved by and meets the minimum standards established by commission rule;

(b) File with the commission within 90 days proof of successful completion of the course; ~~and~~

(c) Refrain from operating a vessel until he or she has filed proof of successful completion of the course with the commission; and

(d) Pay a fine of \$500. The clerk of the court shall remit all fines assessed and collected under this paragraph to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund to support law enforcement activities.

(4) The commission shall maintain a program to ensure compliance with the mandatory boating safety education requirements under this section. This program must:

(a) Track any citations resulting in a conviction under this section and the disposition of such citations.

(b) Send specific notices to each person subject to the requirement for mandatory boating safety education.

Section 6. Subsection (3) of section 328.03, Florida Statutes, is amended to read:

328.03 Certificate of title required.—

(3) A person may ~~shall~~ not sell, assign, or transfer a vessel titled by the state without delivering to the purchaser or transferee a valid certificate of title with an assignment on it showing the transfer of title to the purchaser or transferee. A person may ~~shall~~ not purchase or otherwise acquire a vessel required to be titled by the state without obtaining a

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certificate of title for the vessel in his or her name. The purchaser or transferee shall, within 30 days after a change in vessel ownership, file an application for a title transfer with the county tax collector. An additional \$10 fee must ~~shall~~ be charged against the purchaser or transferee if he or she files a title transfer application after the 30-day period. The county tax collector may ~~shall be entitled to~~ retain \$5 of the additional amount. Any person who does not properly transfer title of a vessel pursuant to this chapter is subject to the penalties provided in s. 327.73(1)(ee).

Section 7. Effective July 1, 2023, subsection (4) of section 328.03, Florida Statutes, as amended by chapter 2019-76, Laws of Florida, is amended to read:

328.03 Certificate of title required.—

(4) An additional \$10 fee shall be charged against the purchaser or transferee if he or she files a title transfer application after the 30-day period. The county tax collector may ~~shall be entitled to~~ retain \$5 of the additional amount. Any person who does not properly transfer title of a vessel pursuant to this chapter is subject to the penalties provided in s. 327.73(1)(ee).

Section 8. Paragraph (a) of subsection (1) and subsection (4) of section 328.48, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

328.48 Vessel registration, application, certificate, number, decal, duplicate certificate.—

(1)(a) The owner of each vessel required by this law to pay a registration fee and secure an identification number shall file an application with the county tax collector. The

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494 application must ~~shall~~ provide the owner's name and physical
495 residential or business address; residency status; personal or
496 business identification; and a complete description of the
497 vessel, and must ~~shall~~ be accompanied by payment of the
498 applicable fee required in s. 328.72. An individual applicant
499 must provide a valid driver license or identification card
500 issued by this state or another state or a valid passport. A
501 business applicant must provide a federal employer
502 identification number, if applicable, verification that the
503 business is authorized to conduct business in this ~~the~~ state, or
504 a Florida city or county business license or number.
505 Registration is not required for any vessel that is not used on
506 the waters of this state. Upon receipt of an application from a
507 live-aboard vessel owner, the commission may authorize such
508 owner to provide a post office box address in lieu of a physical
509 residential or business address so long as he or she has not
510 been convicted of a criminal offense under this chapter or
511 chapter 327.

512 (4) Each certificate of registration issued must ~~shall~~
513 state among other items the numbers awarded to the vessel, the
514 hull identification number, the name and physical residential or
515 business address of the owner, and a description of the vessel,
516 except that certificates of registration for vessels constructed
517 or assembled by the owner registered for the first time must
518 ~~shall~~ state all the foregoing information except the hull
519 identification number. The numbers must ~~shall~~ be placed on each
520 side of the forward half of the vessel in such position as to
521 provide clear legibility for identification, except, if the
522 vessel is an airboat, the numbers may be placed on each side of

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the rudder. The numbers awarded to the vessel must ~~shall~~ read from left to right and must ~~shall~~ be in block characters of good proportion not less than 3 inches in height. The numbers must ~~shall~~ be of a solid color that ~~which~~ will contrast with the color of the background and must ~~shall~~ be so maintained as to be clearly visible and legible; i.e., dark numbers on a light background or light numbers on a dark background. The certificate of registration must ~~shall~~ be pocket-sized and must ~~shall~~ be available for inspection on the vessel for which issued whenever such vessel is in operation. Upon receipt of an application from a live-aboard vessel owner, the commission may authorize such owner to provide a post office box address in lieu of a physical residential address so long as he or she has not been convicted of a criminal offense under this chapter or chapter 327.

(9) A person who does not update his or her vessel registration information with the county tax collector within 6 months after a change to the information is subject to the penalties provided in s. 327.73(1)(ff).

Section 9. For the 2022-2023 fiscal year, the sum of \$2 million in recurring funds is appropriated from the General Revenue Fund to the Fish and Wildlife Conservation Commission and 7 full-time equivalent positions with associated salary rate of 322,763 are authorized to create an Illegal Boating Strike Team for the purpose of coordinating law enforcement at the federal, state, and local levels to increase public safety and decrease boating accidents, injuries, fatalities, and criminal activity. In areas where illegal charters and illegal liveries are found to be operating, the strike team shall do all of the

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following:

(1) Enhance law enforcement activities by increasing intergovernmental coordination to address any criminal conduct or safety violations, taxes and fees, and licensure regulations by such charter and livery operations.

(2) Address unsafe customer pick-ups and drop-offs.

(3) Improve signage and set appropriate speed limits in waterways.

(4) Ensure that correct and current information is used for vessel registration.

(5) Publicize existing reporting systems and use social media to encourage citizens to report illegal activities.

(6) Develop educational campaigns to address and deter illegal charter operations, illegal livery operations, boating under the influence, and related public safety issues and to encourage the reporting of boating violations.

Section 10. For the 2022-2023 fiscal year, the sum of \$100,000 in recurring funds from the General Revenue Fund is appropriated to the Fish and Wildlife Conservation Commission and one full-time equivalent position with associated salary rate of 60,000 is authorized to implement the amendment made to s. 327.731, Florida Statutes, by this act relating to ensuring compliance with mandatory boating safety education requirements.

Section 11. For the 2022-2023 fiscal year, the sum of \$125,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Fish and Wildlife Conservation Commission for the purpose of implementing the livery permitting requirement in s. 327.54(2), Florida Statutes.

Section 12. Except as otherwise expressly provided in this

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581 act, this act shall take effect July 1, 2022.

2405

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

John W. Alter

is duly appointed a member of the
**Governing Board,
Northwest Florida Water Management
District**

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourteenth day of July, A.D., 2021.*



Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

HAND DELIVERED

RECEIVED

2021 MAY 21 PM 1:52

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. John Alter
5246 Highway 71
Malone, Florida 32445

as a member of the Northwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/jf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2021 JUL -9 PM 12:01
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Jackson

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Northwest Florida Water Management District Governing Board

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

John W. Alter
Signature

Sworn to and subscribed before me by means of X physical presence or
online notarization, this 24th day of May, 2021.



Toni Devencenzi
Signature of Officer Administering Oath or of Notary Public

Toni Devencenzi
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL Driver License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

5246 Highway 71

Street or Post Office Box

Malone, FL 32445

City, State, Zip Code

John W. Alter

Print Name

John W. Alter
Signature

2405

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Anna Upton

is duly appointed a member of the
**Governing Board,
Northwest Florida Water Management
District**

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2024 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Second day of August, A.D., 2021.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:52

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Ms. Anna Upton
960 Live Oak Plantation Road
Tallahassee, Florida 32312

as a member of the Northwest Florida Water Management District Governing Board, succeeding Samuel Spring, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2024.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis".

Ron DeSantis
Governor

RD/jf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Leon

RECEIVED
2021 JUL -9 AM 11:58

DIVISION OF ELECTIONS

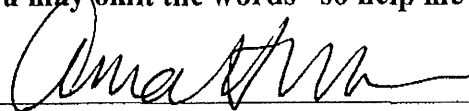
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Northwest Florida Water Management District Governing Board Member

(Title of Office)

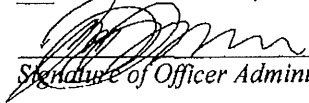
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]



Signature

Sworn to and subscribed before me by means of X physical presence or
online notarization, this 10th day of June, 2021.

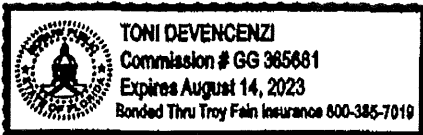


Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL Driver License



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

960 Live Oak Plantation Road

Anna H. Upton

Street or Post Office Box

Print Name

Tallahassee, FL 32312



City, State, Zip Code

Signature

2405

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Jerome K. Pate

is duly appointed a member of the
Governing Board,
Northwest Florida Water Management
District

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2025 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.



Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Second day of August, A.D., 2021.

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:51

DIVISION RELECTIONS
TALLAHASSEE, FL

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Jerome Pate
301 Schubert Road
Pensacola, Florida 32504

as a member of the Northwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/jf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
2021 JUL -9 AM 11:58

STATE OF FLORIDA

County of Escambia

DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Governing Board of the Northwest Florida Water Management District

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me by means of ☒ physical presence or
☐ online notarization, this 20th day of May, 2021.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



Kerry Mager Langley
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG971119
Expires 3/18/2024

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

301 Schubert Drive

Street or Post Office Box

Pensacola, FL 32504

City, State, Zip Code

Jerome K. Pate

Print Name

Signature

2435

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Benjamin "Ben" L. Butler

is duly appointed a member of the
Governing Board,
South Florida Water Management District

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2024 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Fifth day of June, A.D., 2021.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:50

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Benjamin Butler
608 Butlers Bluff Road
Lorida, Florida 33857

as a member of the South Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2021 JUN 24 AM 10:54

STATE OF FLORIDA

County of

Palm Beach

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Governing Board, South Florida Water Management District

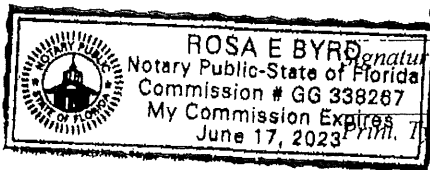
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 8 day of May, 2021



[Signature]
Signature of Officer Administering Oath or of Notary Public

[Signature]
Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

608 Butler's Bluff Rd

Street or Post Office Box

Lorida, FL 33857

City, State, Zip Code

Benjamin (Ben) L Butler

Print Name

[Signature]
Signature

2435

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Charlette I. Roman

is duly appointed a member of the

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

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2025 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourteenth day of July, A.D., 2021.*

Laurel M. Lee

Secretary of State



RON DESANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:50

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mrs. Charlette Roman
348 Colonial Avenue
Marco Island, Florida 34145

as a member of the South Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2021 JUL 12 AM 10:44

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Broward

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Governing Board, South Florida Water Management District

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Charlette Roman



06/01/2021 01:41
PM EDT

Signature

Sworn to and subscribed before me by means of physical presence or
X online notarization, this 06/01/2021 day of June.

Madelin Espino



Signature of Officer Administering Oath or of Notary Public

Madelin Espino

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced

Drivers Lic



Online Notary Public. This notarial act involved the use of
online audio/video communication technology.

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

348 Colonial Avenue

Street or Post Office Box

Marco Island, FL 34145

City, State, Zip Code

Charlette I. Roman

Print Name

Charlette Roman



06/01/2021 01:41 PM
EDT

Signature

2435

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Cheryl Anne Meads

is duly appointed a member of the

Governing Board,

South Florida Water Management District

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2025 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Second day of July, A.D., 2021.*



Laurel M. Lee

Secretary of State



RON DeSANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:50

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mrs. Cheryl Meads
89375 Old Highway
Tavernier, Florida 33070

as a member of the South Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

STATE OF FLORIDA

2021 JUL 21 AM 10:06

County of

~~Monroe~~

Palm Beach

DIVISION OF

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Governing Board, South Florida Water Management District

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Cheryl Anne Meads
Signature

Sworn to and subscribed before me by means of physical presence or
online notarization, this 15 day of July 2021.

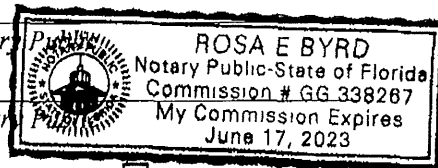
Rosa E Byrd
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:

☒ Home

☐ Office

89375 Old Highway,

Street or Post Office Box

Tavernier, FL 33070

City, State, Zip Code

Cheryl Anne Meads

Print Name

Cheryl Anne Meads
Signature

2460

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Paul Jack Bispham

is duly appointed a member of the

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

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2025 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fifteenth day of June, A.D., 2021.



Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:55

**DIVISION ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Paul Jack Bispham
27400 Gopher Hill Road
Myakka City, Florida 34251-4100

as a member of the Southwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to read "R. DeSantis", with a long, sweeping horizontal line extending to the right.

Ron DeSantis
Governor

RD/sp

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
2021 MAY 27 PM 12:58
DIVISION OF ELECTIONS

STATE OF FLORIDA

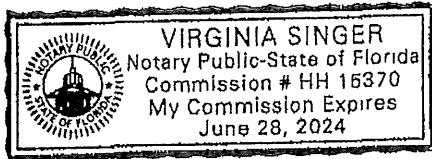
County of Hillsborough

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Governing Board Member of the Southwest Florida Water Management District
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]



Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 25 day of June, 2021.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

27400 Gopher Hill Road

Street or Post Office Box

Myakka City, FL 34251

City, State, Zip Code

Paul Jack Bispham

Print Name

Signature

2460

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

William Hogarth

is duly appointed a member of the
Governing Board,
Southwest Florida Water Management
District

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2022 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fifteenth day of June, A.D., 2021.

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:54
DIVISION OF ELECTIONS
TALLAHASSEE, FL

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Dr. William Hogarth
11145 4th Street East
Treasure Island, Florida 33706

as a member of the Southwest Florida Water Management District Governing Board, succeeding Jeffrey Adams, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/sp

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2021 MAY 27 PM 12:58

STATE OF FLORIDA

County of Hillsborough

FLORIDA DEPARTMENT OF STATE
DIVISION OF ELECTIONS

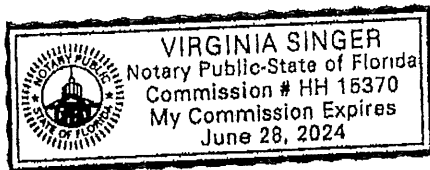
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board Member of the Southwest Florida Water Management District

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]



William T. Hogarth
Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 25 day of May, 2021

Virginia Singer
Signature of Officer Administering Oath or of Notary Public

Virginia Singer
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

11145 Fourth Street East

Street or Post Office Box

Treasure Island, FL 33706

City, State, Zip Code

William Hogarth

Print Name

William T. Hogarth
Signature

2460

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

John E. Hall

is duly appointed a member of the
Governing Board,
Southwest Florida Water Management
District

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2025 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fifteenth day of June, A.D., 2021.*



Secretary of State



RON DeSANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:54

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Johnnie Hall
5121 South Lakeland Drive
Lakeland, Florida 33813

as a member of the Southwest Florida Water Management District Governing Board, succeeding James Murphy, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", with a large, stylized flourish at the end.

