

Tab 1	SB 644 by Ring; (Similar to H 0863) Boating Safety						
671240	A	S	FAV	EP, Smith	Delete L.46 - 75.	01/27 10:24 AM	

Tab 2	SB 1176 by Diaz de la Portilla; (Identical to H 0795) Dredge and Fill Activities						
288390	A	S	RCS	EP, Altman	Delete L.47 - 50:	01/27 10:24 AM	

Tab 3	SB 1364 by Hays; (Identical to H 1153) Public Records/Personal Information Obtained in Connection with Licensure						
903060	D	S	RCS	EP, Hays	Delete everything after	01/27 10:24 AM	

Tab 4	SB 1300 by Dean; (Similar to H 7025) At-risk Vessels						
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Tab 5	SB 1312 by Dean; Protection Zones for Springs						
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Dean, Chair
Senator Simpson, Vice Chair

MEETING DATE: Wednesday, January 27, 2016
TIME: 9:00—11:00 a.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Dean, Chair; Senator Simpson, Vice Chair; Senators Altman, Evers, Hays, Hutson, Simmons, Smith, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 644 Ring (Similar H 863)	Boating Safety; Revising the minimum age to operate personal watercraft; removing the exemption from the photographic identification and boating safety identification card requirement for a person accompanied in the vessel by another person who meets certain criteria, etc. EP 01/27/2016 Temporarily Postponed CM RC	Temporarily Postponed
2	SB 1176 Diaz de la Portilla (Identical H 795)	Dredge and Fill Activities; Revising the acreage of wetlands and other surface waters subject to impact by dredge and fill activities under a state programmatic general permit; providing that seeking to use such a permit consents to specified federal wetland jurisdiction criteria; authorizing the Department of Environmental Protection to delegate federal permitting programs for the discharge of dredged or fill material under certain conditions, etc. EP 01/27/2016 Fav/CS AGG AP	Fav/CS Yeas 6 Nays 0
3	SB 1364 Hays (Identical H 1153)	Public Records/Personal Information Obtained in Connection with Licensure; Defining the term "personal information"; providing an exemption from public records requirements for personal information provided to the Fish and Wildlife Conservation Commission on applications for certain licenses, permits, and certifications; providing circumstances under which personal information may be disclosed; providing applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. EP 01/27/2016 Fav/CS GO RC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environmental Preservation and Conservation
 Wednesday, January 27, 2016, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1300 Dean (Similar H 7025)	At-risk Vessels; Prohibiting a vessel that is at risk of becoming derelict from anchoring on, mooring on, or occupying the waters of this state; providing that a person who anchors or moors such a vessel or allows it to occupy waters of this state commits a noncriminal infraction, etc. EP 01/27/2016 Favorable AGG FP	Favorable Yeas 7 Nays 0

5	SB 1312 Dean	Protection Zones for Springs; Providing penalties for violations relating to protection zones for springs; directing the Fish and Wildlife Conservation Commission to establish protection zones to prevent harm to springs; requiring the commission to set vessel speed and operation standards for protection zones; requiring the commission to consult with certain other entities under certain circumstances; specifying responsibility for posting and maintaining regulatory markers, etc. EP 01/27/2016 Favorable AGG AP	Favorable Yeas 8 Nays 0
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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

Environmental Regulation Commission

6	Gelber, Adam R. (Miami Beach)	07/01/2019	Recommend Confirm Yeas 7 Nays 0
	Walton, Sarah St. John (Pensacola)	07/01/2017	Recommend Confirm Yeas 7 Nays 0
	Joyce, Joseph C. (Gainesville)	07/01/2019	Recommend Confirm Yeas 7 Nays 0

Governing Board of the Southwest Florida Water Management District

7	Henslick, John R. (Myakka City)	03/01/2017	Recommend Confirm Yeas 7 Nays 0
	Rice, Kelly S. (Webster)	03/01/2019	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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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 Environmental Preservation and Conservation

BILL: SB 644

INTRODUCER: Senator Ring

SUBJECT: Boating Safety

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Pre-meeting
2.			CM	
3.			RC	

I. Summary:

SB 644 increases the age requirement for operating a personal watercraft on the waters of the state from 14 years of age to 16 years of age. The bill revises the requirements for boating safety identification cards by removing an exemption for a person who is accompanied in the vessel by a person who is otherwise exempt from the boating safety identification card requirements or who holds a valid identification card, is 18 years of age or older, and is attendant to the operation of the vessel and responsible for the vessel's safe operation.

II. Present Situation:

Personal Watercraft

The term "personal watercraft" is defined as "a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive 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."¹

In 2014, there were approximately 111,000 registered personal watercraft in the state, 96 reported injuries involving a personal watercraft, and five fatalities.² Of the 104 accidents that were reported, 34 were deemed to have been primarily caused by operator inexperience and, approximately, nine involved individuals under the age of 17.³

Florida law prohibits a person from operating a personal watercraft unless each person riding on or being towed behind such vessel is wearing a personal flotation device, other than an inflatable

¹ Section 327.02(33), F.S.

² Fish and Wildlife Conservation Commission (FWC), *2014 Boating Accidents Statistical Report*, <http://myfwc.com/boating/safety-education/accidents/> (last visited Jan. 21, 2016).

³ *Id.*

device, that is currently approved by the United States Coast Guard and used in accordance with the approval label.⁴ If a personal watercraft is equipped by the manufacturer with a lanyard type engine cutoff switch, a person operating such device must attach the lanyard to his or her person, clothing, or personal flotation device as is appropriate for the specific vessel.⁵

A person, except for an agent or employee of a fire or emergency rescue service while performing his or her official duties, may not operate a personal watercraft at any time between the hours from one-half hour after sunset to one-half hour before sunrise.⁶

A personal watercraft must at all times be operated in a reasonable and prudent manner.⁷ Maneuvers which unreasonably or unnecessarily endanger life, limb, or property, including, but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed, and swerving at the last possible moment to avoid a collision constitutes reckless operation of a vessel. The reckless operation of a vessel is a misdemeanor of the first degree punishable by a maximum of one year imprisonment or a \$1,000 fine.⁸

Any person under the age of 14 may not operate a personal watercraft on the waters of this state.⁹ Additionally, it is unlawful for the owner of any personal watercraft or any person having charge or control of a personal watercraft to authorize or knowingly permit the same to be operated by a person under the age of 14 years of age.¹⁰

Any facility that offers personal watercraft for lease, hire, or rent is required to ensure that all individuals intended to operate the personal watercraft have been properly trained in topics such as operator responsibility, navigation rules, aids to navigation, boating accidents, divers-down flag requirements, and manatee awareness.¹¹ Any person that receives such training is required to provide the facility with a written statement attesting that he or she received such instruction.¹²

The following violations are noncriminal infractions, punishable by a civil penalty of \$50:

- Operating a personal watercraft without wearing an appropriate personal flotation device or operating a personal watercraft with a person riding or being towed that is not wearing an appropriate personal flotation device.
- Operating a personal watercraft that is equipped with a lanyard type engine cutoff switch and not having such lanyard attached to his or her person, clothing, or personal flotation device.
- Operating a personal watercraft between the hours from one-half hour after sunset to one-half hour before sunrise.
- Operating a personal watercraft under the age of 14.¹³

⁴ Section 327.39(1), F.S.

⁵ Section 327.39(2), F.S.

⁶ Section 327.39(3), F.S.

⁷ Section 327.39(4), F.S.

⁸ Section 327.33(1), F.S.

⁹ Section 327.39(5), F.S.

¹⁰ Section 327.39(6)(a), F.S.

¹¹ Rule 68D-36.107, F.A.C.

¹² Section 327.39(6)(b), F.S.

¹³ Section 327.73(1)(p), F.S.

The owner of any personal watercraft or any person having charge or control of a personal watercraft who knowingly allows a person under 14 years of age to operate such personal watercraft, is guilty of a second degree misdemeanor, punishable by a maximum of 60 days imprisonment or a \$500 fine.¹⁴

Boating Safety Identification Cards

In order to operate a vessel of 10 horsepower or greater, Florida law requires anyone who was born on or after January 1, 1988, to have aboard the vessel photographic identification and an FWC-issued boater safety identification card.¹⁵ The card is proof that the holder has:

- Completed a commission-approved boater education course that meets the minimum 8-hour instruction requirement established by the National Association of State Boating Law Administrators;
- Passed a course equivalency examination approved by the commission; or
- Passed a temporary certificate examination developed or approved by the commission.¹⁶

The commission may appoint liveries, marinas, or other persons as its agents to administer the course or examinations and issue identification cards.¹⁷ An agent is required to charge a \$2 examination fee, which must be forwarded to the commission with proof of passage of the examination and may charge and keep a \$1 service fee.¹⁸

An identification card issued to a person who has completed a boating education course or a course equivalency examination is valid for life.¹⁹ A card issued to a person who has passed a temporary certification examination is valid for 12 months from the date of issuance.²⁰

A person is exempt from the boater safety identification card requirement if he or she:

- Is licensed by the United States Coast Guard to serve as master of a vessel;
- Operates a vessel only on a private lake or pond;
- Is accompanied in the vessel by a person who is exempt from this section or who holds an identification card in compliance with this section, is 18 years of age or older, and is attendant to the operation of the vessel and responsible for the safe operation of the vessel and for any violation that occurs during the operation of the vessel;
- Is a nonresident who has in his or her possession proof that he or she has completed a boater education course or equivalency examination in another state which meets or exceeds the Florida requirements;
- Is operating a vessel within 90 days after the purchase of that vessel and has available for inspection aboard that vessel a valid bill of sale;
- Is operating a vessel within 90 days after completing a commission-approved boater education course or passed a course equivalency examination approved by the commission and has a photographic identification card and a boater education certificate available for

¹⁴ Section 327.39(6), F.S.

¹⁵ Section 327.395(1), F.S.

¹⁶ *Id.*

¹⁷ Section 327.395(4), F.S.

¹⁸ *Id.*

¹⁹ Section 327.395(5), F.S.

²⁰ *Id.*

inspection as proof of having completed a boater education course. The boater education certificate must provide, at a minimum, the student's first and last name, the student's date of birth, and the date that he or she passed the course examination; or

- Is exempted by rule of the commission.²¹

The penalty for operating a vessel in violation of the boating safety identification card requirements is a noncriminal infraction, which is punishable by a civil penalty of \$50.²²

III. Effect of Proposed Changes:

SB 644 amends s. 327.39, F.S., to revise the minimum age requirement for operating a personal watercraft on the waters of this state from 14 years of age to 16 years of age.

The bill amends s. 327.395, F.S., to remove the exemption from the boating safety identification card requirements for a person who is accompanied in the vessel by a person who is otherwise exempt from the boating safety identification card requirements or who holds a valid identification card, is 18 years of age or older, and is attendant to the operation of the vessel and responsible for the vessel's safe operation.

The bill reenacts s. 327.73(1)(p), F.S., relating to noncriminal violations, to incorporate the amendments made to s. 327.39, F.S., which revises the minimum age requirement for operating a personal watercraft.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²¹ Section 327.395(6), F.S.

²² Section 327.73(1)(s), F.S.

B. Private Sector Impact:

Removing the exemption from the boating safety identification card requirements for a person who is accompanied in the vessel by a person who is otherwise exempt from the boating safety identification card requirements or who holds a valid identification card, is 18 years of age or older, and is attendant to the operation of the vessel and responsible for the vessel's safe operation may increase the scope of individuals that are required to obtain a boating safety identification card. Therefore, additional individuals may be required to satisfy the educational requirements. As this number is indeterminate, the negative fiscal impact to the private sector is indeterminate.

C. Government Sector Impact:

The Fish and Wildlife Conservation Commission (FWC) will collect funds in fees from the additional individuals who will now take an educational course to satisfy the requirements for receiving a boating safety identification card. As the fee is nominal, this will likely have an insignificant positive fiscal impact to the FWC.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.39 and 327.395.

This bill reenacts section 327.73 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.



671240

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/27/2016	.	
	.	
	.	
	.	

The Committee on Environmental Preservation and Conservation
(Smith) recommended the following:

Senate Amendment (with title amendment)

Delete lines 46 - 75.

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

And the title is amended as follows:

Delete lines 5 - 9

and insert:

the act; reenacting s. 327.73(1) (p),

By Senator Ring

29-00359-16

2016644__

1 A bill to be entitled
2 An act relating to boating safety; amending s. 327.39,
3 F.S.; revising the minimum age to operate personal
4 watercraft; conforming a provision to changes made by
5 the act; amending s. 327.395, F.S.; removing the
6 exemption from the photographic identification and
7 boating safety identification card requirement for a
8 person accompanied in the vessel by another person who
9 meets certain criteria; reenacting s. 327.73(1)(p),
10 F.S., relating to noncriminal infractions, to
11 incorporate the amendment made to s. 327.39, F.S., in
12 a reference thereto; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsections (5) and (6) of section 327.39,
17 Florida Statutes, are amended to read:

18 327.39 Personal watercraft regulated.—

19 (5) No person under the age of 16 years ~~may~~ ~~shall~~
20 operate any personal watercraft on the waters of this state.

21 (6) (a) It is unlawful for the owner of any personal
22 watercraft or any person having charge over or control of a
23 personal watercraft to authorize or knowingly permit the same to
24 be operated by a person under the age of 16 ~~14 years~~ ~~of age~~ in
25 violation of this section.

26 (b)1. It is unlawful for the owner of any leased, hired, or
27 rented personal watercraft, or any person having charge over or
28 control of a leased, hired, or rented personal watercraft, to
29 authorize or knowingly permit the watercraft to be operated by

29-00359-16

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30 any person who has not received instruction in the safe handling
31 of personal watercraft, in compliance with rules established by
32 the commission.

33 2. Any person receiving instruction in the safe handling of
34 personal watercraft pursuant to a program established by rule of
35 the commission must provide the owner of, or person having
36 charge of or control over, a leased, hired, or rented personal
37 watercraft with a written statement attesting to the same.

38 3. The commission shall have the authority to establish
39 rules pursuant to chapter 120 prescribing the instruction to be
40 given, which shall take into account the nature and operational
41 characteristics of personal watercraft and general principles
42 and regulations pertaining to boating safety.

43 (c) Any person who violates this subsection commits a
44 misdemeanor of the second degree, punishable as provided in s.
45 775.082 or s. 775.083.

46 Section 2. Subsection (6) of section 327.395, Florida
47 Statutes, is amended to read:

48 327.395 Boating safety identification cards.—

49 (6) A person is exempt from subsection (1) if he or she:

50 (a) Is licensed by the United States Coast Guard to serve
51 as master of a vessel.

52 (b) Operates a vessel only on a private lake or pond.

53 ~~(c) Is accompanied in the vessel by a person who is exempt~~
54 ~~from this section or who holds an identification card in~~
55 ~~compliance with this section, is 18 years of age or older, and~~
56 ~~is attendant to the operation of the vessel and responsible for~~
57 ~~the safe operation of the vessel and for any violation that~~
58 ~~occurs during the operation of the vessel.~~

29-00359-16

2016644__

59 (c)~~(d)~~ Is a nonresident who has in his or her possession
60 proof that he or she has completed a boater education course or
61 equivalency examination in another state which meets or exceeds
62 the requirements of subsection (1).

63 (d)~~(e)~~ Is operating a vessel within 90 days after the
64 purchase of that vessel and has available for inspection aboard
65 that vessel a bill of sale meeting the requirements of s.
66 328.46(1).

67 (e)~~(f)~~ Is operating a vessel within 90 days after
68 completing the requirements of paragraph (1)(a) or paragraph
69 (1)(b) and has a photographic identification card and a boater
70 education certificate available for inspection as proof of
71 having completed a boater education course. The boater education
72 certificate must provide, at a minimum, the student's first and
73 last name, the student's date of birth, and the date that he or
74 she passed the course examination.

75 (f)~~(g)~~ Is exempted by rule of the commission.

76 Section 3. For the purpose of incorporating the amendment
77 made by this act to section 327.39, Florida Statutes, in a
78 reference thereto, paragraph (p) of subsection (1) of section
79 327.73, Florida Statutes, is reenacted to read:

80 327.73 Noncriminal infractions.—

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

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

85

86 Any person cited for a violation of any provision of this
87 subsection shall be deemed to be charged with a noncriminal

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88 infraction, shall be cited for such an infraction, and shall be
89 cited to appear before the county court. The civil penalty for
90 any such infraction is \$50, except as otherwise provided in this
91 section. Any person who fails to appear or otherwise properly
92 respond to a uniform boating citation shall, in addition to the
93 charge relating to the violation of the boating laws of this
94 state, be charged with the offense of failing to respond to such
95 citation and, upon conviction, be guilty of a misdemeanor of the
96 second degree, punishable as provided in s. 775.082 or s.
97 775.083. A written warning to this effect shall be provided at
98 the time such uniform boating citation is issued.

99 Section 4. This act shall take effect July 1, 2016.

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 Environmental Preservation and Conservation

BILL: CS/SB 1176

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Diaz de la Portilla

SUBJECT: Dredge and Fill Activities

DATE: January 27, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1176 authorizes the Department of Environmental Protection (DEP) to implement a voluntary state programmatic general permit for all dredge and fill activities impacting 10 acres or less of wetlands or other surface waters, subject to agreement with the United States Army Corps of Engineers, if the general permit is at least as protective of the environment and natural resources as existing state law under part IV of chapter 373, F.S., and federal law under the Clean Water Act and the Rivers and Harbors Act of 1899. Additionally, the bill requires that a person seeking to use a statewide programmatic general permit consent to applicable federal wetland jurisdiction criteria.