Ron DeSantis
Governor

RD/sp

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2021 MAY 27 PM 12:59

STATE OF FLORIDA

County of Hillsborough

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

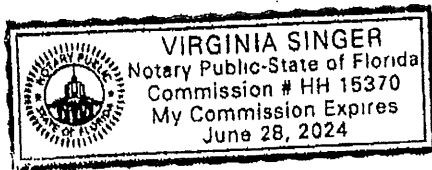
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Governing Board member of the Southwest Florida
(Title of Office)

Water
managem
District

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]



Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 25 day of May, 2021.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

5121 S. Lakeland Dr Ste 1

Street or Post Office Box

Lakeland, FL 33813

City, State, Zip Code

Print Name

Signature

2555

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

George M. Cole

is duly appointed a member of the

**Governing Board,
Suwannee River Water Management District**

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida at Tallahassee, the Capital, this
the Fifteenth day of June, A.D., 2021.*



Secretary of State

OATH OF OFFICE RECEIVED

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Suwannee

2021 JUN 15 AM 9:21

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Suwannee River Water Management District Governing Board

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 8 day of June, 2021.

Signature of Officer Administering Oath or of Notary Public

Robin R. Lamm

Print, Type, or Stamp Commissioned Name of Notary Public



Robin R. Lamm
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG107867
Expires 8/28/2021

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced n/a

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

5283 Ashville Highway
Street or Post Office Box

Mentice 110, FL 32344
City, State, Zip Code

George M. Cole
Print Name

Signature



RON DeSANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:54

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. George Cole
5283 Ashville Highway
Monticello, Florida 32344

as a member of the Suwannee River Water Management District Governing Board, filling a vacant seat, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/sp

2555

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

William J. Lloyd

is duly appointed a member of the

**Governing Board,
Suwannee River Water Management District**

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fifteenth day of June, A.D., 2021.*

Laurel M. Lee

Secretary of State



RON DeSANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:54

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. William Lloyd
25108 NW 68th Lane
High Springs, Florida 32643

as a member of the Suwannee River Water Management District Governing Board, filling a vacant seat, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/sp

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

STATE OF FLORIDA

County of Suwannee

2021 JUN 15 AM 9:23

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Suwannee River Water Management District Governing Board

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

William J. Lloyd
Signature

Sworn to and subscribed before me by means of ☒ physical presence or
☐ online notarization, this 8 day of June, 2021

Robin R. Lamm
Signature of Officer Administering Oath or of Notary Public

Robin R. Lamm
Print, Type, or Stamp Commissioned Name of Notary Public



Robin R. Lamm
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG107867
Expires 8/28/2021

Personally Known ☐ OR ☒ Produced Identification

Type of Identification Produced Drivers License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

25108 NW 68th Lane
Street or Post Office Box

High Springs, FL 32643
City, State, Zip Code

William J. Lloyd
Print Name

William J. Lloyd
Signature

2555

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

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Virginia H. Johns

is duly appointed a member of the

**Governing Board,
Suwannee River Water Management District**

for a term beginning on the Third day of September, A.D., 2021,
until the First day of March, A.D., 2025 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Sixth day of October, A.D., 2021:*

Laurel M. Lee

Secretary of State



RON DESANTIS
GOVERNOR

RECEIVED

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TALLAHASSEE, FL**

September 3, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Ms. Virginia Johns
4407 Northwest 93rd Avenue
Gainesville, Florida 32653

as a member of the Suwannee River Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective September 3, 2021, for a term ending March 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/jf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Suwannee

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DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Suwannee River Water Management District Governing Board Member

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 14 day of September, 2021.

[Signature]

Signature of Officer Administering Oath or of Notary Public

Robin R. Lamm

Print, Type, or Stamp Commissioned Name of Notary Public



Robin R. Lamm
Notary Public
State of Florida
Comm# HH125486
Expires 8/28/2025

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced n/a

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

PO Box 1000

Street or Post Office Box

Alachua, FL 32616

City, State, Zip Code

Virginia H. Johns

Print Name

[Signature]
Signature

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: _____

BILL: SPB 7012

INTRODUCER: Environment and Natural Resources Committee

SUBJECT: Per- and Polyfluoroalkyl Substances (PFAS) Task Force

DATE: November 30, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson/Collazo	Rogers		EN Submitted as Comm. Bill/Fav
2.				
3.				
4.				
5.				
6.				

I. Summary:

SPB 7012 creates the Per- and Polyfluoroalkyl Substances (PFAS) Task Force, to be known as the PFAS Task Force, within the Department of Environmental Protection (DEP) to develop recommendations on:

- Enforceable regulatory standards for PFAS in drinking water, groundwater, and soil.
- A mechanism for the identification and cleanup of contaminated areas.
- How to address liability for contamination and financial responsibility for cleanup.
- Appropriate methods and technologies, considering cost, for cleanup and treatment of PFAS contamination.
- Funding sources and mechanisms for prioritizing the distribution of funds for cleanup and remediation of PFAS contamination.
- Methods to manage waste containing PFAS to prevent possible release or discharge into the environment that could cause contamination of drinking water, groundwater, and soil.
- Appropriate testing for and monitoring of PFAS in drinking water, groundwater, and soil to protect the public health and welfare.
- Methods to eliminate workplace exposure in the manufacturing industry.

The bill provides for the membership and operation of the task force. The bill requires the task force to convene no later than October 1, 2022, and to submit an annual report to the Governor and the Legislature, beginning October 1, 2023.

The task force is repealed on July 1, 2026.

II. Present Situation:

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

Perfluoroalkyl and Polyfluoroalkyl substances (PFAS) are a group of thousands of man-made compounds developed to provide oil and water repellency, chemical and thermal stability, and friction reduction.¹ Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are the most common and best-studied of these compounds.² PFAS have been widely used since the 1950s in many industries, including the aerospace, semiconductor, medical, automotive, construction, electronics, and aviation industries. The compounds have also been used as coatings in a variety of consumer products, such as non-stick cookware, waterproof and stain-resistant fabrics, carpets, furniture, outdoor equipment, cleaning products, food packaging, and firefighting foams.³

While U.S. manufacturers have voluntarily phased out use of the chemicals since the early 2000s, they persist in the environment, particularly at fire colleges, airports, and military installations,⁴ where, in some circumstances, they are still used in firefighting foams.⁵ Although PFOA and PFOS are no longer manufactured in the U.S., they are still produced internationally and can be imported into the U.S. in consumer goods such as carpet, leather and apparel, textiles, paper and packaging, coatings, rubber, and plastics.⁶

PFAS chemicals do not break down in the environment, can move through soil and water, and can accumulate in fish and wildlife.⁷ Because of their prevalent use and ease of transport, they can be found virtually everywhere. The U.S. Centers for Disease Control and Prevention (CDC) has detected PFAS in nearly all persons it has tested, indicating widespread exposure in the U.S. population.⁸ The predominant PFAS human exposure pathways include contact in the workplace, ingestion of food containing PFAS, ingestion of drinking water contaminated with PFAS, and exposure to PFAS from consumer products or indoor dust.⁹ Based on recent studies, health effects from PFAS potentially include increased risk of certain cancers, increased cholesterol

¹ Interstate Technology Regulatory Council, *History and Use of PFAS*, 1 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf (last visited Nov. 5, 2021).

² Florida Department of Health (DOH), *PFAS Chemical Awareness*, available at <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/documents/doh-pfas-poster.pdf> (last visited Nov. 5, 2021).

³ Interstate Technology Regulatory Council, *History and Use of PFAS*, 1 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf (last visited Nov. 5, 2021).

⁴ *Id.* at 4.

⁵ For example, Federal Aviation Authority (FAA) regulations still require the use of aqueous film-forming foam (AFFF). See 14 C.F.R. § 139.317 (2021). However, due to environmental concerns, to satisfy part 139, the FAA is currently recommending against testing AFFF by discharging it and has already approved four alternatives. See Federal Aviation Authority (FAA), *National Part 139 CertAlert No. 21-01*, available at https://www.faa.gov/airports/airport_safety/certalerts/media/part-139-cert-alert-21-01-AFFF.pdf (last visited Nov. 17, 2021).

⁶ Interstate Technology Regulatory Council, *History and Use of PFAS*, 1 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf (last visited Nov. 5, 2021).

⁷ U.S. Centers for Disease Control and Prevention, *Per- and Polyfluorinated Substances (PFAS) Factsheet*, https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html (last visited Nov. 5, 2021).

⁸ *Id.*

⁹ Interstate Technology Regulatory Council, *Human and Ecological Health Effects and Risk Assessment of Per- and Polyfluoroalkyl Substances (PFAS)*, 3 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/human_and_eco_health_508_20200918.pdf (last visited Nov. 5, 2021).

levels, liver and kidney damage, impacts on hormones and the immune system, and fetal and infant developmental effects.¹⁰

Some of the challenges to addressing PFAS are that the science surrounding the issue is rapidly evolving, exposure is perceived as involuntary, risk management strategies are ever-changing, and health impacts are greatest for the most sensitive populations.¹¹ Even while the health effects from low-level concentrations of PFAS are not yet fully understood, litigation and public interest is increasing nationally.¹²

Disposal of PFAS Contaminated Soil and Solids

PFAS contaminated soils and solids may be excavated and disposed of in landfills.¹³ However, whether PFAS is classified as a hazardous waste can affect the ability to landfill as well as the cost of disposal. Some nonhazardous waste landfills do not accept PFAS waste.¹⁴

Incineration is another method of disposal, because heat can destroy chemicals.¹⁵ Incineration is one of only a few technologies that can potentially destroy PFAS. However, there are many unknowns currently being researched to determine effective destruction temperatures, treatment time, and other risk factors.¹⁶

Federal Actions to Address PFAS

Drinking Water

Testing has detected PFAS in drinking water supplies across the country.¹⁷ However, there are no federal drinking water standards applicable to PFAS in the environment.¹⁸ The U.S. Environmental Protection Agency (EPA) researches and collects data for new chemicals that are being discovered in water called “contaminants of emerging concern” (CEC).¹⁹ While CECs do

¹⁰ DOH, *PFAS Chemical Awareness*, 2, available at http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/_documents/doh-pfas-poster.pdf (last visited Nov. 5, 2021).

¹¹ Interstate Technology Regulatory Council, *Risk Communication for Per- and Polyfluoroalkyl Substances (PFAS)*, 1 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/pfas_rc_tech_508_2020Aug.pdf (last visited Nov. 5, 2021).

¹² Ralph A. DeMeo and Jorge Caspary, *PFApocalypse Now: The PFAS Firestorm and Implications for Florida*, FLORIDA BAR JOURNAL, Vol. 94, No. 3, pg. 46 (2020), <https://www.floridabar.org/the-florida-bar-journal/pfapocalypse-now-the-pfas-firestorm-and-implications-for-florida/#u7068> (last visited Nov. 5, 2021).

¹³ Interstate Technology Regulatory Council, *Treatment Technologies and Methods for Per- and Polyfluoroalkyl Substances (PFAS)*, 3 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/treatment_tech_508_Aug-2020-Final.pdf (last visited Nov. 5, 2021).

¹⁴ *Id.*

¹⁵ *Id.* at 4.

¹⁶ *Id.*

¹⁷ Hu, Xindi C., et. al, *Detection of Poly- and Perfluoroalkyl Substances (PFASs) in U.S. Drinking Water Linked to Industrial Sites, Military Fire Training Areas, and Wastewater Treatment Plants* (2016), Environmental Science & Technology Letters 3 (10):344-350, available at <https://pubs.acs.org/doi/pdf/10.1021/acs.estlett.6b00260> (last visited Nov. 5, 2021).

¹⁸ Cordner, A., et. al., *Guideline levels for PFOA and PFOS in drinking water: the role of scientific uncertainty, risk assessment decisions, and social factors*, J. EXPO. SCI. ENVIRON. EPIDEMIOL. (Mar. 29, 2019), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6455940/pdf/41370_2018_Article_99.pdf/ (last visited Nov. 5, 2021).

¹⁹ U.S. Environmental Protection Agency (EPA), *Determining the Prevalence of Contaminants in Treated and Untreated Drinking Water*, <https://www.epa.gov/water-research/determining-prevalence-contaminants-treated-and-untreated-drinking->

not have regulatory limits, there may be a long-term potential risk to human health or the environment associated with them.²⁰ EPA requires all large and selected smaller public water systems across the U.S. to monitor for CECs.²¹ EPA uses this data to determine whether to regulate a CEC and may decide to instead develop a health advisory level (HAL) for the detected contaminants. HALs are non-enforceable and non-regulatory federal limits that serve as technical guidance for federal, state, and local officials.²² For drinking water, EPA has established a HAL of 70 parts per trillion for PFOA and PFOS.²³ The Florida Department of Health (DOH) has adopted the same HAL for those compounds.²⁴

Additionally, other U.S. federal agencies and programs are actively involved in PFAS-related matters, such as the CDC, which studies the exposure of the U.S. population to PFAS; the U.S. Department of Health and Human Services Agency for Toxic Substances and Disease Registry, which funds studies to assess exposure to and health effects from PFAS; and the U.S. Department of Defense (DOD), which funds projects to assess PFAS occurrence, fate and transport, ecotoxicity, and remediation, as well as fluorine-free firefighting foams.²⁵

EPA's PFAS Action Plan and PFAS Strategic Roadmap

In 2019, EPA released a formal PFAS Action Plan, which outlined actions that the agency planned to take, including developing a maximum contaminant level (MCL) for states and local water utilities under the federal Safe Drinking Water Act. An MCL would be an enforceable regulatory standard²⁶ and PFOA and PFOS would be listed as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).²⁷ EPA is also developing groundwater cleanup recommendations.²⁸

In 2021, EPA released a PFAS Strategic Roadmap, which is intended to build on and accelerate implementation of policy actions identified in the PFAS Action Plan and to commit to bolder new policies to safeguard public health, protect the environment, and hold polluters

[water](#) (last visited Nov. 15, 2021); Florida Department of Environmental Protection (DEP), *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Nov. 5, 2021).

²⁰ *Id.*

²¹ *Id.*; see also EPA, *Learn About the Unregulated Contaminant Monitoring Rule*, <https://www.epa.gov/dwucmr/learn-about-unregulated-contaminant-monitoring-rule> (last visited Nov. 15, 2021).

²² EPA, *Drinking Water Health Advisories for PFOA and PFOS*, <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos> (last visited Nov. 5, 2021).

²³ *Id.*

²⁴ DOH, *Maximum Contaminant Levels and Health Advisory Levels*, 5 (2016) available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf> (last visited Nov. 5, 2021). The HAL is identified as 0.07 micrograms per liter (ug/L), which is equivalent to 70 parts per trillion. See *id.*

²⁵ Interstate Technology Regulatory Council, *Regulation of Per- and Polyfluoroalkyl Substances (PFAS)*, 1 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/regs_508_Aug-2020-Final.pdf (last visited Nov. 5, 2021).

²⁶ EPA, *Per- and Polyfluoroalkyl Substances (PFAS) Action Plan* (Feb. 2019), available at https://www.epa.gov/sites/production/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf (last visited Nov. 5, 2021); updated at EPA, *PFAS Action Plan: Program Update* (Feb. 2020), available at https://www.epa.gov/sites/production/files/2020-01/documents/pfas_action_plan_feb2020.pdf (last visited Nov. 5, 2021).

²⁷ *Id.*

²⁸ *Id.*

accountable.²⁹ Some of the key actions for 2021 identified in the PFAS Strategic Roadmap include publishing a national PFAS testing strategy; undertaking national monitoring for PFAS in drinking water; publishing the final toxicity assessment for GenX and five additional PFAS; engaging directly with affected communities; accelerating public health protections by identifying PFAS categories; and educating the public about the risks of PFAS.³⁰

DOD National PFAS Task Force

The DOD formed a national PFAS Task Force in 2019 and has collaborated with other agencies and entities to address PFAS issues at military installations.³¹ The goals of the PFAS Task Force are to mitigate and eliminate the use of the current aqueous film-forming foam (AFFF), fulfill PFAS cleanup responsibilities, understand the impacts of PFAS on human health, and expand PFAS-related public outreach.³²

The task force has made substantial progress toward understanding the DOD's use of AFFF and researching fluorine-free alternatives to AFFF, although there are challenges. A viable alternative to AFFF must meet military specifications in terms of the time a fire must be put out and EPA standards for human health and the environment. It must also be usable in existing equipment and it must not degrade over time in storage. Notwithstanding these challenges, DOD officials remain cautiously optimistic that the DOD will find and deploy a PFAS-free alternative by the end of fiscal year 2024.³³

For cleanup, the DOD follows CERCLA. CERCLA is a law that was passed by Congress on December 11, 1980 to form what is commonly known as Superfund.³⁴ Thousands of contaminated sites exist nationally due to hazardous waste being dumped, left out in the open, or otherwise improperly managed.³⁵ These sites include manufacturing facilities, processing plants, landfills and mining sites.³⁶ CERCLA created a tax on the chemical and petroleum industries and required that the money collected be used to clean up hazardous waste sites throughout the country.³⁷ Superfund allows EPA to clean up contaminated sites.³⁸ It also forces the parties responsible for the contamination to either perform cleanups or reimburse the government for

²⁹ EPA, *PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024*, 5 (2021) available at https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf (last visited Nov. 17, 2021).

³⁰ *Id.* at 10-21.

³¹ U.S. Department of Defense (DOD), *Memo re: Per- and Polyfluoroalkyl Substances Task Force* (Jul. 2019), available at <https://media.defense.gov/2019/Aug/09/2002169524/-1/-1/1/PER-AND-POLYFLUOROALKYL-SUBSTANCES-TASK-FORCE.PDF> (last visited Nov. 5, 2021).

³² DOD, *DOD's PFAS Public Outreach Focuses on Cleanup Progress, PFAS-Free Firefighting Solutions, Officials Say*, <https://www.defense.gov/News/News-Stories/Article/Article/2818535/dods-pfas-public-outreach-focuses-on-cleanup-progress-pfas-free-firefighting-so/> (last visited Nov. 15, 2021).

³³ *Id.*

³⁴ EPA, *What is CERCLA?*, https://usepa.servicenowservices.com/ecss?id=kb_article_view&sys_kb_id=12ec93221bb99c1013bdb913cc4bcb32 (last visited Nov. 17, 2021).

³⁵ EPA, *What is Superfund?*, https://usepa.servicenowservices.com/ecss?id=kb_article_view&sys_kb_id=2e020af01b215410a5dced39bc4bcb98 (last visited Nov. 17, 2021).

³⁶ *Id.*

³⁷ EPA, *What is CERCLA?*, https://usepa.servicenowservices.com/ecss?id=kb_article_view&sys_kb_id=12ec93221bb99c1013bdb913cc4bcb32 (last visited Nov. 17, 2021).

³⁸ EPA, *What is Superfund?*, https://usepa.servicenowservices.com/ecss?id=kb_article_view&sys_kb_id=2e020af01b215410a5dced39bc4bcb98 (last visited Nov. 17, 2021).

EPA-led cleanup work.³⁹ When there is no viable responsible party, Superfund gives EPA the funds and authority to clean up contaminated sites.⁴⁰

Federal agencies must comply with substantive and procedural CERCLA requirements to the same extent as private entities.⁴¹ The following sequence of events generally applies to all sites, both privately and federally-owned or operated: preliminary assessment; site investigation; listing on the National Priorities List; remedial investigation; feasibility study; record of decision; remedial design; remedial action; long-term operation; and maintenance.⁴² The remedy selected for cleanup at a federal facility must meet CERCLA's cleanup standards.⁴³

As noted, the first step is the preliminary assessment and site inspection phase. At about 50 off-base sites around DOD installations, where PFOS or PFOA have been identified in drinking water levels that exceed EPA's HAL of 70 parts per trillion, the DOD has implemented short-term solutions such as bottled water and point-of-use filters.⁴⁴ The DOD has also completed or at least begun the preliminary assessment and site inspection phase at 669 installations where it believes PFAS may have been used or potentially released; the goal is to have all 669 completed by the end of fiscal year 2023.⁴⁵

The DOD has held two virtual PFAS public engagements thus far, in July and October 2021. Attendees were primarily from communities around military installations where PFAS substances have been identified in groundwater, although representatives from the White House and EPA also attended. The next public engagement is scheduled for January 2022 and plans are for more to follow.⁴⁶

Florida's Efforts to Address PFAS

DEP is undertaking efforts to minimize human exposure to PFAS. Prior widespread use of PFAS has led to contamination of Florida's groundwater resources, including three areas identified under the federal third Unregulated Contaminant Monitoring Rule (UCMR3) sampling of public supply wells; 22 areas identified by DEP sampling of certified fire training facilities; 27 areas identified by sampling of select State Cleanup Program sites; 15 areas identified by DEP sampling of select dry-cleaning program sites; and 20 current and former federal facilities.⁴⁷

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ EPA, *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Federal Facilities*, <https://www.epa.gov/enforcement/comprehensive-environmental-response-compensation-and-liability-act-cercla-and-federal> (last visited Nov. 17, 2021).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ DOD, *DOD's PFAS Public Outreach Focuses on Cleanup Progress, PFAS-Free Firefighting Solutions, Officials Say*, <https://www.defense.gov/News/News-Stories/Article/Article/2818535/dods-pfas-public-outreach-focuses-on-cleanup-progress-pfas-free-firefighting-so/> (last visited Nov. 15, 2021).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ DEP, *Per- and Polyfluoroalkyl Substances (PFAS) Dynamic Plan*, 3 (Feb. 2021)[hereinafter *DEP Dynamic Plan*], available at https://floridadep.gov/sites/default/files/Dynamic_Plan_Revised_Feb2021.pdf (last visited Nov. 8, 2021).

Drinking Water

Between 2013 and 2015, EPA conducted a study that indicated that some utilities in Florida had total levels of PFOA and PFOS above EPA's HAL.⁴⁸ As a result of coordinated efforts between DEP and the impacted water systems, most of these facilities have returned to levels below the HALs and all of the facilities currently meet federal drinking water standards.⁴⁹ DEP continues to provide technical assistance and potential funding assistance to the few facilities that are not below the advisory level.⁵⁰

DOH established a lifetime drinking water health advisory for PFOS and PFOA of 70 parts per trillion, in line with EPA's HAL, for contamination identified in private and public water supply wells.⁵¹ DOH and DEP use the HAL of 70 parts per trillion to determine appropriate response actions in their coordinated response to PFAS contamination.⁵²

Contaminated Site Cleanup

DEP has established provisional CTLs for PFAS to protect human health and enable site cleanup under DEP's contaminated site cleanup criteria.⁵³ DEP has created numerical provisional CTLs and screening levels for PFOS and PFOA in the following categories: Provisional Groundwater CTLs, Provisional Soil CTLs, Provisional Irrigation Water Screening Levels, and Surface Water Screening Levels.⁵⁴ These CTLs have not been promulgated by rule.⁵⁵ The provisional groundwater CTLs are the same as EPA's HAL for drinking water.

In Florida, issues exist regarding liability for cleanup and third-party liability.⁵⁶ Where PFAS is detected above the HAL and/or provisional CTLs, DEP is sending "62-780 letters" that assign liability and timeframes for cleanup, leading to concerns about the substantial costs and lack of capacity to comply.⁵⁷ Stakeholders, including the U.S. DOD, have questioned the enforceability of CTLs, arguing that the CTLs are not promulgated and are not considered applicable or

⁴⁸ DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Nov. 5, 2021).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ DOH, *Maximum Contaminant Levels and Health Advisory Levels*, 5 (2016) available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf> (last visited Nov. 5, 2021). The HAL is identified as 0.07 micrograms per liter (ug/L), which is equivalent to 70 parts per trillion. *See id.*

⁵² *DEP Dynamic Plan* at 5. The HAL is identified as 70 nanograms per liter (ng/L), which is equivalent to 70 parts per trillion. *See id.*

⁵³ DEP, *Provisional PFOA and PFOS Cleanup Target Levels and Screening Levels* (Oct. 2020), available at <https://floridadep.gov/waste/district-business-support/documents/provisional-pfoa-and-pfos-cleanup-target-levels-screening> (last visited Nov. 8, 2021); *see also* Fla. Admin. Code Ch. 62-780.

⁵⁴ *DEP Dynamic Plan* at 9-10 (Feb. 2021); *see also* Fla. Admin. Code Ch. 62-780.

⁵⁵ *DEP Dynamic Plan* at 9. DEP's plan states that parties responsible for site rehabilitation have the option of proposing alternative CTLs to DEP's provision CTLs.

⁵⁶ Ralph A. DeMeo and Jorge Caspary, *PFAPocalypse Now: The PFAS Firestorm and Implications for Florida*, FLORIDA BAR JOURNAL, Vol. 94, No. 3, pg. 46 (2020), <https://www.floridabar.org/the-florida-bar-journal/pfapocalypse-now-the-pfas-firestorm-and-implications-for-florida/#u7068> (last visited Nov. 5, 2021).

⁵⁷ *Id.*

relevant and appropriate requirements as required by CERCLA.⁵⁸ However, DEP asserts in its 2021 PFAS Dynamic Plan (discussed in more detail below), that the provisional CTLs are allowable and enforceable under Florida law.⁵⁹ EPA's HAL and DEP's provisional CTL for groundwater has become a standard in site assessments and remediation, despite arguments that DEP must adopt CTLs through the formal rulemaking process.⁶⁰

Firefighting Facilities

PFAS is common in firefighting foams that have been stored and used for fire suppression, fire training, and flammable vapor suppression.⁶¹ These firefighting agents include Class B fluorine-containing firefighting foams, such as aqueous film-forming foam (AFFF).⁶² In Florida, DEP has assessed each fire training facility in the state to ensure that PFAS-containing firefighting agents are disposed of, and that only firefighting agents that do not have PFAS are being used.⁶³ Of the 25 active facilities in the state with known or suspected use of AFFF, investigations indicate that 22 facilities had analytical results for PFOA and PFOS above the provisional groundwater CTL.⁶⁴ Where contamination is identified, DEP helps the facility develop a cleanup plan to remove or contain the contamination to prevent future environmental impact and human exposure.⁶⁵

DEP PFAS Dynamic Plan

In February of 2021, DEP published the current version of its PFAS Dynamic Plan, which serves as a coordinated approach with other state and federal agencies on PFAS developments and issues.⁶⁶ The Dynamic Plan establishes a comprehensive path forward, while considering that it may be necessary to change the approach as the science associated with these emerging contaminants continues to develop.⁶⁷ The plan describes the current screening and provisional CTLs, and summarizes data and lessons learned from prior and ongoing investigations. The plan states that future investigations will be based on potential risk and will include a continued

⁵⁸ See Department of the Army, Letter to DEP, *Subject: Florida Department of Environmental Protection (FDEP) Requirements for Addressing Per- and Polyfluoroalkyl Substances*, 2 (June 6, 2019), available at <https://floridadep.gov/sites/default/files/FL%20DEP%20Response%206%20June%202019.pdf> (last visited Nov. 5, 2021).

⁵⁹ *DEP Dynamic Plan* at 9; see also Fla. Admin. Code Rules 62-780.150(6),(7) and 62-780.650(1). The rules authorize alternative CTLs if calculated using the appropriate equations. See Fla. Admin. Code R. 62-777.170. In addition to default CTLs promulgated by rule, the rule references the methods that must be used to develop alternative CTLs; see s. 376.30701(2), F.S. DEP is authorized to approve alternative CTLs on a site-specific basis.

⁶⁰ Ralph A. DeMeo and Jorge Caspary, *PFApocalypse Now: The PFAS Firestorm and Implications for Florida*, FLORIDA BAR JOURNAL, Vol. 94, No. 3, pg. 46 (2020), <https://www.floridabar.org/the-florida-bar-journal/pfapocalypse-now-the-pfas-firestorm-and-implications-for-florida/#u7068> (last visited Nov. 5, 2021).

⁶¹ Interstate Technology Regulatory Council, *PFAS*, <https://pfas-1.itrcweb.org/3-firefighting-foams/> (last visited Nov. 5, 2021).

⁶² *Id.*

⁶³ DEP, *Fire Training Facility Preliminary Site Assessments*, <https://floridadep.gov/waste/waste-cleanup/content/fire-training-facility-preliminary-site-assessments> (last visited Nov. 5, 2021); *DEP Dynamic Plan* at 3.

⁶⁴ *DEP Dynamic Plan* at 12.

⁶⁵ DEP, *Fire Training Facility Preliminary Site Assessments*, <https://floridadep.gov/waste/waste-cleanup/content/fire-training-facility-preliminary-site-assessments> (last visited Nov. 5, 2021).

⁶⁶ See *DEP Dynamic Plan*.

⁶⁷ *Id.* at 3.

coordinated response with DOH to quickly evaluate and address any impacts to drinking water resources.⁶⁸

DEP's stated objectives in its dynamic plan are to:

- Be a national leader in response to PFAS concerns;
- Provide a technical and regulatory framework for the development of screening and cleanup target levels for the protection of human health and the environment;
- Implement a response strategy that minimizes risks to human health and protects Florida's resources;
- Identify PFAS contamination through site investigations;
- Continue efforts to prevent and reduce further impacts through outreach and communication; and
- Continue efforts to identify areas of potential or known contamination and address environmental impacts through risk mitigation and remediation.⁶⁹

DEP has stated in its Dynamic Plan that going forward, it is working to identify other potential contaminated sites and challenges that are impacting PFAS investigative work.⁷⁰ DEP is also working to improve its technical understanding of PFAS through additional data and assessment work.⁷¹

Actions of Other States

States across the country are increasingly regulating PFAS. Absent federal PFAS standards, multiple states have developed their own health-based water guidelines to direct decisions about contaminated site cleanup and drinking water surveillance and treatment.⁷² Some states, including California, Colorado, Connecticut, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina and Vermont, have set numerical limits by state law or agency rulemaking by either formally adopting EPA's HALs or selecting other limits based on their own analysis of the scientific data.⁷³

Several other states are also beginning to address PFAS chemicals in other capacities.⁷⁴ In recent years, states have enacted legislation to restrict PFAS in firefighting foam, regulate the presence

⁶⁸ *Id.*

⁶⁹ *Id.* at 4.

⁷⁰ *Id.* at 18-19.

⁷¹ *Id.* at 20.

⁷² Silverman, Gerald B., *Glass Half-Full on State Solutions to Chemicals in Water*, Bloomberg Environment (Sep. 18, 2018), <https://news.bloombergenvironment.com/environment-and-energy/glass-half-full-on-state-solutions-to-chemicals-in-water-corrected> (last visited Nov. 8, 2021); National Conference of State Legislatures (NCSL), *Per- and polyfluoroalkyl Substances (PFAS) | State Legislation and Federal Action*, <https://www.ncsl.org/research/environment-and-natural-resources/per-and-polyfluoroalkyl-substances-pfas-state-laws.aspx> (last visited Nov. 8, 2021).

⁷³ See e.g. Mich. Admin. Code R. 325.10604g (2020), N.H. Rev. Stat. Ann. § 485:16-e (2020), N.J. Admin. Code § 7:10-5.2 (2020), N.J. Admin. Code § 7:14A-7.9 (2020), and N.Y. Comp. Codes R. & Regs. tit. 6, § 597 (2017).