II. Present Situation:

Dredging means excavation in wetlands or other surface waters or excavation in uplands that creates wetlands or other surface waters.¹ Filling means deposition of any material in wetlands or other surface waters.² Dirt, sand, gravel, rocks, shell, pilings, mulch, and concrete are all considered fill if they are placed in a wetland or other surface water. Dredging and filling activities are regulated by local governments, the water management districts, the Florida Department of Environmental Protection (DEP), and the U.S. Army Corps of Engineers (Corps).

¹ Section 373.403(13), F.S.

² Section 373.403(14), F.S.

Federal Regulation: Section 10 and Section 404 Permitting

Section 10 of the Rivers and Harbors Act of 1899 (Section 10), regulates virtually all work in, over, and under waters listed as navigable waters of the United States.³ Examples of projects requiring Section 10 permits include beach nourishment, boat ramps, breakwaters, dredging, filling, mooring buoys, piers, and construction of marina facilities. Additionally, Section 404 of the Clean Water Act governs activities in wetlands and regulates the discharge of “dredged or fill” material into the waters of the United States.⁴

Section 404 establishes a program for permits for the discharge of dredged or fill material into the navigable waters, including wetlands, at specified disposal sites. Activities that are regulated under this program include fill for development, water resource projects, infrastructure development, and mining projects. The Corps has been responsible for regulating activities in navigable waters ways through the granting of permits since the passage of the Rivers and Harbors Act of 1899.⁵ Section 404 of the CWA broadened the Corps authority over “dredging and filling” in the waters of the United States, including many wetlands.⁶ The Corps administers the permits under the U.S. Environmental Protection Agency (EPA) established guidelines, and subject to an EPA veto on a case-by-case basis.⁷

The basic premise of the permitting program is that no discharge of dredged or fill material may be permitted if:

- A practicable alternative exists that is less damaging to the aquatic environment; or
- The nation’s waters would be significantly degraded.⁸

An individual permit is required for potentially significant impacts. Individual permits are reviewed by the Corps, who evaluates applications under a public interest review, as well as the environmental criteria set forth by the EPA.⁹ Under the guidelines no discharge of dredged or fill material may be permitted if there is a practicable alternative to the proposed discharge which would have a less adverse impact on the aquatic ecosystem, so long as such alternative does not have other significant adverse environmental consequences.¹⁰ Practicable alternatives, include, but are not limited to:

- Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters.
- Discharges or dredged or fill material at other locations in waters of the United States or ocean waters.¹¹

³ See 33 U.S.C. s. 403 (2012).

⁴ See 33 U.S.C. s. 1344 (2012).

⁵ DEP, *Consolidation of State and Federal Wetland Permitting Programs Implementation of House Bill 759 (Chapter 2005-273, Laws of Florida)*, pg. 2 (Sept. 30, 2005) available at http://www.aswm.org/pdf_lib/consolidation_program.pdf.

⁶ *Id.*

⁷ O.A. Houck & Michael Rolland, *Federalism in Wetlands Regulation: A Consideration of Delegation of Clean Water Act Section 404 and Related Programs to the States*, 54 Md. L. Rev. 1242, 1255 (1995) available at <http://digitalcommons.law.umaryland.edu/mlr/vol54/iss4/6/>.

⁸ EPA, *Section 404 Permitting Program*, <http://www.epa.gov/cwa-404/section-404-permit-program> (last visited Jan. 23, 2016).

⁹ *Id.*

¹⁰ 40 C.F.R. §404(b)(1).

¹¹ *Id.*

An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.¹²

State Assumption

The CWA authorizes the EPA to issue general permits on a state, regional, or nationwide basis for any category of activities involving discharges of dredged or fill material if determined that the activities in such category:

- Are similar in nature;
- Will cause only minimal adverse environmental effects when performed separately; and
- Will have only minimal cumulative adverse effects on the environment.¹³

General permits are not available for waters that are presently used, or are susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary high water mark, including all waters which are subject to the ebb and flow of the tide shoreward to their mean high water mark, or mean higher high water mark on the west coast, including wetlands adjacent thereto.¹⁴ This exception prohibits general permits for what are termed “Phase I waters”, the traditional navigable waters of the United States and adjacent wetlands.¹⁵ Therefore, state assumption under Section 404 does not affect the Corps responsibilities to regulate the navigable waters under Section 10.

To administer its own individual and general permit program, a state must submit an application to the EPA, which includes a complete description of the program it proposes to administer and establish under state law.¹⁶ In addition, the application must include a statement testifying that the laws of the state provide for adequate authority to carry out the described program.¹⁷ The EPA then conducts a rigorous assessment of the state’s program and ensures that it is no less stringent than the federal program.¹⁸ If the EPA authorizes the state to “assume” control over the federal Section 404 permit program, then an applicant would only need to get a state permit for dredged or fill material discharges in certain waters. Any general permit issued is only valid for a period of up to five years.¹⁹

Two states, Michigan and New Jersey, have assumed administration of the federal permit program.²⁰ Other states have reviewed the possibility of assuming Section 404 permitting but have expressed reasons for not pursuing assumption such as lack of funding, limit of program administration to "non-navigable waters," concerns regarding Federal requirements and oversight, availability of alternative mechanisms for state wetlands protection, and the

¹² 40 C.F.R. §404(b)(2).

¹³ 33 U.S.C. s. 1344(e).

¹⁴ 33 U.S.C. s. 1344(g).

¹⁵ Houck at 1255.

¹⁶ 33 U.S.C. s. 1344(g).

¹⁷ *Id.*

¹⁸ David Evans, *Clean Water Act §404 Assumption: What is it, how does it work, and what are the benefits?*, Vol. 31, No.3 National Wetlands Newsletter, pg. 18 (May-June 2009) available at http://www.aswm.org/pdf_lib/evans_2009.pdf.

¹⁹ 33 U.S.C. s. 1344(h)(1)(A)(ii).

²⁰ O.A. Houck & Michael Rolland, *Federalism in Wetlands Regulation: A Consideration of Delegation of Clean Water Act Section 404 and Related Programs to the States*, 54 Md. L. Rev. 1242, 1268 (1995).

controversial nature of regulation of wetlands and other aquatic resources.²¹ Additionally, the Endangered Species Act poses challenges for state assumption. To be granted assumption a state would have to have an equivalent level of protection as under the Endangered Species Act for listed species.²²

In 2005, the Florida Legislature directed the DEP to develop a strategy to consolidate, to the maximum extent practicable, federal and state wetland permitting and secure complete authority over dredge and fill activities impacting 10 acres or less of wetlands and other surface waters, including navigable waters, through the environmental resource permitting.²³ Most of the waters in Florida are Phase I waters and are not eligible for assumption.²⁴ The report concluded that complete assumption of the federal program would require changes to federal and Florida law and recommended that the Legislature consult with the Congressional delegation on opportunities to amend the federal regulations to make assumption more viable.²⁵

General Permits

As an alternative to state assumption, the CWA was amended in 1977 to authorize the Corps to issue general permits that:

- Are similar in nature;
- Cause only minimal adverse environmental effects when performed separately;
- Conform to the Section 404(b)(1) guidelines;
- Set forth specific requirements and standards for authorized activities; and
- Terminate within five years.²⁶

A category of general permits was set forth by Corps regulations called programmatic permits.²⁷ The St. Johns River Water Management Program was issued a Programmatic General Permit (PGP) on behalf of the Corps for certain types of projects with minor impacts to wetlands or surface waters.²⁸ The scope of the PGP is limited to residential, commercial, or institutional projects with up to three acres of impacts to low quality or urbanized non-tidal wetlands of the following four types:

- Wetlands in pine plantations with raised beds in production over twenty years;
- Herbaceous wetlands in improved pasture;
- Wetlands on parcels bordered by at least 75 percent development; or

²¹ EPA, *State or Tribal Assumption of the Section 404 Permit Program*, <http://www.epa.gov/cwa-404/state-or-tribal-assumption-section-404-permit-program> (last visited Jan. 23, 2016).

²² Leah Stetson, Association of State Wetlands Managers, Inc. (ASWM), *State Programmatic General Permits (A Cautionary Tale to Enhance Dialogue)*, pg. 5 (April-May 2008), available at http://www.aswm.org/pdf_lib/spgps_0508.pdf.

²³ Ch. 2005-273, s. 3, Laws of Fla.

²⁴ DEP, *Consolidation of State and Federal Wetland Permitting Programs Implementation of House Bill 759 (Chapter 2005-273, Laws of Florida)*, pg. 2, 8 (Sept. 30, 2005).

²⁵ *Id.* at 3.

²⁶ 33 U.S.C. s. 1344(e).

²⁷ O.A. Houck & Michael Rolland, *Federalism in Wetlands Regulation: A Consideration of Delegation of Clean Water Act Section 404 and Related Programs to the States*, 54 Md. L. Rev. 1242, 1282 (1995).

²⁸ Department of the Army, *Programmatic General Permit SAJ-111*, pg. 1 (Oct. 31, 2014) available at http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/general_permits/PGP/Signed%20SAJ-111.pdf.