⁷⁴ National Conference of State Legislatures (NCSL), *Per- and polyfluoroalkyl Substances (PFAS) | State Legislation and Federal Action*, <https://www.ncsl.org/research/environment-and-natural-resources/per-and-polyfluoroalkyl-substances-pfas-state-laws.aspx> (last visited Nov. 8, 2021).

of PFAS in drinking water by establishing MCLs, restrict PFAS in food packaging and consumer products, and allocate funds for cleanup and remediation, among other measures.⁷⁵

In addition to passing legislation, some states have also made efforts to address PFAS through legal action. States such as Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, and Vermont have sued the manufacturers of PFAS chemicals for threatening public health and the environment in their state.⁷⁶

Task Force

Under Florida law, a task force is an advisory body created without specific statutory enactment for a time not to exceed one year, or created by specific statutory enactment for a time not to exceed three years, and appointed to study a specific problem and recommend a solution or policy alternative related to that problem.⁷⁷ The existence of a task force terminates upon the completion of its assignment.⁷⁸

Florida law requires an advisory body to inform the Legislature and the public of the body's purposes, memberships, activities, and expenses.⁷⁹ Moreover, unless expressly permitted in statute, Florida law prohibits advisory board member compensation. However, members may receive per diem and reimbursement of travel expenses.⁸⁰

III. Effect of Proposed Changes:

The bill creates the Per- and Polyfluoroalkyl Substances Task Force, to be known as the PFAS Task Force, within DEP.

The bill provides for membership of the PFAS Task Force, requiring that it be composed of a total of 16 members. It will include one representative from each of the following state entities:

- DEP appointed by the Secretary;
- Department of Health appointed by the State Surgeon General;

⁷⁵ *Id.*; see e.g. Legislation in North Carolina to fund the monitoring and treatment of PFAS; in Washington to appropriate funds to implement recommendations on addressing PFAS contamination in drinking water; in Minnesota to prohibit the use of certain flame-retardant chemicals in certain types of furniture and children's products; New York to establish requirements for consumer notices for the use of PFAS and other chemicals in children's products; in Pennsylvania to declare an area a special drinking water resource-impacted community based on the discovery of hazardous substances.

⁷⁶ See e.g. *Nessela and Michigan v. 3M Company, et. al.*, Complaint, available at https://www.michigan.gov/documents/ag/Complaint_2020-01-14_final_678329_7.pdf; *State of Minnesota v. 3M Company*, Complaint, available at <https://www.mncourts.gov/mncourtsgov/media/High-Profile-Cases/27-CV-10-28862/Complaint-123010.pdf>; *State of New Hampshire v. 3M Company, et al*, Complaint, available at <https://www.courts.state.nh.us/caseinfo/pdf/civil/3M-Chemours-445/3M-Chemours-Complaint.pdf>; *State of New Hampshire v. Monsanto Co., et al*, Complaint, available at <https://www.courts.state.nh.us/caseinfo/pdf/civil/Monsanto/102720Monsanto-complaint.pdf>; *State of New Jersey v. 3M Company, et al*, Complaint, available at https://www.nj.gov/oag/newsreleases19/AFFF_Complaint.pdf; *State of Ohio v. DuPont and Company*, Complaint, available at <https://www.ohioattorneygeneral.gov/Files/Briefing-Room/News-Releases/Environmental-Enforcement/2018-02-08-DuPont-Complaint.aspx>; *State of Vermont v. 3M Company and DuPont Company*, Complaint, available at <https://ago.vermont.gov/wp-content/uploads/2019/06/20190626-SOV-v-3M-et-al-Complaint-NON-AFFF-FILE-STAMPED-COPY.pdf>.

⁷⁷ Section 20.03(8), F.S.

⁷⁸ *Id.*

⁷⁹ Section 20.052(3), F.S.

⁸⁰ Section 20.052(4)(d), F.S.; see also s. 112.061, F.S.

- Department of Agriculture and Consumer Services appointed by the Commissioner;
- Division of Emergency Management appointed by the Director; and
- Bureau of Fire Standards and Training appointed by the Chief Financial Officer.

The PFAS Task Force will also include one representative of each of the following organizations, appointed by the Governor:

- Florida League of Cities;
- Florida Association of Counties;
- Florida Water Environment Association;
- Florida Section of the American Water Works Association;
- Florida Airports Council;
- National Waste and Recycling Association;
- Florida Brownfields Association;
- Florida Ground Water Association;
- Florida Sunshine Chapter of the Solid Waste Association of North America;
- Manufacturers Association of Florida; and,
- The Florida Professional Firefighters.

The bill provides requirements about the operation of the task force, including:

- Requiring the task force to elect a chair from its membership;
- Requiring that the task force operate in a manner consistent with state law governing advisory boards created by specific statutory enactment, except as otherwise provided;⁸¹
- Requiring the task force to meet at least quarterly and to conduct its meetings through teleconferences or other means;
- Authorizing members of the task force to receive reimbursement for per diem and travel expenses for their service on the task force; and
- Requiring DEP to assign staff to assist the task force in the performance of its duties.

The bill requires the task force to develop recommendations for:

- Enforceable regulatory standards for PFAS in drinking water, groundwater, and soil;
- A mechanism for the identification and cleanup of contaminated areas;
- Methods to address liability for contamination and financial responsibility for cleanup;
- Appropriate methods and technologies, considering cost, for cleanup and treatment of PFAS contamination;
- Funding sources and mechanisms for prioritizing the distribution of funds for cleanup and remediation of PFAS contamination;
- Methods to manage waste containing PFAS to prevent possible release or discharge into the environment that could cause contamination of drinking water, groundwater, and soil;
- Appropriate testing for and monitoring of PFAS in drinking water, groundwater, and soil to protect the public health and welfare; and
- Methods to eliminate workplace exposure within the manufacturing and firefighting industries.

⁸¹ Although the PFAS Task Force is not an advisory board created by specific statutory enactment – meaning that there will be no codification of the PFAS Task Force in Florida Statutes – the bill will nevertheless apply the requirements for such advisory boards found in s. 20.052, F.S., to the PFAS Task Force, except as otherwise specified in the bill.

The bill requires the task force to convene by October 1, 2022. The bill requires the task force to submit an annual report to the Governor and the Legislature, beginning on October 1, 2023, that includes its progress, findings, recommendations, and the following information:

- The current science on PFAS, including harmful levels and ingestion and exposure routes, with particular attention to significant developments;
- Geographic areas with particularly high levels of contamination identified in the state; and
- Past and present actions by the state and federal government to address PFAS.

The bill provides for repeal of the task force on July 1, 2026.

The bill takes effect on July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

DEP will likely incur an increase in workload and associated costs from operating the task force.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None. The bill creates an undesignated section of law.

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.



709520

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
11/30/2021	.	
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	.	
	.	

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

Senate Amendment

Delete lines 49 - 78
and insert:

11. The Florida Professional Firefighters.

(2) The task force shall elect a chair from among its
membership. Except as otherwise provided, the task force shall
operate in a manner consistent with s. 20.052, Florida Statutes.

(3) The task force shall meet as necessary, but at least
quarterly, and may conduct its meetings through teleconferencing



709520

11 or other similar means.

12 (4) Members of the task force are entitled to receive
13 reimbursement for per diem and travel expenses, pursuant to s.
14 112.061, Florida Statutes, for service on the task force.

15 (5) The task force shall develop recommendations for all of
16 the following:

17 (a) Enforceable regulatory standards for PFAS in drinking
18 water, groundwater, and soil.

19 (b) A mechanism for the identification and cleanup of
20 contaminated areas.

21 (c) Methods to address liability for contamination and
22 financial responsibility for cleanup.

23 (d) Appropriate methods and technologies, considering cost,
24 for cleanup and treatment of PFAS contamination.

25 (e) Funding sources and mechanisms for prioritizing the
26 distribution of funds for cleanup and remediation of PFAS
27 contamination.

28 (f) Methods to manage waste containing PFAS to prevent
29 possible release or discharge into the environment which could
30 cause contamination of drinking water, groundwater, and soil.

31 (g) Appropriate testing for and monitoring of PFAS in
32 drinking water, groundwater, and soil to protect the public
33 health and welfare.

34 (h) Methods to eliminate workplace exposure within the
35 manufacturing and firefighting industries.



209986

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/30/2021	.	
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The Committee on Environment and Natural Resources (Brodeur)
recommended the following:

Senate Substitute for Amendment (709520)

Delete lines 21 - 78

and insert:

following 16 members:

(a) One representative from each of the following state
entities:

1. The Department of Environmental Protection, appointed by
the secretary of the department.

2. The Department of Health, appointed by the State Surgeon



209986

General.

3. The Department of Agriculture and Consumer Services, appointed by the Commissioner of Agriculture.

4. The Division of Emergency Management, appointed by the division director.

5. The Bureau of Fire Standards and Training within the Department of Financial Services, appointed by the Chief Financial Officer.

(b) One representative of each of the following organizations, appointed by the Governor:

1. The Florida League of Cities.

2. The Florida Association of Counties.

3. The Florida Water Environment Association.

4. The Florida Section of the American Water Works Association.

5. The Florida Airports Council.

6. The National Waste and Recycling Association.

7. The Florida Brownfields Association.

8. The Florida Ground Water Association.

9. The Florida Sunshine Chapter of the Solid Waste Association of North America.

10. The Manufacturers Association of Florida.

11. The Florida Professional Firefighters.

(2) The task force shall elect a chair from among its membership. Except as otherwise provided, the task force shall operate in a manner consistent with s. 20.052, Florida Statutes.

(3) The task force shall meet as necessary, but at least quarterly, and may conduct its meetings through teleconferencing or other similar means.



209986

40 (4) Members of the task force are entitled to receive
41 reimbursement for per diem and travel expenses, pursuant to s.
42 112.061, Florida Statutes, for service on the task force.

43 (5) The task force shall develop recommendations for all of
44 the following:

45 (a) Enforceable regulatory standards for PFAS in drinking
46 water, groundwater, and soil.

47 (b) A mechanism for the identification and cleanup of
48 contaminated areas.

49 (c) Methods to address liability for contamination and
50 financial responsibility for cleanup.

51 (d) Appropriate methods and technologies, considering cost,
52 for cleanup and treatment of PFAS contamination.

53 (e) Funding sources and mechanisms for prioritizing the
54 distribution of funds for cleanup and remediation of PFAS
55 contamination.

56 (f) Methods to manage waste containing PFAS to prevent
57 possible release or discharge into the environment which could
58 cause contamination of drinking water, groundwater, and soil.

59 (g) Appropriate testing for and monitoring of PFAS in
60 drinking water, groundwater, and soil to protect the public
61 health and welfare.

62 (h) Methods to eliminate workplace exposure within the
63 manufacturing and firefighting industries.

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-01105A-22

20227012pb

A bill to be entitled
An act relating to a Per- and Polyfluoroalkyl
Substances Task Force; creating the task force within
the Department of Environmental Protection; providing
the membership, organization, and duties of the task
force; requiring the department to provide staffing to
assist the task force in the performance of its
duties; requiring the task force to convene by a
specified date; requiring the task force to submit an
annual report to the Governor and the Legislature by a
specified date; providing requirements for the report;
providing for the repeal of the task force; providing
an effective date.

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

Section 1. Per- and Polyfluoroalkyl Substances (PFAS) Task Force.—

(1) The PFAS Task Force is created within the Department of Environmental Protection. The task force is composed of the following 15 members:

(a) One representative from each of the following state entities:

1. The Department of Environmental Protection, appointed by the secretary of the department.

2. The Department of Health, appointed by the State Surgeon General.

3. The Department of Agriculture and Consumer Services, appointed by the Commissioner of Agriculture.

592-01105A-22

20227012pb

30 4. The Division of Emergency Management, appointed by the
31 division director.

32 5. The Bureau of Fire Standards and Training within the
33 Department of Financial Services, appointed by the Chief
34 Financial Officer.

35 (b) One representative of each of the following
36 organizations, appointed by the Governor:

37 1. The Florida League of Cities.

38 2. The Florida Association of Counties.

39 3. The Florida Water Environment Association.

40 4. The Florida Section of the American Water Works
41 Association.

42 5. The Florida Airports Council.

43 6. The National Waste and Recycling Association.

44 7. The Florida Brownfields Association.

45 8. The Florida Ground Water Association.

46 9. The Florida Sunshine Chapter of the Solid Waste
47 Association of North America.

48 10. The Manufacturers Association of Florida.

49 (2) The task force shall elect a chair from among its
50 membership. Except as otherwise provided, the task force shall
51 operate in a manner consistent with s. 20.052, Florida Statutes.

52 (3) The task force shall meet as necessary, but at least
53 quarterly, and may conduct its meetings through teleconferencing
54 or other similar means.

55 (4) Members of the task force are entitled to receive
56 reimbursement for per diem and travel expenses, pursuant to s.
57 112.061, Florida Statutes, for service on the task force.

58 (5) The task force shall develop recommendations for all of

592-01105A-22

20227012pb

the following:

(a) Enforceable regulatory standards for PFAS in drinking water, groundwater, and soil.

(b) A mechanism for the identification and cleanup of contaminated areas.

(c) Methods to address liability for contamination and financial responsibility for cleanup.

(d) Appropriate methods and technologies, considering cost, for cleanup and treatment of PFAS contamination.

(e) Funding sources and mechanisms for prioritizing the distribution of funds for cleanup and remediation of PFAS contamination.

(f) Methods to manage waste containing PFAS to prevent possible release or discharge into the environment which could cause contamination of drinking water, groundwater, and soil.

(g) Appropriate testing for and monitoring of PFAS in drinking water, groundwater, and soil to protect the public health and welfare.

(h) Methods to eliminate workplace exposure within the manufacturing industry.

(6) The department shall provide staff to assist the task force in performing its duties.

(7) The task force shall convene no later than October 1, 2022. The task force shall submit an annual report on its progress and findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by each October 1, beginning in 2023. In addition to the recommendations required by subsection (5), the report must also include the following information:

592-01105A-22

20227012pb

88 (a) The current science on PFAS, including harmful levels
89 and ingestion and exposure routes, with particular attention to
90 significant developments.

91 (b) Geographic areas with particularly high levels of
92 contamination identified in this state.

93 (c) Past and present actions by the state and federal
94 government to address PFAS.

95 (8) This section is repealed on July 1, 2026.

96 Section 2. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 608

INTRODUCER: Environment and Natural Resources Committee and Senator Brodeur

SUBJECT: Sanitary Sewer Lateral Inspection Programs

DATE: November 30, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Rogers	EN	Fav/CS
2.			CA	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 608 authorizes counties and municipalities to access any sanitary sewer lateral within their jurisdictions to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

The bill revises the discretionary minimum program requirements for counties and municipalities that establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties. For counties and municipalities that identify a defective sanitary sewer lateral and initiate a program to eliminate extraneous flow, the bill:

- Requires notice by certified mail by the county or municipality to the property owner, specifying that the county or municipality intends to access the owner's property within 14 days to address the sanitary sewer lateral.
- Provides that the county or municipality is responsible for any repair work done on the private property and is required to ensure that the property is restored to at least its pre-work conditions after the repair is complete.
- Specifies methods for the repair and inspection of sanitary sewer laterals by a county or municipality.
- Authorizes the county or municipality to consider economical methods to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

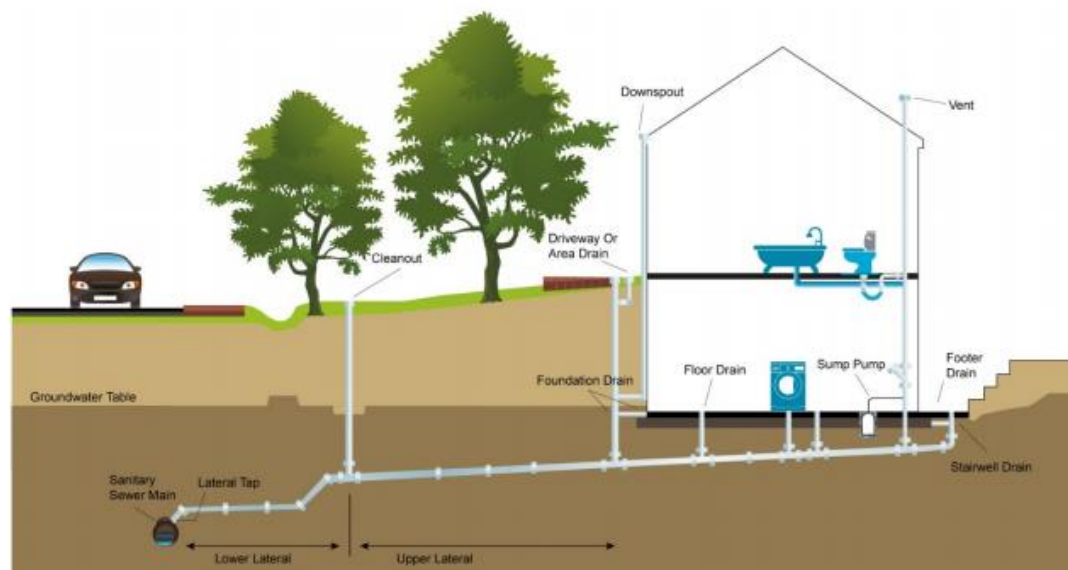
The county or municipality may use state or local funds allocated for the purpose of environmental preservation or the protection of water quality for a sanitary sewer lateral program.

Counties and municipalities may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

II. Present Situation:

Sanitary Sewer Laterals

A private sanitary sewer lateral is an underground pipe that connects private plumbing systems to a public sewer network, to convey wastewater from homes and businesses to wastewater treatment plants.¹ The diagram below shows an example of a sanitary sewer lateral configuration.²



Sanitary sewer laterals are often in poor condition and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices.³ Problems in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plant and can account for half of the infiltration and inflow to sanitary sewers.⁴ Cracked or broken laterals can allow groundwater and infiltrating rainwater to enter into the

¹ See Water Environment Federation, *Sanitary Sewers* (May 2011), available at <https://www.wef.org/globalassets/assets-wef/3---resources/topics/a-n/collection-systems/technical-resources/ss-fact-sheet-with-wider-margins-1.pdf> (last visited Nov. 4, 2021); see also Fla. Dep't of Environmental Protection, *Design and Specifications Guidelines for Low Pressure Sewer Systems* at xi, available at https://floridadep.gov/sites/default/files/guide_lowpres.pdf (last visited Nov. 4, 2021) (defining various relevant terms).

² Water Environment Federation, *Sanitary Sewer Rehabilitation Fact Sheet*, available at <https://www.wef.org/globalassets/assets-wef/direct-download-library/public/03---resources/wsec-2017-fs-009---csc---sewer-rehabilitation---final---9.27.17.pdf> (last visited Nov. 4, 2021).

³ *Id.*

⁴ *Id.*

sewer system which, at high levels, can cause problems at the treatment facility or overload the sewers and cause sanitary sewer overflows.⁵

The Florida Building Code requires every building in which plumbing fixtures are installed to be connected to a publicly or investor-owned sewage system, or if none is available, then to an approved onsite sewage treatment and disposal system.⁶

There are no statewide requirements for inspections of sanitary sewer laterals. Generally, local governments are responsible for maintaining sewer mains and the portions of sewer laterals in public rights-of-way,⁷ but the property owner is responsible for the maintenance and repair of a sanitary sewer lateral on the person's private property.⁸

Inspection Technologies

Before camera and robotic equipment became widely available, sewer inspections relied upon visual and lamping approaches.⁹ Workers would enter a maintenance access point (manhole) and visually examine the pipes. Sometimes workers would also attempt to illuminate the interior of a pipe to determine whether the light could reach the adjacent manhole (an approach known as lamping). If light was observed, the pipe was assumed to be relatively free from obstructions, but if light was not observed, the pipe was assumed to have a blockage that could obstruct flow.¹⁰

Today, workers are more likely to rely upon remote, non-entry, camera-based inspections such as cameras, closed-circuit television (CCTV), laser profiling, and sonar assessment.¹¹ Workers can use cameras by mounting them on a pole and lowering them into a manhole; an equipment operator can then remotely view at street level what the camera observes in the pipe. Another option is to use robotic systems mounted with CCTV camera equipment, which can be remotely operated, controlled, and monitored from ground level.¹² Laser profiling goes beyond visual inspection and allows for geometric measurements to be obtained. Sonar profiling equipment requires that the sensing apparatus be completely submerged and only provides an assessment of the pipe condition under the water level; therefore, sonar equipment is often coupled with CCTV equipment so that the pipe above and below the water level can be inspected.¹³

Sanitary Sewer Lateral Inspection Programs for Counties and Municipalities

A sanitary sewer lateral is defined in Florida law as “a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner.”¹⁴

⁵ U.S. Environmental Protection Agency (EPA), *Private Sewer Laterals* (Jun. 2014), available at <https://www3.epa.gov/region1/sso/pdfs/PrivateSewerLaterals.pdf> (last visited Nov. 4, 2021).

⁶ Ch. 7, § 701.2 Florida Building Code – Plumbing 7th Edition (July 2020).

⁷ See, e.g., *Sewer Systems*, http://www.beachapedia.org/Sewer_Systems (last visited Nov. 4, 2021).

⁸ See ss. 125.569 and 166.0481, F.S.

⁹ U.S. EPA, *Demonstration of Innovative Sewer System Inspection Technology: SL-RAT*, § 1.2, available at <https://nepis.epa.gov/Adobe/PDF/P100IY1P.pdf> (last visited Nov. 24, 2021).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Section 125.569(1), F.S.

Sections 125.569 and 166.0481, F.S., encourage counties and municipalities, respectively, to establish an evaluation and rehabilitation program, by July 1, 2022, for sanitary sewer laterals on residential and commercial properties within the county's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals.¹⁵ Counties and municipalities that opt to establish such a program are authorized to do the following:

- Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within their respective jurisdictions;
- Consider economical methods for a property owner to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral; and,
- Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is not limited to, the address of the property, the names of any persons the county or municipality notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.¹⁶

III. Effect of Proposed Changes:

The bill amends ss. 125.569 and 166.0481, F.S., relating to counties and municipalities, respectively. The bill makes the following changes to both sections of law.

The bill defines the term “continuous monolithic pipe system” to mean a pipe system with no joints or seams, including all points where the pipe connects to the structure, mainline, and the cleanout.

The bill authorizes counties and municipalities to access any sanitary sewer lateral within their jurisdictions to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

The bill deletes the deadline by which counties are encouraged to establish a sanitary sewer lateral evaluation and rehabilitation program.

The bill adds to and revises the discretionary minimum program requirements for counties and municipalities that establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties. For a county or municipality that identifies a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program to eliminate extraneous flow, the bill:

- Requires the county or municipality to notify the property owner of the issue by certified mail, return receipt requested. The notice must specify that the county or municipality intends to access the owner's property within 14 days after the property owner receives the notice to address the defective, damaged, or deteriorated sanitary sewer lateral. The notice must identify the issue, inform the property owner that he or she will be indemnified and held harmless in the repair process, and provide a proposed timeline and plan for the duration of the project, including start and completion dates.

¹⁵ See generally ss. 125.569 and 166.0481, F.S.

¹⁶ See *id.*

- Provides that the county or municipality is responsible for any repair work done on the private property. The bill requires the county or municipality to ensure that the property is restored to at least its pre-work conditions after the repair is complete if it is necessary to disrupt the property to access the sanitary sewer lateral.
- Requires that the repair work done to a sanitary sewer lateral by a county or municipality meets the following requirements:
 - Provide one continuous monolithic pipe system with connections for the structure, mainline, and cleanout installed and integrated into the continuous monolithic pipe system by a Florida licensed plumber; and
 - Be inspected using a lateral launch or similar CCTV camera system conducted by a Pipeline Assessment Certification Program (PACP) and Lateral Assessment and Certification Program (LACP)-certified camera operator. The contractor must produce and provide the county or municipality with a PACP- and LACP-certified report describing the conditions of the continuous monolithic pipe system and the respective connections to the main sewer pipe and the structure.
- Authorizes the county or municipality to consider economical methods for the county or municipality, rather than the homeowner, to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

The bill authorizes the county or municipality to use state or local funds allocated for the purpose of environmental preservation or the protection of water quality for a sanitary sewer lateral program.

The bill provides that counties and municipalities may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

The bill takes effect on July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill adds discretionary requirements to the evaluation and rehabilitation program that counties and municipalities may establish for sanitary sewer laterals. The bill is not a mandate because it does not require the expenditure of funds for the program.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends ss. 125.569 and 166.0481 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.)

CS by Environment and Natural Resources on November 30, 2021:

Provides that counties and municipalities may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

B. Amendments:

None.



850788

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/30/2021	.	
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	.	
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The Committee on Environment and Natural Resources (Brodeur)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 92 - 156
and insert:

(4) Notwithstanding subsection (3), a county may elect to
establish and implement an alternative evaluation and
rehabilitation program to identify and reduce extraneous flow
from leaking sanitary sewer laterals.

Section 2. Section 166.0481, Florida Statutes, is amended
to read:



850788

11 166.0481 Municipal sanitary sewer lateral inspections
12 ~~inspection programs for municipalities.~~—

13 (1) As used in this section, the term:

14 (a) "Continuous monolithic pipe system" means a pipe system
15 without any joints or seams, including all points where the pipe
16 connects to the structure, mainline, and cleanout.

17 (b) "Sanitary sewer lateral" means a privately owned
18 pipeline connecting a property to the main sewer line which is
19 maintained and repaired by the property owner.

20 (2) A municipality may access any sanitary sewer lateral
21 within its jurisdiction to investigate, clean, repair,
22 recondition, or replace the sanitary sewer lateral.

23 (3) By July 1, 2022, Each municipality is encouraged to
24 establish an evaluation and rehabilitation program for sanitary
25 sewer laterals on residential and commercial properties within
26 the municipality's jurisdiction to identify and reduce
27 extraneous flow from leaking sanitary sewer laterals. At a
28 minimum, the program may do all of the following:

29 (a) Establish a system to identify defective, damaged, or
30 deteriorated sanitary sewer laterals on residential and
31 commercial properties within the jurisdiction of the
32 municipality. If a municipality identifies a defective, damaged,
33 or deteriorated sanitary sewer lateral and initiates a program
34 to eliminate extraneous flow, the municipality:

35 1. Must notify the property owner of the issue by certified
36 mail, return receipt requested. The notice must specify that
37 within 14 days after receiving the notice, the municipality
38 intends to access the owner's property to address the defective,
39 damaged, or deteriorated sanitary sewer lateral. The notice must



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identify the issue, inform the property owner that he or she will be indemnified and held harmless in the repair process, and provide a proposed timeline and plan for the duration of the project, including start and completion dates.

2. Is responsible for any repair work done on the private property. If any disruption of the property is necessary to access the sanitary sewer lateral, the municipality must ensure that the property is restored to at least its pre-work condition after the repair is complete. Any repair work done to a sanitary sewer lateral must meet all of the following requirements:

a. Provide one continuous monolithic pipe system. The connections for the structure, mainline, and cleanout must be installed and integrated into the continuous monolithic pipe system by a Florida-licensed plumber; and

b. Be inspected using a lateral launch or similar CCTV camera system conducted by a Pipeline Assessment Certification Program (PACP)- and Lateral Assessment and Certification Program (LACP)-certified camera operator. The contractor must produce and provide the county with a PACP- and LACP-certified report describing the conditions in the continuous monolithic pipe system and the respective connections to the main sewer pipe and the structure.

(b) Consider economical methods for the municipality a ~~property owner~~ to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

(c) Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is



850788

not limited to, the address of the property, the names of any persons the municipality notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.

(d) Use state or local funds allocated for the purpose of environmental preservation or the protection of water quality.

(4) Notwithstanding subsection (3), a municipality may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

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

And the title is amended as follows:

Delete line 22

and insert:

protection of water quality; providing that counties and municipalities may establish and implement alternative evaluation and rehabilitation programs to identify and reduce extraneous flow from leaking sanitary sewer laterals; providing an effective

By Senator Brodeur

9-00523-22

2022608__

A bill to be entitled
An act relating to sanitary sewer lateral inspection programs; amending ss. 125.569 and 166.0481, F.S.; defining the term "continuous monolithic pipe system"; authorizing counties and municipalities, respectively, to access sanitary sewer laterals within their jurisdiction for specified purposes; requiring counties and municipalities to notify private property owners within a specified timeframe if the county or municipality intends to access the owner's sanitary sewer lateral; providing that counties and municipalities that establish programs are legally and financially responsible for all work done; requiring counties and municipalities that establish programs to consider economical methods for the counties and municipalities, rather than the property owners, to complete such work; authorizing a program established by a county or a municipality to evaluate and rehabilitate sanitary sewer laterals on residential and commercial properties to use state or local funds allocated for environmental preservation or the protection of water quality; providing an effective date.

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

Section 1. Section 125.569, Florida Statutes, is amended to read:

125.569 County sanitary sewer lateral inspections

9-00523-22

2022608__

~~inspection programs for counties.-~~

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

(a) "Continuous monolithic pipe system" means a pipe system without any joints or seams, including all points where the pipe connects to the structure, mainline, and cleanout.

(b) "Sanitary sewer lateral" means a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner.

(2) A county may access any sanitary sewer lateral within its jurisdiction to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

(3) ~~By July 1, 2022,~~ Each county is encouraged to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the county's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals. At a minimum, the program may do all of the following:

(a) Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within the jurisdiction of the county. If a county identifies a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program to eliminate extraneous flow, the county:

1. Must notify the property owner of the issue by certified mail, return receipt requested. The notice must specify that within 14 days after receiving the notice, the county intends to access the owner's property to address the defective, damaged, or deteriorated sanitary sewer lateral. The notice must identify the issue, inform the property owner that he or she will be

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indemnified and held harmless in the repair process, and provide a proposed timeline and plan for the duration of the project, including start and completion dates.

2. Is responsible for any repair work done on the private property. If any disruption of the property is necessary to access the sanitary sewer lateral, the county must ensure that the property is restored to at least its pre-work condition after the repair is complete. Any repair work done to a sanitary sewer lateral must meet all of the following requirements:

a. Provide one continuous monolithic pipe system. The connections for the structure, mainline, and cleanout must be installed and integrated into the continuous monolithic pipe system by a Florida-licensed plumber; and

b. Be inspected using a lateral launch or similar CCTV camera system conducted by a Pipeline Assessment Certification Program (PACP)- and Lateral Assessment and Certification Program (LACP)-certified camera operator. The contractor must produce and provide the county with a PACP- and LACP-certified report describing the conditions in the continuous monolithic pipe system and the respective connections to the main sewer pipe and the structure.

(b) Consider economical methods for the county ~~a property owner~~ to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

(c) Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is not limited to, the address of the property, the names of any

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persons the county notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.

(d) Use state or local funds allocated for the purpose of environmental preservation or the protection of water quality.

Section 2. Section 166.0481, Florida Statutes, is amended to read:

166.0481 Municipal sanitary sewer lateral inspections ~~inspection programs for municipalities.~~

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

(a) "Continuous monolithic pipe system" means a pipe system without any joints or seams, including all points where the pipe connects to the structure, mainline, and cleanout.

(b) "Sanitary sewer lateral" means a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner.