- Wetlands covered by greater than 80 percent invasive exotic vegetation.²⁹

The Corps combined the concepts of a general permit (for “similar” and “minimal activities”), with a programmatic permit (for “duplicative” state programs) and created a State Programmatic General Permit (SPGP).³⁰ Under a SPGP, the designated state agency issues permits on behalf of the federal government for projects of a defined and limited impact. A SPGP is designed to streamline the permitting process by eliminating duplication of efforts between the Corps and states, while obeying state and federal wetland laws and regulations. Each SPGP is reviewed and reissued every five years by the Corps district with input from other federal agencies, the state, and the public.³¹

Unlike under complete assumption, under an SPGP program the state or agency is authorized to issue federal permits, which means federal resource agency coordination requirements remain. The state or agency reviews the application and makes the initial determination of the level of impact of the proposed permit. Because projects authorized under the SPGP are limited to minimal individual and cumulative impacts, the complexity and physical size of projects are limited as well.³² Typical wetland impacts allowed in SPGPs range from 5,000 square feet to one acre.³³

Section 373.4144, F.S., authorizes the DEP and water management districts to implement a voluntary state programmatic general permit for all dredge and fill activities impacting three acres or less of wetlands or other surface waters, including navigable waters, subject to agreement with the Corps, if the general permit is at least as protective of the environment and natural resources as existing state law under part IV of chapter 373, F.S., and federal law under the Clean Water Act and the Rivers and Harbors Act of 1899.

Florida was issued a pilot state programmatic general permit (SPGP I) in 1994 which was limited to four categories of activities, including docks, piers and marinas; shoreline stabilization; boat ramps; and maintenance dredging, in only the counties of Duval, Nassau, Clay, and St. Johns. The permit was expanded in 1996 to include the rest of the DEP’s Northeast District (SPGP-II) and to the areas of the other districts, except for Northwest Florida and Monroe County, in 1997 (SPGP-III). SPGP III was an expanded version that covered additional types of activities but was later scaled back to the original four project categories.³⁴

SPGP-IV was issued in 2006 by the Corps. The permit covered docks, piers, and marinas; shore stabilization; boat ramps; and maintenance and dredging. SPGP-IV was revised in 2011 for use throughout the entire state, except for Monroe County and other specified areas. SPGP IV-R1 covers the following categories of work:

- Shoreline stabilization;

²⁹ *Id.* at 1, 2.

³⁰ Houck at 1283.

³¹ Leah Stetson, Association of State Wetlands Managers, Inc. (ASWM), *State Programmatic General Permits (A Cautionary Tale to Enhance Dialogue)*, pg. 2 (April-May 2008).

³² DEP, *Consolidation of State and Federal Wetland Permitting Programs Implementation of House Bill 759 (Chapter 2005-273, Laws of Florida)*, pg. 5 (Sept. 30, 2005).

³³ *Id.*

³⁴ ASWM at 5.

- Boat ramps and boat launch areas;
- Docks, piers, associated facilities, and other minor piling-supported structures; and
- Maintenance dredging of canals and channels (including removal of organic detrital material from freshwater lakes and rivers).³⁵

The DEP reviews a permit application for the type of work covered under SPGP IV-R1.³⁶ The agreement specifies under what circumstances a project is considered green, yellow, or red. If the permit meets all of the conditions of the SPGP program it is processed as “green” in which case issuance of the permit by the DEP constitutes verification of qualification for the corresponding federal permit. “Yellow” projects require additional federal review. The Corps meets with the appropriate federal agencies and a combined federal position on the permit is taken.³⁷ The position may state that all concerns have been addressed and the project is now considered “green” and the DEP is authorized to issue the permit; that special conditions may be applied; or that the Corps elects to evaluate the project separately.³⁸ If a project has the potential to adversely impact a federally-listed threatened or endangered species or its designated critical habitat then it is considered “red.” If the project is “red” then the DEP and the Corps review the project separately and separate permits are issued.³⁹

In August 2015, the Corps published a draft of the proposed SPGP V.⁴⁰ The permit would add a fifth category of work to include “transient activities (removal of derelict vessels, scientific devices, upland to upland directional drilling, and geotechnical investigations)” to the list of covered categories.⁴¹ Additionally, the proposed draft would require projects for shoreline stabilization, boat ramps or launches, or dock, piers, or associated facilities that are proposed “anywhere between the shoreline and federally maintained channel, turning basin, etc., of a port or inlet” to be considered “red,” and, therefore, such projects would require a the Corps to review the project separately.⁴²

Wetlands Delineation

Under Florida law, wetlands are defined as those areas that are inundated or saturated by service water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.⁴³ The DEP in coordination with the water management districts created a statewide methodology for the delineation of the extent of wetlands.⁴⁴ Section 373.4211, F.S., provides

³⁵ U.S. Army Corps of Engineers, *State Programmatic General Permit (SPGP IV-R1) State of Florida*, pg. 1 (July 25, 2011) available at http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/general_permits/SPGP/SPGP_IV_Permit_Instrument.pdf.

³⁶ SPGP IV-R1 at 1.

³⁷ *Id.* at 4.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ U.S. Corps of Army Engineers, *Draft of Proposed State Programmatic General Permit (SPGP-V)*, available at <http://www.saj.usace.army.mil/Missions/Regulatory/PublicNotices/tabid/6072/Article/613604/spgp-v-saj-2015-02575.aspx>.

⁴¹ *Id.* at 1.

⁴² *Id.* at 7, 9, and 12.

⁴³ Section 373.019, F.S.

⁴⁴ Chapter 62-340, F.A.C.

ratification of the statewide delineation rule. All state, local, and regional governments in Florida delineate wetlands in accordance with the state methodology.⁴⁵ Under federal law, wetland boundaries are delineated using the U.S. Army Corps of Engineers 1987 wetland delineation manual adopted in coordination with the Environmental Protection Agency.⁴⁶ For most projects, the use of the federal delineation method and the state delineation method result in similar wetland boundaries.⁴⁷ However, the primary area of difference between the state and federal methodologies is in the indicator status of certain plants and social conditions.⁴⁸

III. Effect of Proposed Changes:

CS/SB 1176 amends s. 373.4144, F.S., to increase the acreage threshold within which the Department of Environmental Protection (DEP) is authorized to implement a voluntary state programmatic general permit (SPGP) for all dredge and fill activities pursuant to an agreement with the United States Army Corps of Engineers. The bill would authorize the DEP to seek an SPGP program covering dredge and fill activities impacting 10 acres or less of wetlands or other surface waters, including navigable waters.

The bill requires an applicant seeking to use a statewide programmatic general permit to consent to the applicable federal wetland jurisdiction criteria that is authorized by regulations implementing Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for the limited purpose of implementing the state programmatic general permit.

The bill authorizes the DEP to pursue delegation or assumption of the federal permitting program regulating the discharge of dredged or fill material and removes the requirement that assumption encompass all dredge and fill activities in, on, or over jurisdictional wetlands or waters, including navigable waters, within the state.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁴⁵ DEP, *Homeowner's Guide to Wetlands*, pg. 6 (July 2002), http://www.dep.state.fl.us/water/wetlands/docs/erp/wetland_guide.pdf.

⁴⁶ EPA, *Section 404 of the Clean Water Act: How Wetlands are Defined and Identified*, <http://www.epa.gov/cwa-404/section-404-clean-water-act-how-wetlands-are-defined-and-identified> (last visited Jan. 23, 2016).

⁴⁷ DEP at 6.

⁴⁸ *Id.* at 8.

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

None.

B. Private Sector Impact:

If the State Programmatic General Permit (SPGP) program is expanded to include dredge and fill activities impacting 10 acres or less of wetlands or other surface waters, additional costs incurred by permit applicants may be reduced as a result of the streamlined permitting process.

C. Government Sector Impact:

If the Department of Environmental Protection (DEP) seeks expansion of its current SPGP program and is successful, the DEP would incur additional costs as more resources would be needed to administer an expanded SPGP program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 373.4144 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 Environmental Preservation and Conservation on January 27, 2016:

The CS removes the requirement that the delegation or assumption encompass all dredge and fill activities in, on, or over jurisdictional wetlands or waters, including navigable waters, within the state.

B. Amendments:

None.