(2) A municipality may access any sanitary sewer lateral within its jurisdiction to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

(3) By July 1, 2022, Each municipality is encouraged to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the municipality's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals. At a minimum, the program may do all of the following:

(a) Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within the jurisdiction of the municipality. If a municipality identifies a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program

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2022608__

117 to eliminate extraneous flow, the municipality:

118 1. Must notify the property owner of the issue by certified
119 mail, return receipt requested. The notice must specify that
120 within 14 days after receiving the notice, the municipality
121 intends to access the owner's property to address the defective,
122 damaged, or deteriorated sanitary sewer lateral. The notice must
123 identify the issue, inform the property owner that he or she
124 will be indemnified and held harmless in the repair process, and
125 provide a proposed timeline and plan for the duration of the
126 project, including start and completion dates.

127 2. Is responsible for any repair work done on the private
128 property. If any disruption of the property is necessary to
129 access the sanitary sewer lateral, the municipality must ensure
130 that the property is restored to at least its pre-work condition
131 after the repair is complete. Any repair work done to a sanitary
132 sewer lateral must meet all of the following requirements:

133 a. Provide one continuous monolithic pipe system. The
134 connections for the structure, mainline, and cleanout must be
135 installed and integrated into the continuous monolithic pipe
136 system by a Florida-licensed plumber; and

137 b. Be inspected using a lateral launch or similar CCTV
138 camera system conducted by a Pipeline Assessment Certification
139 Program (PACP)- and Lateral Assessment and Certification Program
140 (LACP)-certified camera operator. The contractor must produce
141 and provide the county with a PACP- and LACP-certified report
142 describing the conditions in the continuous monolithic pipe
143 system and the respective connections to the main sewer pipe and
144 the structure.

145 (b) Consider economical methods for the municipality ~~at~~

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146 ~~property owner~~ to repair or replace a defective, damaged, or
147 deteriorated sanitary sewer lateral.

148 (c) Establish and maintain a publicly accessible database
149 to store information concerning properties where a defective,
150 damaged, or deteriorated sanitary sewer lateral has been
151 identified. For each property, the database must include, but is
152 not limited to, the address of the property, the names of any
153 persons the municipality notified concerning the faulty sanitary
154 sewer lateral, and the date and method of such notification.

155 (d) Use state or local funds allocated for the purpose of
156 environmental preservation or the protection of water quality.

157 Section 3. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 834

INTRODUCER: Senator Brodeur

SUBJECT: Long-term Cleanup of Harmful Algal Blooms

DATE: November 29, 2021

REVISED: _____

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

I. Summary:

SB 834 is the “Implementation of Long-term Solutions for Cleaning Florida’s Water Bodies Act.” It directs the Department of Environmental Protection (DEP) to:

- Procure technologies to physically remove algae, toxins, and nutrients from water bodies in the state;
- Provide the best available technology and other resources for reduction and long-term cleanup of harmful algal blooms; and
- Develop a plan for emergency response action.

The bill requires DEP to give preference to technologies that reduce nitrates and toxins that foster harmful algal blooms, are scalable, and are proven to improve water quality in freshwater bodies.

II. Present Situation:

Water Quality and Nutrients

Phosphorous and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life.¹ The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive amounts can cause significant water quality problems.

Phosphorous and nitrogen are derived from natural and human-made sources. Natural sources include the atmosphere, soils, and the decay of plants and animals. Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems), overflows of storm

¹ U.S. Environmental Protection Agency (EPA), *Sources and Solutions*, <https://www.epa.gov/nutrientpollution/sources-and-solutions> (last visited Nov. 18, 2021).

and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.²

Harmful Algal Blooms

Algal communities naturally occur in healthy aquatic ecosystems.³ However, under certain conditions algae may grow excessively or “bloom” and produce toxins that can harm human health, animals, aquatic ecosystems, and the economy. Harmful algal blooms are sometimes visible as green, yellow, red, or brown discolorations in the water that look like scums, paint-like slicks, clotted mats, or foam. Visible signs of a bloom are not necessary for algal toxins to exist in quantities sufficient to cause harm.⁴ The image below is an aerial view of a cyanobacteria bloom in Lake Okeechobee.⁵



² *Id.*

³ Congressional Research Service, *Freshwater Harmful Algal Blooms: Causes, Challenges, and Policy Considerations*, 1-2 (July 8, 2020) available at <https://crsreports.congress.gov/product/pdf/R/R44871>.

⁴ *Id.*

⁵ USGS, *Tracking the Bad Guys: Toxic Algal Blooms*, <https://www.usgs.gov/center-news/tracking-bad-guys-toxic-algal-blooms#:~:text=An%20aerial%20view%20of%20Lake%20Okeechobee%20in%20Florida,inhabit%20water%20in%20every%20corner%20of%20the%20world> (last visited Nov. 18, 2021).

Many factors may influence the occurrence and prevalence of harmful algal blooms in freshwater, including water temperature, nutrient concentration, pH, water circulation, and availability of light. Nutrient enrichment, especially nitrogen and phosphorous enrichment, is one of the key causes of harmful algal blooms. When high levels of nutrients enter a body of water, they stimulate plant and algal growth, which can lead to depletion of dissolved oxygen, reduced transparency, changes to the biological community, and degradation of the aesthetic appeal of the water. This process is called eutrophication.⁶

Studies also indicate that increased temperatures and changes in frequency and intensity of rainfall associated with climate change may favor harmful algal bloom formation. Some studies have found that swings between flooding and drought may result in more harmful algal blooms. For example, if intense rainfall is followed by drought, nutrients washed into receiving water bodies may remain there longer, increasing the potential for a harmful algal bloom.⁷

While many types of harmful algal blooms can occur in bodies of freshwater, cyanobacteria (sometimes called blue-green algae) blooms are most frequent and severe. Some species of cyanobacteria produce cyanotoxins, which can cause hepatic (liver-related), neurologic, respiratory, dermatologic, and other symptoms in humans and other animals. Exposure to cyanotoxins may occur by consuming tainted drinking water, fish or shellfish; swimming or recreating in waters with certain concentrations of cyanotoxins; and inhaling aerosolized cyanotoxins.⁸ Long-term health effects from cyanotoxin exposure is unclear.⁹

Blue-Green Algae Task Force

In 2019, Governor DeSantis directed the Department of Environmental Protection (DEP) to establish a Blue-Green Algae Task Force to expedite reduction of nutrient pollution and cyanobacteria blooms in the state.¹⁰ The task force provides guidance and specific, science-based recommendations with the goal of expediting the restoration of water bodies that have been adversely affected by cyanobacteria blooms.¹¹ The task force has focused on source identification, nutrient reduction and remediation efforts, algal toxins and human health effects, and innovative technologies as they relate to the prevention, cleanup, and mitigation of harmful algal blooms.¹²

⁶ *Id.* at 6.

⁷ *Id.*

⁸ *Id.* at 3. Common cyanotoxins that can cause illness in people and animals include: microcystin, cylindrospermopsin, anatoxin, saxitoxin, nodularin, and lyngbyatoxins. CDC, *Illness and Symptoms: Cyanobacteria in Fresh Water*, <https://www.cdc.gov/habs/illness-symptoms-freshwater.html> (last visited Nov. 19, 2021).

⁹ CDC, *Illness and Symptoms*.

¹⁰ State of Florida, Office of the Governor, *Executive Order Number 19-12 (2019)*, available at https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-12.pdf; DEP, *Blue-Green Algae Task Force*, <https://protectingfloridatogether.gov/state-action/blue-green-algae-task-force> (last visited Nov. 18, 2021).

¹¹ DEP, *Blue-Green Algae Task Force Consensus Document #1* (Dec. 2, 2019), available at https://floridadep.gov/sites/default/files/Final%20Consensus%20%231_0.pdf.

¹² *Id.*

Nutrient and Algae Removal Technologies

There are three key elements to managing cyanobacteria blooms: monitoring, mitigation, and prediction. Mitigation, especially through nutrient reduction, is likely to be most effective in the long term.¹³ Mitigation methods that are commonly used to reduce nutrient loads generally include: upgrading sewage treatment plants; more effectively managing stormwater; controlling erosion; reducing excess fertilizer in agriculture; and utilizing retention ponds and wetlands to intercept and assimilate nutrient loads.¹⁴ Because many of these strategies may take decades to have a sustained effect on algal blooms, it is important to have reactive options.¹⁵

Shorter-term, within-lake management options can be either physical, biological, or chemical. Physical methods include:

- Ultrasonics,
- Booms and curtains,
- Surface mixers,
- Fountains,
- Oxygenation (including nanobubbles),
- Destratification,
- Withdrawal of bottom waters,
- Light exclusion technology, and
- Flow manipulation.¹⁶

Chemical methods include:

- Hydrogen peroxide,
- Geochemical compounds (e.g., alum, Phoslock™, Aqual-P, etc.),
- Sediment capping, and
- Plant extracts.¹⁷

Biological methods include:

- Biological treatments (e.g., bacterial seeding),
- Biomanipulation of the food web, and
- Aquatic plants.¹⁸

DEP's Innovative Technology Grant Program is available to local governmental entities for projects that evaluate and implement innovative technologies and short-term solutions to combat algal blooms and nutrient enrichment, restore and preserve Florida waterbodies, and implement certain water quality treatment technologies.¹⁹ Project proposals must prevent, mitigate, or clean

¹³ Intergovernmental Oceanographic Commission/UNESCO, *Solutions for Managing Cyanobacterial Blooms*, 6 (2019), available at http://www.globalhab.info/files/Cyano_mitigation_GlobalHAB2019.pdf.

¹⁴ In Florida, these types of mitigation methods are often adopted through regulatory practices such as Basin Management Action Plans (BMAPs). BMAPs are the primary method that DEP uses to address pollutant loading for impaired waterbodies. Section 403.061, F.S.

¹⁵ *Solutions for Managing Cyanobacterial Blooms* at 6.

¹⁶ *Id.* at 14.

¹⁷ *Id.* at 14.

¹⁸ *Id.* at 14.

¹⁹ DEP, *Grants*, <https://protectingfloridatogether.gov/state-action/grants-submissions> (last visited Nov. 19, 2021).

up harmful algal blooms, with an emphasis on nutrient reductions, or must improve the ability to predict and monitor harmful algal blooms.²⁰ Key funding considerations include whether the project:

- Is innovative,
- Avoids environmental harm,
- Is scalable,
- Has water quality benefits,
- Is ready to construct, and
- Is geographically located in an area with a water quality restoration plan (reasonable assurances plan or BMAP).²¹

As of June 2021, DEP allocated the funds in this grant program towards 20 innovative technology projects totaling \$14.9 million. DEP has given the grants to local governments, universities, and water management districts to develop and test the technologies in locations throughout the state.²² Of the 20 projects, seven are dedicated to nutrient reductions; nine are focused on addressing algae in waterways through algicides, nanobubble technology, soundwaves, and mechanical harvesting; and four are designed to identify how to better predict formation of algal blooms.²³

III. Effect of Proposed Changes:

The bill contains whereas clauses that acknowledge the following:

- Governor DeSantis created the Blue-Green Algae Task Force to improve water quality for the benefit of all Floridians;
- The task force and the Department of Environmental Protection (DEP) are working together to pilot innovative technologies to eliminate harmful algal blooms and clean waterbodies in this state;
- Funding is necessary to implement a long-term program to clean waterbodies that are high in nitrates and nutrients; and
- DEP is responsible for cleanup of this state's waterbodies.

Section 1 names the act “Implementation of Long-term Solutions for Cleaning Florida’s Water Bodies Act.”

Section 2 directs DEP to address the growing threat to the general public from harmful algal blooms by:

- Procuring innovative technologies to physically remove harmful algae, toxins, and nutrients from water bodies;
- Providing resources to reduce harmful algal blooms;

²⁰ DEP, *Blue Green Algae Task Force*, https://www.protectingfloridatogether.gov/sites/default/files/documents/210623_BGATF-Materials-Web.pdf (last visited Nov. 19, 2021).

²¹ *Id.*

²² *Id.*

²³ DEP, *Innovative Technologies*, <https://www.protectingfloridatogether.gov/sites/default/files/documents/DEP%20Innovative%20Tech%20Presentation.pdf> (last visited Nov. 19, 2021).

- Providing the best available technology for long-term cleanup of harmful algal blooms; and
- Developing a plan for emergency response action.

The bill directs DEP to give preference to innovative technologies that:

- Reduce the nitrates and toxins fostering harmful algal blooms,
- Are scalable, and
- Are proven to improve water quality in freshwater bodies.

Section 3 provides that the effective date is July 1, 2022.

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:

Businesses providing solutions to harmful algal blooms may see a positive fiscal impact from grants provided pursuant to this bill.

C. Government Sector Impact:

A grant program addressing harmful algal blooms may have a negative fiscal impact on the state, but water quality improvements may have a positive impact in the long term.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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

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

None.

B. Amendments:

None.

By Senator Brodeur

9-00759B-22

2022834__

A bill to be entitled
An act relating to the long-term cleanup of harmful
algal blooms; providing a short title; requiring the
Department of Environmental Protection to take certain
actions to physically remove, reduce, clean up, and
respond to harmful algal blooms; requiring the
department to give preference to innovative
technologies that meet certain standards; providing an
effective date.

WHEREAS, Governor Ron DeSantis created the Blue-Green Algae
Task Force in 2019 to "improve water quality for the benefit of
all Floridians," and

WHEREAS, the task force and the Department of Environmental
Protection are working together to pilot innovative technologies
to eliminate the occurrence of harmful algal blooms and to clean
water bodies throughout this state, and

WHEREAS, the Legislature recognizes that funding is
necessary to implement a long-term program to clean water bodies
that are high in nitrates and nutrients that foster algal
blooms, and

WHEREAS, the department is the responsible entity for
cleanup of this state's water bodies to protect the health,
safety, and wellness of all residents, NOW, THEREFORE,

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

Section 1. This act may be cited as the "Implementation of
Long-term Solutions for Cleaning Florida's Water Bodies Act."

9-00759B-22

2022834__

Section 2. Long-term cleanup of harmful algal blooms.—

(1) To address the growing threat to the general public from harmful algal blooms, the Department of Environmental Protection shall procure innovative technologies that will physically remove harmful algal blooms, toxins, algae, and nutrients from water bodies in this state; provide resources to reduce harmful algal blooms; provide the best available technology for the long-term cleanup of the harmful algal blooms; and develop a plan for emergency response action.

(2) The department shall give preference to innovative technologies that reduce the nitrates and toxins fostering harmful algal blooms, are scalable, and are proven to improve water quality in freshwater bodies.

Section 3. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 856

INTRODUCER: Environment and Natural Resources Committee and Senator Brodeur

SUBJECT: Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems

DATE: November 30, 2021 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 856 authorizes the owner (or an authorized contractor) of an onsite sewage treatment and disposal system (OSTDS) to hire a private provider to inspect the OSTDS. The owner or contractor would pay the private provider directly, so long as the owner or contractor has a written contract with the private provider for the inspection.

The bill prohibits the Florida Department of Environmental Protection (DEP) from charging an inspection fee for an OSTDS inspection performed by a private provider under these circumstances.

The bill provides that OSTDS inspections may only be performed by a private provider (or an authorized representative) and identifies the qualifications to be a private provider.

The bill requires an owner or an authorized contractor using a private provider for an OSTDS inspection to provide notice to DEP within certain timeframes before the first scheduled inspection by DEP. It also prescribes what information the notice must include, including information regarding the private provider and an owner acknowledgment in a form specified in the bill.

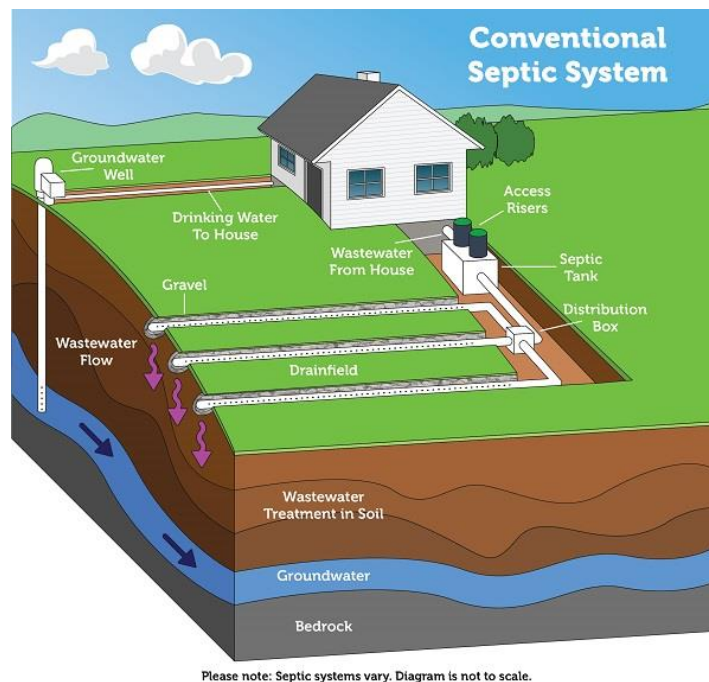
The bill authorizes DEP to audit the performance of an OSTDS inspection by a private provider, but limits the number of times the private provider may be audited to four times in a month unless DEP determines that an OSTDS inspected by the private provider should not have passed

inspection. Work on a building, a structure, or an OSTDS may proceed after inspection and approval by a private provider if the owner or authorized contractor has given notice of the inspection as described in the bill and, subsequent to such inspection and approval, such work may not be delayed for completion of an inspection audit by DEP.

II. Present Situation:

Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (OSTDSs), commonly referred to as “septic systems,” generally consist of two basic parts: the septic tank and the drainfield.¹ Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs. The drainfield also provides filtration of the wastewater, as gravity draws the water down through the soil layers.²



There are an estimated 2.6 million OSTDSs in Florida, providing wastewater disposal for 30 percent of the state’s population.³ In Florida, development in some areas is dependent on

¹ DOH, *Septic System Information and Care*, <http://columbia.floridahealth.gov/programs-and-services/environmental-health/onsite-sewage-disposal/septic-information-and-care.html> (last visited Nov. 18, 2021); EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Nov. 18, 2021) (showing the graphic provided in the analysis).

² *Id.*

³ DOH, *Onsite Sewage*, <http://www.floridahealth.gov/environmental-health/onsite-sewage/index.html> (last visited Nov. 18, 2021).

OSTDSs due to the cost and time it takes to install central sewer systems.⁴ For example, in rural areas and low-density developments, central sewer systems are not cost-effective. Less than one percent of OSTDSs in Florida are actively managed under operating permits and maintenance agreements.⁵ The remainder of systems are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine maintenance.⁶

The Clean Waterways Act transferred the Onsite Sewage Program from the Department of Health (DOH) to DEP, effective July 1, 2021.⁷ Accordingly, as of July 1, 2021, DEP has assumed responsibility for conducting inspections associated with the construction, installation, maintenance, modification, abandonment, operation, use, or repair of OSTDSs for residences and certain other establishments.⁸

DEP Inspections for Construction, Alteration, and Abandonment of OSTDSs

Regarding the installation or construction of OSTDSs, DEP's Onsite Sewage Program regulations provide that, before covering an OSTDS with earth and before placing an OSTDS into service, a person installing or constructing any portion of an OSTDS must notify DEP of the completion of construction activities and must have the system inspected by DEP for compliance with applicable regulatory requirements, except for repair installations, which may be inspected by either DEP or a master septic tank contractor under certain conditions.⁹

If an owner or an owner's authorized representative is proposing alterations to an existing and prior-approved OSTDS that will modify its sewage characteristics or increase sewage flow, the owner or authorized representative is required to apply for and receive reapproval of the OSTDS by DEP prior to any alteration of the OSTDS. The owner or authorized representative must first have all system tanks pumped by a permitted septage disposal service, then have either a registered septic tank contractor, state-licensed plumber, person certified under Section 381.0101, F.S., or a master tank contractor determine the tank volume and perform a visual tank inspection to detect any observable defects or leaks in the tank. The person performing the inspection must submit the results of the inspection to DEP.¹⁰

Whenever an owner or the owner's authorized representative wishes to abandon an OSTDS, the owner or the representative must apply for a permit from DEP to abandon the OSTDS and

⁴ DOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, § 1.0 (Oct. 1, 2008), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/documents/rrac/2008-11-06.pdf> (last visited Nov. 18, 2021). The report begins on page 56 of the PDF.

⁵ *Id.*

⁶ *Id.*

⁷ Chapter 2020-150, s. 2, Laws of Fla.

⁸ Section 381.0065(3)(b), F.S. Although DEP is now responsible for the Onsite Sewage Program, DEP and DOH have agreed that county health departments should continue to have a role in the inspection, permitting, and tracking of OSTDSs, under the direction of DEP. See DOH and DEP, *Interagency Agreement between Florida Department of Environmental Protection and Florida Department of Health in Compliance with Florida's Clean Waterways Act for Transfer of the Onsite Sewage Program*, available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/documents/interagency-agreement-between-fdoh-fdep-onsite-signed-06302021.pdf> (last visited Nov. 18, 2021).

⁹ Fla. Admin. Code R. 62-6.003(2), (3).

¹⁰ Fla. Admin. Code R. 62-6.001(4), (4)(b), (5).

submit the required fee.¹¹ Upon receiving a permit, the tank must be pumped out by a permitted septage disposal company, unless the tank is already empty and dry, in which case a written statement to that effect must be provided to DEP. The bottom of the tank must then be opened or ruptured, or the entire tank collapsed, so as to prevent the tank from retaining water. The tank must also be filled with clean sand or other suitable material and completely covered with soil. DEP or the local utility or plumbing authority performing the system abandonment must then perform an inspection of the system abandonment.¹²

DEP maintains a schedule of fees, including inspection fees, for the services it provides.¹³

Periodic Evaluation and Assessment of Onsite Sewage Treatment and Disposal Systems

A county or municipality that contains a first magnitude spring must, and any county or municipality that does not contain a first magnitude spring may, develop and adopt by local ordinance an OSTDS evaluation and assessment program meeting the requirements of state law.¹⁴ There are exceptions. If a county or municipality that contains a first magnitude spring has already adopted an OSTDS evaluation and assessment program, and it meets the grandfathering provisions of the statute, it is exempt from the requirement.¹⁵ The governing body of a local government can also choose to opt out of the requirement by adopting a resolution by a 60 percent vote that indicates an intent to not adopt an OSTDS evaluation and assessment program.¹⁶

If adopted, the OSTDS evaluation and assessment program requires that each OSTDS within all or part of the county's or municipality's jurisdiction be evaluated once every 5 years to assess the fundamental operational condition of the system and to identify system failures.¹⁷ Evaluations must be performed by a qualified contractor, who may be a septic tank contractor or master septic tank contractor registered under state law; a professional engineer having wastewater treatment system experience and licensed under state law; or an environmental health professional certified under state law in the area of OSTDS evaluation.¹⁸ Evaluations and pump-outs may also be performed by an authorized employee working under the supervision of one of these individuals.¹⁹

The county or municipality adopting the OSTDS evaluation and assessment program may develop a reasonable fee schedule in consultation with the county health department. Fees are assessed to the system owner during the inspection and separately identified on the invoice of the

¹¹ Fla. Admin. Code R. 62-6.011(2)(a). However, permitting is not necessary if a local utility or local plumbing authority performs a system abandonment program that includes completion of the other steps identified in the rule. Fla. Admin. Code R. 62-6.011(3).

¹² Fla. Admin. Code R. 62-6.011(2).

¹³ Fla. Admin. Code R. 62-6.030.

¹⁴ Section 381.00651(2), F.S.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Section 381.00651(6)(a), F.S.

¹⁸ Section 381.00651(6)(b), F.S.

¹⁹ *Id.*

qualified contractor. Fees are then remitted by the qualified contractor to the county health department.²⁰

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 381.0065, F.S., to authorize – notwithstanding any other law, ordinance, or policy – the owner of an OSTDS, or a contractor upon the owner’s written authorization, to hire a private provider to perform an inspection of the owner’s OSTDS and pay the private provider directly if the inspection is the subject of a written contract between the private provider, or the private provider’s firm, and the owner or the authorized contractor.

The bill prohibits the Florida Department of Environmental Protection (DEP) from charging an inspection fee for an OSTDS inspection performed by a private provider under written contract with an owner or authorized contractor in accordance with the bill and DEP rules.

The bill provides that OSTDS inspections may only be performed by a private provider, or an authorized representative of a private provider, who is:

- An environmental health professional certified in accordance with state law;
- A master septic tank contractor registered in accordance with state law;
- A professional engineer licensed in accordance with state law, who has passed all parts of the Onsite Sewage Treatment Disposal System Accelerated Certification Training; or
- A person who is working under the supervision of a licensed professional engineer and who has passed all parts of the Onsite Sewage Treatment Disposal System Accelerated Certification Training.

The bill requires an owner or an authorized contractor using a private provider for an OSTDS inspection to provide notice to DEP at the time of the permit application or by 2 p.m. local time, 2 business days before the first scheduled inspection by DEP. The notice must include all of the following information:

- For each private provider or authorized representative performing the inspection:
 - Name and firm name, address, telephone number, and e-mail address;
 - Professional license or certification number; and
 - Qualification statement or resume.
- An acknowledgment from the owner in substantially the following form:

“I have elected to use one or more private providers to perform an onsite sewage treatment and disposal system inspection that is the subject of the enclosed permit application. I understand that the department may not perform the required onsite sewage treatment and disposal system inspection to determine compliance with the applicable codes, except to the extent authorized by law. Instead, the inspection will be performed by the licensed or certified private provider identified in the application. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified private provider and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the department from any claims arising from my use of the licensed or certified private provider

²⁰ Section 381.00651(8), F.S.

identified in the application to perform the onsite sewage treatment and disposal system inspection that is the subject of the enclosed permit application.”

Moreover, if an owner or authorized contractor makes any changes to the listed private provider or the service to be performed by the private provider, the owner or the authorized contractor must update the notice to reflect the change within 1 business day after the change. The change of an authorized representative identified in the permit application does not require a revision of the permit and DEP may not charge a fee for making such change.

The bill authorizes DEP to audit the performance of an OSTDS inspection by a private provider. However, the same private provider may not be audited more than four times in a month unless DEP determines that an OSTDS inspected by the private provider should not have passed inspection. Work on a building, a structure, or an OSTDS may proceed after inspection and approval by a private provider if the owner or authorized contractor has given notice of the inspection as described in the bill and, subsequent to such inspection and approval, such work may not be delayed for completion of an inspection audit by DEP.

Section 2 of the bill amends the definition of ‘qualified contractors’ in s. 381.00651(6)(b), F.S., to provide that qualified contractors may be private providers or authorized representatives of private providers as described in the bill.

The bill also amends s. 381.00651(8), F.S., to clarify that nothing in that subsection, which authorizes counties and municipalities (in consultation with the county health department) to charge fees for required springs protection/voluntarily-adopted OSTDS inspection programs, may be construed as authorizing DEP to charge an inspection fee for an OSTDS inspection performed by a private provider in accordance with the bill.

Section 3 of the bill provides that the bill takes effect upon becoming a law.

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:

Private sector businesses that can serve the functions provided for in the bill may see a positive fiscal impact from the bill.

C. Government Sector Impact:

DEP, DOH, and the county health departments may experience a negative fiscal impact due to the recovery of fewer onsite sewage treatment and disposal system inspection fees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends ss. 381.0065 and 381.00651 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.)

CS by Environment and Natural Resources on November 30, 2021:

Revises an existing definition of qualified contractors in state law to incorporate the list of private providers in the bill by reference. The bill also clarifies that a certain statutory provision authorizing counties and municipalities to charge fees for required springs protection/voluntarily-adopted OSTDS inspection programs may not be construed as authorizing DEP to charge an inspection fee for inspections performed by private providers.

B. Amendments:

None.

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



151510

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/30/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Between lines 100 and 101
insert:

Section 2. Paragraph (b) of subsection (6) and subsection
(8) of section 381.00651, Florida Statutes, is amended to read:
381.00651 Periodic evaluation and assessment of onsite
sewage treatment and disposal systems.—

(6) The requirements for an onsite sewage treatment and
disposal system evaluation and assessment program are as



151510

follows:

(b) *Qualified contractors.*—Each evaluation required under this subsection must be performed by a qualified contractor, who may be a private provider or an authorized representative of a private provider as described in s. 381.0065(8)(c). ~~a septic tank contractor or master septic tank contractor registered under part III of chapter 489, a professional engineer having wastewater treatment system experience and licensed under chapter 471, or an environmental health professional certified under this chapter in the area of onsite sewage treatment and disposal system evaluation.~~ Evaluations and pump-outs may also be performed by an authorized employee working under the supervision of an individual listed in this paragraph; however, all evaluation forms must be signed by a qualified contractor in writing or by electronic signature.

(8) The county health department, in coordination with the department, shall administer any evaluation program on behalf of a county, or a municipality within the county, that has adopted an evaluation program pursuant to this section. In order to administer the evaluation program, the county or municipality, in consultation with the county health department, may develop a reasonable fee schedule to be used solely to pay for the costs of administering the evaluation program. Such a fee schedule shall be identified in the ordinance that adopts the evaluation program. When arriving at a reasonable fee schedule, the estimated annual revenues to be derived from fees may not exceed reasonable estimated annual costs of the program. Fees shall be assessed to the system owner during an inspection and separately identified on the invoice of the qualified contractor. Fees



151510

shall be remitted by the qualified contractor to the county health department.

(a) The county health department's administrative responsibilities include the following:

1. ~~(a)~~ Providing a notice to the system owner at least 60 days before the system is due for an evaluation. The notice may include information on the proper maintenance of onsite sewage treatment and disposal systems.

2. ~~(b)~~ In consultation with the department, providing uniform disciplinary procedures and penalties for qualified contractors who do not comply with the requirements of the adopted ordinance, including, but not limited to, failure to provide the evaluation report as required in this subsection to the system owner and the county health department. Only the county health department may assess penalties against system owners for failure to comply with the adopted ordinance, consistent with existing requirements of law.

(b) Nothing in this subsection shall be construed as authorizing the department to charge an inspection fee for an onsite sewage treatment and disposal system inspection performed by a private provider in accordance with s. 381.0065(8).

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

And the title is amended as follows:

Delete line 13

and insert:

conditions; amending s. 381.00651, F.S.; revising the list of providers authorized to perform onsite sewage



151510

69 treatment and disposal system evaluations; providing
70 for applicability; providing an effective date.

By Senator Brodeur

9-00830-22

2022856__

1 A bill to be entitled
2 An act relating to private provider inspections of
3 onsite sewage treatment and disposal systems; amending
4 s. 381.0065, F.S.; authorizing private provider
5 inspections of onsite sewage treatment and disposal
6 systems under certain conditions; prohibiting the
7 Department of Environmental Protection from charging
8 certain inspection and permit fees; specifying
9 requirements for private providers and onsite sewage
10 treatment and disposal system owners and authorized
11 contractors; authorizing the department to audit the
12 performance of such inspections; providing audit
13 conditions; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (8) is added to section 381.0065,
18 Florida Statutes, to read:

19 381.0065 Onsite sewage treatment and disposal systems;
20 regulation.—

21 (8) PRIVATE PROVIDER INSPECTIONS.—

22 (a) Notwithstanding any other law, ordinance, or policy,
23 the owner of an onsite sewage treatment and disposal system or a
24 contractor upon the owner's written authorization may hire a
25 private provider to perform an inspection of the onsite sewage
26 treatment and disposal system and pay the private provider
27 directly if the inspection is the subject of a written contract
28 between the private provider or the private provider's firm and
29 the owner or the authorized contractor.