288390

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Environmental Preservation and Conservation
(Altman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 47 - 50
and insert:
Rivers and Harbors Act of 1899, ~~so long as the assumption
encompasses all dredge and fill activities in, on, or over
jurisdictional wetlands or waters, including navigable waters,
within the state.~~

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



288390

11 And the title is amended as follows:

12 Delete line 11

13 and insert:

14 fill material; deleting certain conditions limiting
15 when the department may delegate or assume federal
16 permitting programs for the discharge of dredged or
17 fill material; providing an

By Senator Diaz de la Portilla

40-01519-16

20161176__

1 A bill to be entitled
2 An act relating to dredge and fill activities;
3 amending s. 373.4144, F.S.; revising the acreage of
4 wetlands and other surface waters subject to impact by
5 dredge and fill activities under a state programmatic
6 general permit; providing that seeking to use such a
7 permit consents to specified federal wetland
8 jurisdiction criteria; authorizing the Department of
9 Environmental Protection to delegate federal
10 permitting programs for the discharge of dredged or
11 fill material under certain conditions; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsections (2) and (3) of section 373.4144,
17 Florida Statutes, are amended to read:

18 373.4144 Federal environmental permitting.—

19 (2) (a) In order to effectuate efficient wetland permitting
20 and avoid duplication, the department and water management
21 districts are authorized to implement a voluntary state
22 programmatic general permit for all dredge and fill activities
23 impacting 10 ~~3~~ acres or less of wetlands or other surface
24 waters, including navigable waters, subject to agreement with
25 the United States Army Corps of Engineers, if the general permit
26 is at least as protective of the environment and natural
27 resources as existing state law under this part and federal law
28 under the Clean Water Act and the Rivers and Harbors Act of
29 1899.

30 (b) By seeking to use a statewide programmatic general
31 permit, an applicant consents to applicable federal wetland
32 jurisdiction criteria, which are not included pursuant to this

40-01519-16

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33 part, but which are authorized by the regulations implementing
34 s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended,
35 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors
36 Act of 1899 as required by the United States Army Corps of
37 Engineers, notwithstanding s. 373.4145 and for the limited
38 purpose of implementing the state programmatic general permit
39 authorized by this subsection.

40 (3) The department may pursue ~~This section may not preclude~~
41 ~~the department from pursuing~~ a series of regional general
42 permits for construction activities in wetlands or surface
43 waters or delegation or ~~complete~~ assumption of federal
44 permitting programs regulating the discharge of dredged or fill
45 material pursuant to s. 404 of the Clean Water Act, Pub. L. No.
46 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the
47 Rivers and Harbors Act of 1899, so long as the delegation or
48 assumption encompasses all dredge and fill activities in, on, or
49 over jurisdictional wetlands or waters, including navigable
50 waters, within the state.

51 Section 2. This act shall take effect upon becoming a law.

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 Environmental Preservation and Conservation

BILL: SB 1364

INTRODUCER: Senator Hays

SUBJECT: Public Records/Personal Information Obtained in Connection with Licensure

DATE: January 25, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Rogers	EP	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 1364 provides a public records exemption for personal information held by the Fish and Wildlife Conservation Commissions (FWC) in connection with licenses, permits, and certifications issued by FWC related to:

- Recreational fishing, hunting, or use licenses and permits, or other noncommercial or nonprofessional licenses and permits;
- Hunter safety certifications; and
- Boating safety certification or recreation records.

The bill defines personal information to mean information that identifies an individual, including, but not limited to, an individual's:

- Photograph;
- Social Security Number;
- Driver License Number;
- Name;
- Date of Birth;
- Address, exclusive of the five-digit zip code;
- Telephone Number;
- E-mail or other electronic communication address; and
- Medical or Disability information.

The bill provides for when personal information may be disclosed.

The bill provides that the exemption applies to personal information held by an agency before, on, or after July 1, 2016, that it is subject to the Open Government Sunset Review Act, and that it will be repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity, as required by the Florida Constitution.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person and that providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁷ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁸

Applications for Licenses, Permits, and Certifications

Every person, unless exempt as provided in s. 379.353, F.S., taking game, fish, or fur-bearing animals within this state is required to have a hunting or fishing license, permit, or authorization

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991).

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

¹⁷ FLA. CONST., art. I, s. 24(c).

¹⁸ Section 119.15(7), F.S.

number from FWC authorizing that activity.¹⁹ A person wishing to purchase certain recreational licenses through the FWC's website may do so by creating an account with its Recreational License Issuance Service (service). The information requested when registering with the service includes:²⁰

- Full Name;
- Ethnicity;
- Gender;
- Height;
- Email;
- Social Security Number;
- Driver License Number;
- Date of Birth;
- Phone Number; and
- Physical and Mailing Address.²¹

Once someone creates an account with the service, that person can then purchase various recreational hunting and fishing licenses and permits, make donations to youth programs, and purchase gift cards. FWC also offers specially priced resident licenses for persons with disabilities, which require both proof of residency and proof of disability.²²

Hunter Safety Certification

Subject to certain exceptions, a person born on or after June 1, 1975, may not be issued a license to take wild animal life using a firearm, gun, bow, or crossbow in this state without having first successfully completed a hunter safety course, and without having in his or her possession a hunter safety certification card.²³ The form FWC provides an applicant for enrollment in a hunter safety course requests the same information as is requested for registering with the Recreational License Issuance Service.²⁴

Boating Safety Certification

A person born on or after January 1, 1988, may not operate a vessel powered by a motor of 10 horsepower or greater unless that person has in his or her possession, aboard the vessel, photographic identification and a boater safety identification card issued by the FWC which shows that he or she:

- Completed an FWC approved boater education course that meets certain qualifications;
- Passed a course equivalency examination approved by the FWC; or
- Passed a temporary certificate examination developed or approved by the FWC.

¹⁹ Section 379.354(1), F.S.

²⁰ FWC, *Account Creation*, available at <https://public.myfwc.com/CrossDOI/PermitMe/Permittee/PermitteeProfile.aspx> (last visited Jan. 22, 2016).

²¹ See s. 379.352(2), F.S.

²² Section 379.353, F.S. See also FWC, *Persons with Disabilities Resident Hunting/Fishing License*, available at <http://myfwc.com/license/accessibility/license/> (last visited Jan. 22, 2016).

²³ Section 379.3581, F.S.

²⁴ FWC, *Request for Enrollment for Hunter Safety Class being held in Panama City*, available at https://public.myfwc.com/hgm/huntersafety/clsreq.aspx?p_class_id=39283 (last visited Jan. 22, 2016).

To receive a boater education identification card, an applicant must submit a letter to the FWC containing the applicant's:

- Name;
- Date of Birth;
- Return Address;
- Phone Number; and
- Proof of Completion of the Course.²⁵

III. Effect of Proposed Changes:

Section 1 creates s. 379.107, F.S. to provide a public records exemption for personal information obtained in connection with licensure.

The bill defines “personal information” to mean information that identifies an individual, including but not limited to, an individual's:

- Photograph;
- Social Security Number;
- Driver License Number;
- Name;
- Date of Birth;
- Address, exclusive of the five-digit zip code;
- Telephone Number;
- E-mail or other electronic communication address; and
- Medical or Disability Information.

The bill provides that personal information for the following licenses, permits, and certifications issued by the FWC is confidential and exempt²⁶ from s. 119.07(1), F.S., and s. 24(a) of Art. I of the State Constitution:

- Recreational fishing, hunting, or use licenses and permits, or other noncommercial or nonprofessional licenses and permits;
- Hunter Safety Certification; and
- Boating Safety Certification.

The bill provides that information may only be disclosed as follows:

- For use by a court, law enforcement agency, or other agency, as defined in s. 119.011(2), F.S., in carrying out its duties;
- For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency presenting before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court; and

²⁵ FWC, *How to Get a Boater Education Identification Card*, available at <http://myfwc.com/boating/safety-education/id/> (last visited Jan. 22, 2016).

²⁶ As noted in the Section II of the analysis, information that is “confidential and exempt” is not subject to inspection by the public and may only be released to the persons or organizations designated in the statute.

- For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

The bill provides that the public records exemption applies to personal information held by an agency before, on, or after July 1, 2016.

The bill provides that the exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2021, unless it is reviewed and saved from repeal through reenactment by the Legislature.

Section 2 creates an undesignated section of law providing a statement of public necessity for the public records exemption, as required by the Florida Constitution.

The bill states that the Legislature finds it is a public necessity that personal information held by the FWC in connection with applications for licenses, permits, or certifications for recreational, nonprofessional, or noncommercial activities be made exempt from s. 119.07(1), F.S., and s. 24(a) of Article I of the State Constitution.

The bill states that:

- Under current law, personal information that applicants must provide to the FWC in order to apply for such licenses, permits, or certifications is a public record available for any purpose, and that such information can be obtained and used to perpetrate identity theft and other invasive contacts;
- The public availability of this personal information needlessly increases the risk of identity theft and invasive contacts with those applying to the FWC for such licenses, permits, or certifications; and
- These unnecessary risks would be diminished or eliminated if the FWC preserved the confidentiality of personal information provided on applications for such licenses, permits, or certifications.

The bill provides that the Legislature finds it is a public necessity to make exempt from public records requirements personal information that is provided to the FWC on applications for licenses, permits, or certifications for recreational, nonprofessional, or noncommercial activities.

Section 3 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Pursuant to Article I, Section 24(c) of the State Constitution, all public records exemptions require a two-thirds vote by both the Senate and the House.

C. Trust Funds Restrictions:

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 creates the following section of the Florida Statutes: 379.107.

This bill creates an undesignated section of Florida 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.



903060

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Environmental Preservation and Conservation
(Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

379.107 Public records exemption; personal information.-

(1) For purposes of this section, the term:

(a) "Commercial entity" means any corporation, partnership,
limited partnership, proprietorship, sole proprietorship, firm,



903060

11 enterprise, franchise, or association.

12 (b) "Personal information" means information that
13 identifies an individual, including, but not limited to, an
14 individual's photograph; social security number; driver license
15 number; name; date of birth; address, exclusive of the five-
16 digit zip code; telephone number; e-mail or other electronic
17 communication address; and medical or disability information.

18 (2) Except as provided in subsection (3), personal
19 information held by the commission in connection with the
20 following licenses, permits, and certifications issued by the
21 commission is confidential and exempt from s. 119.07(1) and s.
22 24(a), Art. I of the State Constitution:

23 (a) Recreational fishing, hunting, or use licenses and
24 permits, and other noncommercial or nonprofessional licenses and
25 permits.

26 (b) Hunter safety certification.

27 (c) Boating safety certification or recreation record.

28 (3) Personal information may be disclosed only as follows:

29 (a) For use by a court, law enforcement agency, or other
30 agency, as defined in s. 119.011(2), in carrying out its duties.

31 (b) For use in connection with any civil, criminal,
32 administrative, or arbitral proceeding in any federal, state, or
33 local court or agency presenting before a regulatory body,
34 including the service of process, investigation in anticipation
35 of litigation, and the execution or enforcement of judgments and
36 orders, or pursuant to an order of a federal, state, or local
37 court.

38 (c) For use by any requester, upon demonstration of written
39 consent for such use by the individual to whom the information



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40 pertains.

41 (d) For use by a commercial entity for verification of the
42 accuracy of personal information received by such entity in the
43 normal course of its business, including identification or
44 prevention of fraud, or matching, verifying, or retrieving
45 information. This does not include the display or bulk sale of
46 the legal residential address, date of birth, or telephone
47 number of a licenseholder to the public or the distribution of
48 such information to any customer not identifiable by the
49 commercial entity.

50 (4) This exemption applies to personal information held at
51 any time by the commission, including such information held
52 prior to the effective date of this act.

53 (5) This section is subject to the Open Government Sunset
54 Review Act in accordance with s. 119.15 and shall stand repealed
55 on October 2, 2021, unless reviewed and saved from repeal
56 through reenactment by the Legislature.

57 Section 2. The Legislature finds that it is a public
58 necessity that personal information held by the Fish and
59 Wildlife Conservation Commission in connection with applications
60 for licenses, permits, or certifications for recreational,
61 nonprofessional, or noncommercial activities be made
62 confidential and exempt from s. 119.07(1), Florida Statutes, and
63 s. 24(a), Article I of the State Constitution. Under current
64 law, personal information held by the commission relating to
65 such licenses, permits, or certifications is a public record
66 available for any purpose. Such information can be obtained and
67 used to perpetrate identity theft. The public availability of
68 this personal information needlessly increases the risk of



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69 identity theft with those individuals who have a commission-
70 issued license, permit, or certificate. This unnecessary risk
71 would be diminished or eliminated if the commission preserved
72 the confidentiality of personal information held by the
73 commission relating to such licenses, permits, or
74 certifications. Therefore, the Legislature finds that it is a
75 public necessity to make confidential and exempt from public
76 records requirements personal information held by the commission
77 relating to licenses, permits, or certifications for
78 recreational, nonprofessional, or noncommercial activities.

79 Section 3. This act shall take effect July 1, 2016.

80
81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete everything before the enacting clause
84 and insert:

85 A bill to be entitled
86 An act relating to public records; creating s.
87 379.107, F.S.; defining the terms "commercial entity"
88 and "personal information"; providing an exemption
89 from public records requirements for personal
90 information provided to the Fish and Wildlife
91 Conservation Commission on applications for certain
92 licenses, permits, and certifications; providing
93 circumstances under which personal information may be
94 disclosed; providing applicability; providing for
95 future legislative review and repeal of the exemption;
96 providing a statement of public necessity; providing
97 an effective date.

By Senator Hays

11-00558C-16

20161364__

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 379.107, F.S.; defining the term "personal
 4 information"; providing an exemption from public
 5 records requirements for personal information provided
 6 to the Fish and Wildlife Conservation Commission on
 7 applications for certain licenses, permits, and
 8 certifications; providing circumstances under which
 9 personal information may be disclosed; providing
 10 applicability; providing for future legislative review
 11 and repeal of the exemption; providing a statement of
 12 public necessity; providing an effective date.

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

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

18 379.107 Public records exemption; personal information
 19 obtained in connection with licensure.—

20 (1) For purposes of this section, the term "personal
 21 information" means information that identifies an individual,
 22 including, but not limited to, an individual's photograph;
 23 social security number; driver license number; name; date of
 24 birth; address, exclusive of the five-digit zip code; telephone
 25 number; e-mail or other electronic communication address; and
 26 medical or disability information.

27 (2) Except as provided in subsection (3), personal
 28 information held by the commission in connection with the
 29 following licenses, permits, and certifications issued by the
 30 commission is confidential and exempt from s. 119.07(1) and s.
 31 24(a), Art. I of the State Constitution:

32 (a) Recreational fishing, hunting, or use licenses and

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20161364__

33 permits, or other noncommercial or nonprofessional licenses and
34 permits.

35 (b) Hunter safety certification.

36 (c) Boating safety certification or recreation record.

37 (3) Personal information may be disclosed only as follows:

38 (a) For use by a court, law enforcement agency, or other
39 agency, as defined in s. 119.011(2), in carrying out its duties.

40 (b) For use in connection with any civil, criminal,
41 administrative, or arbitral proceeding in any federal, state, or
42 local court or agency presenting before a self-regulatory body,
43 including the service of process, investigation in anticipation
44 of litigation, and the execution or enforcement of judgments and
45 orders, or pursuant to an order of a federal, state, or local
46 court.

47 (c) For use by any requester, if the requester demonstrates
48 it has obtained the written consent of the individual to whom
49 the information pertains.

50 (4) This exemption applies to personal information held by
51 an agency before, on, or after July 1, 2016.

52 (5) This section is subject to the Open Government Sunset
53 Review Act in accordance with s. 119.15 and shall stand repealed
54 October 2, 2021, unless reviewed and saved from repeal through
55 reenactment by the Legislature.

56 Section 2. The Legislature finds that it is a public
57 necessity that personal information held by the Fish and
58 Wildlife Conservation Commission in connection with applications
59 for licenses, permits, or certifications for recreational,
60 nonprofessional, or noncommercial activities be made exempt from
61 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the

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62 State Constitution. Under current law, personal information that
63 applicants must provide to the commission in order to apply for
64 such licenses, permits, or certifications is a public record
65 available for any purpose. Such information can be obtained and
66 used to perpetrate identity theft and other invasive contacts.
67 The public availability of this personal information needlessly
68 increases the risk of identity theft and invasive contacts with
69 those applying to the commission for such licenses, permits, or
70 certifications. These unnecessary risks would be diminished or
71 eliminated if the commission preserved the confidentiality of
72 personal information provided on applications for such licenses,
73 permits, or certifications. Therefore, the Legislature finds
74 that it is a public necessity to make exempt from public records
75 requirements personal information that is provided to the
76 commission on applications for licenses, permits, or
77 certifications for recreational, nonprofessional, or
78 noncommercial activities.

79 Section 3. This act shall take effect July 1, 2016.

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 Environmental Preservation and Conservation

BILL: SB 1300

INTRODUCER: Senator Dean

SUBJECT: At-risk Vessels

DATE: January 25, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Rogers	EP	Favorable
2.	_____	_____	AGG	_____
3.	_____	_____	FP	_____

I. Summary:

SB 1300 addresses vessels that may become derelict. The bill:

- Makes it unlawful for a vessel owner to anchor on, moor on, or occupy the waters of the state when that vessel is at risk of becoming derelict;
- Provides conditions under which a vessel may be considered at risk of becoming derelict;
- Provides civil penalties for vessel owners whose vessels are determined to be at risk of becoming derelict;
- Provides an exemption for vessels that are moored to a private dock or wet slip with the consent of the owner for the purpose of being repaired; and
- Provides that violations may be enforced by a uniform boating citation mailed to the registered owner of the vessel.

II. Present Situation:

Derelict Vessels

Derelict vessels are vessels¹ that are left, stored, or abandoned:

- In a wrecked, junked, or substantially dismantled condition upon any public waters of this state;
- At a port in this state without the consent of the agency having jurisdiction thereof; or
- Docked, grounded, or beached upon the property of another without the consent of the owner of the property.²

¹ Section 327.02, F.S., defines vessel as synonymous with boat as referenced in FLA. CONST. art. VII, s.1(b) (1968), and 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. FLA. CONST. art. VII, s.1(b) (1968) provides, “motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.”

² Section 823.11(1)(b), F.S.