9-00830-22

2022856__

(b) The department may not charge an inspection fee for an onsite sewage treatment and disposal system inspection performed by a private provider under written contract with an owner or authorized contractor in accordance with this section and department rules.

(c) Onsite sewage treatment and disposal system inspections may only be performed by a private provider or an authorized representative of a private provider who is:

1. An environmental health professional certified under s. 381.0101;

2. A master septic tank contractor registered under part III of chapter 489;

3. A professional engineer licensed under chapter 471 and has passed all parts of the Onsite Sewage Treatment Disposal System Accelerated Certification Training; or

4. Working under the supervision of a licensed professional engineer and has passed all parts of the Onsite Sewage Treatment Disposal System Accelerated Certification Training.

(d) An owner or authorized contractor using a private provider for an onsite sewage treatment and disposal system inspection must provide notice to the department at the time of permit application or by 2 p.m. local time, 2 business days before the first scheduled inspection by the department. The notice must include all of the following information:

1. For each private provider or authorized representative performing the inspection:

a. Name and firm name, address, telephone number, and e-mail address.

b. Professional license or certification number.

9-00830-22

2022856__

59 c. Qualification statement or resume.

60 2. An acknowledgment from the owner in substantially the
61 following form:

62
63 I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM
64 AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT
65 IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND
66 THAT THE DEPARTMENT MAY NOT PERFORM THE REQUIRED ONSITE SEWAGE
67 TREATMENT AND DISPOSAL SYSTEM INSPECTION TO DETERMINE COMPLIANCE
68 WITH THE APPLICABLE CODES, EXCEPT TO THE EXTENT AUTHORIZED BY
69 LAW. INSTEAD, THE INSPECTION WILL BE PERFORMED BY THE LICENSED
70 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION. BY
71 EXECUTING THIS FORM, I ACKNOWLEDGE THAT I HAVE MADE INQUIRY
72 REGARDING THE COMPETENCE OF THE LICENSED OR CERTIFIED PRIVATE
73 PROVIDER AND AM SATISFIED THAT MY INTERESTS ARE ADEQUATELY
74 PROTECTED. I AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE
75 DEPARTMENT FROM ANY CLAIMS ARISING FROM MY USE OF THE LICENSED
76 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION TO
77 PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
78 INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT
79 APPLICATION.

80
81 If an owner or authorized contractor makes any changes to the
82 listed private provider or the service to be performed by the
83 private provider, the owner or the authorized contractor must
84 update the notice to reflect the change within 1 business day
85 after the change. The change of an authorized representative
86 identified in the permit application does not require a revision
87 of the permit and the department may not charge a fee for making

9-00830-22

2022856__

88 such change.

89 (e) The department may audit the performance of an onsite
90 sewage treatment and disposal system inspection by a private
91 provider. However, the same private provider may not be audited
92 more than four times in a month unless the department determines
93 that an onsite sewage treatment and disposal system inspected by
94 the private provider should not have passed inspection. Work on
95 a building, a structure, or an onsite sewage treatment and
96 disposal system may proceed after inspection and approval by a
97 private provider if the owner or authorized contractor has given
98 notice of the inspection pursuant to paragraph (d) and,
99 subsequent to such inspection and approval, such work may not be
100 delayed for completion of an inspection audit by the department.

101 Section 2. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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11/30/21
Meeting Date

ENVIRONMENT & NR
Committee

SB 6006
Bill Number or Topic

Amendment Barcode (if applicable)

Name JARREY SHARKEY

Phone 888 224 1060

Address 100 E College Ave # 1110
Street

Email JARREYSHARKEY@gmail.com

TH FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

City of St Petersburg

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

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

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11/30/21

Meeting Date

Environment & Natural Resources
Committee

SB 442

Bill Number or Topic

Name Angela Drzewiecki (Drez-wick - ee)

Amendment Barcode (if applicable)

Phone 850 587-7383

Address 301 S Bronough St
Street

Email Angela@psmf1.net

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Monroe County

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

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

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11/30/21

Meeting Date

Enviro. + Nat Resources

Committee

7012

Bill Number or Topic

209986 SA

Amendment Barcode (if applicable)

Name Rocco Salvatori

Phone 850-224-7333

Address 343 W Madison St

Street

Email Rocco@fptp.org

Tallahassee

City

FL

State

32301

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:
Florida Professional
Firefighters

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

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

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11/30/2021
Meeting Date

S. E. NR
Committee

7012

Bill Number or Topic

Name KEYNA CORY

Amendment Barcode (if applicable)

Address 730 E PARK AVE
Street

Phone 850 681 1065

TAUHAASSEE FL 32301
City State Zip

Email Kynacoryc.pac@mail.hawaii.gov

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

NATIONAL WASTE &
RECYCLING ASSN.

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

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

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November 30, 2021

The Florida Senate
APPEARANCE RECORD

DUPLICATE

Meeting Date
Environment and Natural Resources

Deliver both copies of this form to
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7012

Bill Number or Topic

Committee
Name Darrick D McGhee, Sr

Amendment Barcode (if applicable)
Phone (850) 321-6489

Address 537 East Park Avenue

Email darrick@teamjb.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Airports Council

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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494

Bill Number or Topic

772768

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Jeff Sharkey

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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The Florida Senate
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11/30/21
Meeting Date

Environment NR
Committee

SB 494
Bill Number or Topic
482518
Amendment Barcode (if applicable)

Name JEFFREY SHARKEY Phone 850 224 1660
Address 106 E College Ave # 1110 Email JEFFREYSHARKEY@gmail.com
T2H FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

CITY OF
ST PETERSBURG

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

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

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The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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11/30/21
Meeting Date

ENR
Committee

494
Bill Number or Topic

482518
Amendment Barcode (if applicable)

Name Jessica Crawford Phone 850-487-3795

Address 620 S Meridian St. Email jessica.crawford@myfwc.com
Tallahassee FL 32399
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Fish & Wildlife
Conservation Commission

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

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

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The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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494

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Jeff Sharkey

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

11/30/2021

Meeting Date

Environment & Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

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Senate Confirmation-Ben Butler (SFWMD)

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Beth Alvi**

Phone **850-999-1028**

Address **308 N. Monroe**

Street

Email **beth.alvi@audubon.org**

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Audubon Florida

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

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

S-001 (08/10/2021)

11/30/2021

Meeting Date

Environment & Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

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

Senate Confirmation-Anna Upton (NFWFMD)

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Beth Alvi**

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S-001 (08/10/2021)

11/30/2021

Meeting Date

Environment & Natural Resources

Committee

The Florida Senate
APPEARANCE RECORD

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Senate Confirmation-Charlette Roman (SFWMD)

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Beth Alvi**

Phone **850-999-1028**

Address **308 N. Monroe**

Street

Email **beth.alvi@audubon.org**

Tallahassee

City

FL

State

32301

Zip

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

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☒ I am a registered lobbyist,
representing:

Audubon Florida

☐ I am not a lobbyist, but received
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(travel, meals, lodging, etc.),
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S-001 (08/10/2021)

11/30/2021

Meeting Date

Environment & Natural Resources

Committee

Name **Beth Alvi**

Phone **850-999-1028**

Address **308 N. Monroe**

Email **beth.alvi@audubon.org**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Audubon Florida

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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SFWMD

Senate Confirmation-Cheryl Meads (SFWMD)

Bill Number or Topic

T.P.

Amendment Barcode (if applicable)

The Florida Senate

APPEARANCE RECORD

11/30/21

Meeting Date

Environment & Natural Resources

Committee

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

SB 834

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Angela Drzewiecki (Drez-wick-ee)

Phone

850-681-7383

Address

301 South Bronough St

Street

Email

angela@psmfla.net

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Association of Counties

☐

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

856
Bill Number or Topic

Amendment Barcode (if applicable)

11/30/21
Meeting Date
Enviro + Nat Resources
Committee

Name Bill Helmich Phone 850 251 3126

Address 120 S Monroe St Email Bill@Helmichconsulting.com
Street

Tallah FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing: ~~FOWA~~

FOWA

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

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S-001 (08/10/2021)

11-30-21

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 856

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Committee

KARI HEBRANK

Phone

850-566-7824

Address

Street

215 S. MONROE ST

Email

Khebrank@carltonfields.com

City

TALLAHASSEE FL 32301

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FLORIDA HOME BUILDERS

☐

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

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

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S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 37
Caption: Senate Environment and Natural Resources Committee

Type:
Judge:

Started: 11/30/2021 9:00:22 AM
Ends: 11/30/2021 9:29:59 AM **Length:** 00:29:38

9:00:22 AM The meeting will come to order
9:00:24 AM Roll call
9:00:27 AM Quorum present
9:00:36 AM Pledge
9:01:05 AM Tab 3 SB 606 by Senator Garcia
9:01:37 AM Senator Garcia explains SB 606
9:02:36 AM Questions on the bill
9:02:55 AM Appearance form
9:03:00 AM Jeffrey Sharky City of St. Petersburg waives in support
9:03:17 AM Debate
9:03:20 AM Senator Garcia waives close
9:03:25 AM Roll call
9:03:29 AM SB 606 Favorably
9:03:49 AM Tab 1 SB 442 by Senator Rodriguez
9:04:08 AM Senator Rodriguez explains bill
9:04:20 AM Questions on bill
9:04:49 AM Appearance form
9:04:55 AM Angela Drzewiecki of Monroe County waives in support
9:05:09 AM Debate? none
9:05:16 AM Senator Rodriguez waive close
9:05:18 AM Roll call
9:05:23 AM SB 442 is reported favorably
9:05:48 AM Gavle passed to Vice Chair Stewart
9:05:59 AM Tab 17 SPB 7012 by EN
9:06:16 AM Senator Brodeur explains bill
9:07:36 AM Questions
9:08:35 AM Amendment 709520 Senator Brodeur
9:08:54 AM Senator Brodeur explains Amendment 709520
9:09:10 AM Questions for Amendment barcode 709520
9:09:46 AM Appearance form
9:09:59 AM Rocco Salvatori of Florida Professional Firefighters speaking in favor
9:11:11 AM Debate?
9:11:15 AM Senator Bean with debate
9:11:54 AM SA barcode 209986 Chair Brodeur
9:12:18 AM Questions?
9:12:37 AM Appearance form
9:12:47 AM Debate, none
9:12:56 AM Chair Brodeur waive close
9:13:10 AM Amendment is adopted
9:13:24 AM Back on bill as adopted
9:13:33 AM Questions?
9:13:39 AM Appearance forms
9:13:48 AM Keyna Cory with National Waste and Recycling Association
9:13:56 AM Darrick McGhee of Florida Airports Council waive in support
9:14:12 AM Debate on bill
9:14:21 AM Senator Albritton moves bill to be submitted as committee bill
9:14:38 AM Roll call
9:14:42 AM SPB 7012 is favorably reported as committee bill
9:15:03 AM Tab 18 CS/SB 608 Chair Brodeur
9:15:23 AM Senator Brodeur explains bill
9:15:53 AM Questions?
9:15:57 AM Amendment barcode 850788

9:16:07 AM Chair Brodeur explains amendment
9:16:20 AM Questions on amendment?
9:16:26 AM Appearance form, none
9:16:32 AM Debate
9:16:37 AM Chair Brodeur waive close
9:16:44 AM Amendment barcode 850788 is adopted
9:16:58 AM Questions on bill as amended
9:17:03 AM Appearance form, none
9:17:06 AM Debate
9:17:09 AM Chair Brodeur waives close
9:17:18 AM Roll call for CS/SB 608
9:17:31 AM CS/SB 608 is reported favorably
9:17:42 AM Pass gavel back to Chair Brodeur
9:17:51 AM Tab 2 SB 494 by Senator Hutson
9:18:09 AM Senator Hutson explains bill
9:18:26 AM Take up Strike all amendment barcode 482518
9:19:36 AM Questions on strike all
9:19:40 AM Take up amendment to amendment barcode 772768
9:19:53 AM Senator Hutson explains amendment to amendment
9:20:07 AM Questions
9:20:10 AM Appearance forms
9:20:17 AM Jeffrey Sharkey City of St. Petersburg waives in support
9:20:24 AM Debate
9:20:26 AM Senator Hutson waive close
9:20:28 AM Amendment to amendment is adopted
9:20:36 AM Back on strike all
9:20:44 AM Appearance form
9:20:46 AM Jeffrey Sharkey City of St. Petersburg waives in support
9:20:50 AM Jessica Crawford of Florida Fish and Wildlife Conservation Commission waives in support
9:20:58 AM Debate?
9:21:04 AM Senator Hutson waive close
9:21:07 AM Amendment as amended is adopted
9:21:16 AM Back on bill
9:21:21 AM Appearance form
9:21:24 AM Jeffrey Sharkey City of St. Petersburg waives in support
9:21:29 AM Debate on bill
9:21:35 AM Senator Hutson waive close
9:21:40 AM Roll call
9:21:43 AM CS/SB 494 reported favorably
9:22:03 AM Confirmation status
9:22:18 AM Temporarily Postpone on Northwest and Southwest of Governing Board Appointees
9:22:37 AM Southwest Florida Water Management District, Paul Jack Bispham, Willam Hogarth, and John E. Hall
9:22:48 AM Suwannee River Water Management District, George M. Cole, William Lloyd, and Virginia H. Johns
9:22:54 AM Motion to recommend
9:23:03 AM Senator Bean moves to recommend
9:23:09 AM Roll call
9:23:13 AM Appointees are favorably
9:23:26 AM Chair Brodeur passes gavel back to Vice Chair Stewart
9:23:40 AM Tab 19 SB 834 by Senator Brodeur
9:23:56 AM Senator Brodeur explains bill
9:24:07 AM Questions
9:24:31 AM Appearance form
9:24:38 AM Angela Drzewiecki with Florida Association of Counties waives in support
9:24:54 AM Debate?
9:25:03 AM Chair Brodeur waive close
9:25:09 AM Roll call on SB 834
9:25:20 AM SB 834 reported favorably
9:25:29 AM Tab 20 CS/SB 856 Chair Brodeur
9:25:37 AM Chair Brodeur explains bill
9:26:36 AM Questions
9:26:39 AM Amendment 151510
9:26:49 AM Chair Brodeur explains amendment

9:26:57 AM	Questions
9:26:59 AM	Appearance form
9:27:04 AM	Debate
9:27:09 AM	Chair Brodeur waive close
9:27:17 AM	Amendment is adopted
9:27:22 AM	Back on bill as adopted
9:27:27 AM	Questions on bill as amended
9:27:35 AM	Appearance form
9:27:39 AM	Bill Helmich with FOWA waives in support
9:27:58 AM	Kari Hebrank with Florida Home Builders speaking in favor
9:28:07 AM	Chair Brodeur waive close
9:28:14 AM	Roll call
9:28:20 AM	CS/SB 856 is reported favorably
9:28:35 AM	Vice Chair Stewart passes gavel back to Chair Brodeur
9:28:53 AM	Senator Bean for SB 606 to be recorded favorably
9:29:13 AM	Senator Albriton SB 606 and SB 442 to be recorded favorably
9:29:31 AM	Meeting is adjourned