Removal of Derelict Vessels

Section 327.70, F.S., provides that enforcement of chs. 327 and 328, F.S., which concern vessel safety and vessel title certificates, liens, and registration, may be enforced by the Division of Law Enforcement of Florida Fish and Wildlife Conservation Commission (FWC) and its officers, the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officer as defined in s. 943.10, F.S.³ Section 327.44, F.S., provides authorization for the relocation or removal of a vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. Additionally, s. 823.11, F.S., provides authorization for the relocation or removal of a derelict vessel from public waters if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons.

Costs incurred for relocating or removing a derelict vessel are recoverable against the vessel owner. 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 disposal of the vessel, is not entitled to be issued a certificate of registration for such vessel, or any other vessel or motor vehicle, until those costs are paid.⁴

Punishment for Violations of Derelict Vessel Provisions

It is unlawful to store, leave, or abandon a derelict vessel in Florida.⁵ Those who are found in violation of this provision commit a first degree misdemeanor, punishable by a term of imprisonment of no more than one year⁶ and a fine of up to \$1,000.⁷ Additionally, s. 376.16, F.S., provides that violations of certain provisions, including violations of derelict vessel laws, may be punishable by a civil penalty of up to \$50,000 per violation per day.⁸ Each day during any portion of which the violation occurs constitutes a separate offense.⁹

Fines and fees assessed for noncriminal infractions under s. 327.73, F.S., such as operation of an unregistered or unnumbered vessel, careless operation, and violations of navigation rules are deposited into the Marine Resources Conservation Trust Fund for boating safety education purposes.¹⁰ If a person fails to appear or otherwise properly respond to a uniform boating citation, that person will also be charged with the offense of failing to respond to the citation and,

³ Section 943.10, F.S. 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 Section 705.103(4), F.S.

⁵ Section 823.11(2), F.S.

⁶ Section 775.082(4)(a), F.S.

⁷ Section 775.083(1)(d), F.S.

⁸ Section 376.16(1), F.S.

⁹ *Id.*

¹⁰ Section 327.73(8), F.S.

upon conviction, be found guilty of a second degree misdemeanor,¹¹ punishable by a term of imprisonment of no more than 60 days¹² and a fine of no more than \$500.¹³

Costs of Removal of Derelict Vessels

There are no provisions in law permitting the removal of a vessel that may become derelict. According to the FWC, costs for removal of vessels that do become derelict are approximately \$350 to \$450 per foot of vessel length.¹⁴ However, a floating vessel may be towed to a boat ramp or hoist and pulled from the water at a much lower cost. Relocation may cost nothing if a law enforcement officer is able to tow it to a suitable location.¹⁵ Costs for professional towing services are approximately \$200 per hour.¹⁶

FWC maintains a statewide database of vessels investigated by a law enforcement officer and deemed to be either derelict or at risk of becoming derelict, although the database related to at-risk vessels is largely incomplete due to the fact that the current effort related to at-risk vessels is a voluntary community-oriented policing effort.¹⁷ FWC estimates that 166 derelict vessels were removed in 2014 by local governments. Approximately \$665,500 was spent by local governments on the removal of those vessels, which is an average removal cost of \$4,006 per vessel.¹⁸

Due to the problem of derelict vessels, including the costs of removing derelict vessels, the FWC held six public meetings in 2015 to engage the public on various solutions. Boat owners, boating organizations, marine industries, and local governments participated in the meetings. Participants were asked to respond to a survey to indicate their levels of support for eight concepts addressing derelict vessels. The concept of prohibiting vessels deemed “at risk” of becoming derelict received the most support from those surveyed, with 85.2 percent of survey respondents indicating they either “support” or “highly support” the concept.¹⁹

Local Government Authority

Local governments are only authorized to enact and enforce regulations regarding the mooring or anchoring of vessels that are located within marked boundaries of a mooring field.²⁰ The inability to regulate vessels outside of mooring fields has led to problems that include:

- The locations where anchored vessels accumulate;
- Unattended vessels;
- Anchored vessels which are dragging anchor or not showing proper lighting;
- Vessels which are not maintained properly; and

¹¹ Section 327.73(1), F.S.

¹² Section 775.082(4)(b), F.S.

¹³ Section 775.083(1)(e), F.S.

¹⁴ FWC, *House Bill 7025 Agency Analysis* (Jan. 6, 2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹⁵ *Id.* Immediate removal of a derelict vessel was a concept that received support among eight proposals for dealing with the problem of derelict vessels.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Section 327.60, F.S.

- Vessels which become derelict.²¹

III. Effect of Proposed Changes:

Section 1 creates s. 327.4107, F.S., to provide that vessels at risk of becoming derelict may not anchor on, moor on, or occupy the waters of the state.

The bill provides that an officer of the FWC or of any other law enforcement agency specified in s. 327.70, F.S., may determine that 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 which 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; and
- The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunken or partially sunken.

The bill provides that a person who anchors or moors a vessel at risk of becoming derelict on the waters of this state or allows such a vessel to occupy such waters commits a noncriminal infraction, punishable by a civil penalty as provided in s. 327.73, F.S., which is added in section 3 of the bill.

The civil penalties are in addition to any other penalties provided for in law.

The bill provides an exemption for vessels that are moored to a private dock or wet slip with the consent of the owner for the purpose of being repaired.

Section 2 amends s. 327.70, F.S., to provide that violations of s. 327.4107, F.S., may be enforced by a uniform boating citation mailed to the registered owner of the vessel.

Section 3 amends s. 327.73, F.S., to provide the following civil penalties for violations of s. 327.4107, F.S. The civil penalties are:

- For a first offense: \$50;
- For a second offense occurring 30 days or more after a first offense: \$100; and
- For a third or subsequent offense occurring 30 days or more after a previous offense: \$250.

The civil penalties are remitted by the clerk of court to the Department of Revenue and deposited into the Marine Resources Conservation Trust fund for boating and education purposes.²²

Section 4 of the bill provides an effective date of July 1, 2016.

²¹ FWC, *Anchoring and Mooring Pilot Program: Report of Findings and Recommendations* (Dec. 31, 2013), pg. 3, available at <http://myfwc.com/media/2704721/FindingsRecommendations.pdf> (last visited Jan. 21, 2016).

²² Section 327.73(8), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There could be a negative but indeterminate effect on boat owners due to new penalties imposed on vessel owners whose vessels are found to be in danger of becoming derelict. FWC provides that the effects are not anticipated to be significant.²³

C. Government Sector Impact:

There could be a positive but indeterminate impact on local and state governments if individuals repair or move their vessels rather than allow them to become derelict.

There could be a positive but indeterminate impact from penalties imposed for violations of the provisions of the bill. The FWC provides that the effects are not anticipated to be significant.²⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.70 and 327.73.

²³ FWC, *House Bill 7025 Agency Analysis* (Jan. 6, 2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

²⁴ *Id.*

This bill creates the following section of the Florida Statutes: 327.4107.

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 Dean

5-00194A-16

20161300__

1 A bill to be entitled
 2 An act relating to at-risk vessels; creating s.
 3 327.4107, F.S.; prohibiting a vessel that is at risk
 4 of becoming derelict from anchoring on, mooring on, or
 5 occupying the waters of this state; authorizing an
 6 officer of the Fish and Wildlife Conservation
 7 Commission or of specified law enforcement agencies to
 8 determine that a vessel is at risk of becoming
 9 derelict if certain conditions exist; providing that a
 10 person who anchors or moors such a vessel or allows it
 11 to occupy waters of this state commits a noncriminal
 12 infraction; providing penalties; providing
 13 applicability; amending s. 327.70, F.S.; providing for
 14 enforcement of such violations by citation mailed to
 15 the owner of the vessel; amending s. 327.73, F.S.;
 16 providing civil penalties for such violations;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 327.4107, Florida Statutes, is created
 22 to read:

23 327.4107 Vessels at risk of becoming derelict on waters of
 24 this state.—

25 (1) To prevent vessels in neglected or deteriorating
 26 condition from reaching a likely and foreseeable state of
 27 disrepair, a vessel that is at risk of becoming derelict
 28 pursuant to subsection (2) may not anchor on, moor on, or occupy
 29 the waters of this state.

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

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33 exist:

34 (a) The vessel is taking on, or has taken on, water without
35 an effective means to dewater.

36 (b) Spaces on the vessel which are designed to be enclosed
37 are incapable of being sealed off or remain open to the elements
38 for extended periods of time.

39 (c) The vessel has broken loose or is in danger of breaking
40 loose from its anchor.

41 (d) The vessel is left or stored aground unattended in such
42 a state that would prevent the vessel from getting underway, is
43 listing due to water intrusion, or is sunken or partially
44 sunken.

45 (3) A person who anchors or moors a vessel at risk of
46 becoming derelict on the waters of this state or allows such a
47 vessel to occupy such waters commits a noncriminal infraction,
48 punishable as provided in s. 327.73.

49 (4) The penalty under this section is in addition to other
50 penalties provided by law.

51 (5) This section does not apply to a vessel that is moored
52 to a private dock or wet slip with the consent of the owner for
53 the purpose of receiving repairs.

54 Section 2. Paragraph (a) of subsection (2) of section
55 327.70, Florida Statutes, is amended to read:

56 327.70 Enforcement of this chapter and chapter 328.—

57 (2) (a) Noncriminal violations of the following statutes may
58 be enforced by a uniform boating citation mailed to the
59 registered owner of an unattended vessel anchored, aground, or
60 moored on the waters of this state:

61 1. Section 327.33(3)(b), relating to navigation rules.

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62 2. Section 327.4107, relating to vessels at risk of
63 becoming derelict.

64 ~~3.2.~~ Section 327.44, relating to interference with
65 navigation.

66 ~~4.3.~~ Section 327.50(2), relating to required lights and
67 shapes.

68 ~~5.4.~~ Section 327.53, relating to marine sanitation.

69 ~~6.5.~~ Section 328.48(5), relating to display of decal.

70 ~~7.6.~~ Section 328.52(2), relating to display of number.

71 Section 3. Paragraph (y) is added to subsection (1) of
72 section 327.73, Florida Statutes, to read:

73 327.73 Noncriminal infractions.—

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

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

79 1. For a first offense, \$50.

80 2. For a second offense occurring 30 days or more after a
81 first offense, \$100.

82 3. For a third or subsequent offense occurring 30 days or
83 more after a previous offense, \$250.

84
85 Any person cited for a violation of any provision of this
86 subsection shall be deemed to be charged with a noncriminal
87 infraction, shall be cited for such an infraction, and shall be
88 cited to appear before the county court. The civil penalty for
89 any such infraction is \$50, except as otherwise provided in this
90 section. Any person who fails to appear or otherwise properly

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91 respond to a uniform boating citation shall, in addition to the
92 charge relating to the violation of the boating laws of this
93 state, be charged with the offense of failing to respond to such
94 citation and, upon conviction, be guilty of a misdemeanor of the
95 second degree, punishable as provided in s. 775.082 or s.
96 775.083. A written warning to this effect shall be provided at
97 the time such uniform boating citation is issued.

98 Section 4. This act shall take effect July 1, 2016.

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 Environmental Preservation and Conservation

BILL: SB 1312

INTRODUCER: Senator Dean

SUBJECT: Protection Zones for Springs

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Favorable
2.			AGG	
3.			AP	

I. Summary:

SB 1312 requires the Fish and Wildlife Conservation Commission (FWC) to establish protection zones restricting the speed and operation of vessels to protect and prevent harm to springs. Any individual who operates a vessel in violation of a spring protection zone will be charged a uniform boating citation. The bill requires the FWC to adopt rules for implementation.

II. Present Situation:

Florida's Springs

Florida's springs are unique and beautiful resources. The historically crystal clear waters provide not only a variety of recreational opportunities and habitats, but also great economic value for recreation and tourism. Springs are major sources of stream flow in a number of rivers such as the Rainbow, Chassahowitzka, Homosassa, and Ichetucknee.¹ Additionally, Florida's springs provide a "window" into the Floridan aquifer system, which provides most of the state's drinking water.

Springs form when groundwater is forced out through natural openings in the ground.² Florida has more than 700 recognized springs, categorized by flow in cubic feet per second. First magnitude springs are those that discharge 100 cubic feet of water per second or greater. Florida has 33 first magnitude springs in 18 counties that discharge more than 64 million gallons of water per day. Spring discharges, primarily from the Floridan aquifer, are used to determine groundwater quality and the degree of human impact on a spring's recharge area. Rainfall,

¹ Department of Community Affairs, *Protecting Florida's Springs: An Implementation Guidebook*, 3-1 (Feb. 2008), available at <http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf> (last visited Jan. 21, 2016).

² *Id.* at 3-1 to 3-2.

surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to groundwater chemistry.³

Motorboat activity has the potential to harm aquatic ecosystems by causing impacts such as sediment re-suspension and shoreline erosion. Propeller-induced turbulence can cause disturbance of sediments.⁴ The amount of resuspension varies with water depth and sediment type, as depth and sediment particle size decrease, resuspension increases.⁵ Shoreline erosion refers to the process by which soil particles located along a bank or shore become detached and transported by water currents or wave energy.⁶ Boats produce wake, which may in turn create waves that propagate outward until dissipated at the shoreline.⁷ Physical impacts due to wake and the consequent wave action are dependent on various factors such as boat size, boating speed, hull design, water depth, and local shoreline characteristics.⁸ The impacts of boats on aquatic ecosystems are exhibited in shallow-water near-shore areas; protecting these areas with no wake-zones has been suggested as the most effective way of reducing such impacts.⁹

Regulation of Motorboat Speeds in Florida

Boating Restricted Areas

Section 327.46, F.S., authorizes the Fish and Wildlife Conservation Commission (FWC) to establish restrictions on vessel speeds and vessel traffic 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. Boating-restricted areas are adopted by the FWC by rule.¹⁰

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

Local governments are authorized to establish boating-restricted areas by ordinance within certain parameters.¹¹ Such ordinances must be reviewed by the FWC and determined necessary to protect public safety based upon substantial competent evidence.¹² The following types of restrictions are authorized to be established:

³ Florida Geological Survey, *Springs of Florida Bulletin No. 66*, available at <http://www.dep.state.fl.us/geology/geologictopics/springs/bulletin66.htm> (last visited Oct. 18, 2015).

⁴ Richard Klein, Community & Environmental Defense Services, *The Effects of Marinas & Boating Activity upon Tidal Waterways*, pg. 6 (July 2007), available at <http://www.ceds.org/pdffdocs/Marinas.pdf>.

⁵ *Id.*

⁶ Timothy R. Asplund, Wisconsin Department of Natural Resources, Bureau of Integrated Science Services and University of Wisconsin - Madison, Water Chemistry Program, *The Effects of Motorized Watercraft on Aquatic Ecosystems*, pg. 7 (Mar. 17, 2000), available at <http://dnr.wi.gov/topic/ShorelandZoning/documents/201301041052.pdf>.

⁷ *Id.* at 7.

⁸ Klein at 9.

⁹ Asplund at 18.

¹⁰ Chapter 68D-24, F.A.C., provides the commission established boating restricted areas by county.

¹¹ Section 327.46(1)(b), F.S.

¹² *Id.*

- An ordinance establishing an idle speed, no wake¹³ boating-restricted area, if the area is:
 - 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.
 - 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.
 - Inside or within 300 feet of any lock structure.¹⁴
- An ordinance establishing a slow speed, minimum wake¹⁵ boating-restricted area if the area is:
 - Within 300 feet of any bridge fender system.
 - 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.
 - On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.
 - On a lake or pond of less than 10 acres in total surface area.¹⁶
- An ordinance establishing a vessel-exclusion zone if the area is:
 - Designated as a public bathing beach or swim area.
 - Within 300 feet of a dam, spillway, or flood control structure.¹⁷

The penalty for operating a vessel in a prohibited manner within a boating-restricted area that has been clearly marked by regulatory markers is a noncriminal infraction, punishable by a civil penalty of \$50.¹⁸

Manatee Protection Zones

Slower boat speeds provide boat operators with more time to see manatees and take avoidance actions, and blunt force injuries that do occur will be less severe, and less likely lethal, when boats are traveling at slower speeds.¹⁹ The Florida Manatee Sanctuary Act requires the FWC to regulate the operation and speed of motorboat traffic where manatee sightings are frequent and the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusions that manatees inhabit these

¹³ Rule 68D-24.002, F.A.C., defines the term “Idle Speed No Wake” to mean that a vessel cannot proceed at a speed greater than necessary to maintain steerageway.

¹⁴ Section 327.46(1)(b), F.S.

¹⁵ Rule 68D-24.002, F.A.C. defines the term “Slow Speed Minimum Wake” to mean that a vessel must be fully off plane and completely settled in the water and it may not proceed greater than that speed which is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under existing circumstances.

¹⁶ Section 327.46(1)(b), F.S.

¹⁷ *Id.*

¹⁸ Section 327.73, F.S.

¹⁹ C. Scott Calleson & R. Kipp Frohlich, *Slower Boat Speeds Reduce Risks to Manatees*, Vol. 3 ENDANG. SPECIES RES. 295 304, 302 (2007), available at <http://www.int-res.com/articles/esr2007/3/n003p295.pdf>.

areas on a regular basis.²⁰ However, the Legislature made clear that it did not intend to authorize the FWC to post and regulate boat speeds generally throughout the waters of the state, thereby unduly interfering with the rights of fishers, boaters, and water skiers using the areas for recreational and commercial purposes.²¹

Local governments, except in the marked navigation channel of the Florida Intracoastal Waterway and the area within 100 feet of such channel, may regulate, by ordinance, motorboat speed and operation on waters within their jurisdiction where the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusion that manatees inhabit these areas on a regular basis.²² However, such an ordinance may not take effect until it has been reviewed and approved by the FWC.²³ If local and state regulations are established for the same area, the more restrictive regulation prevails.²⁴

The penalty for operating a vessel in excess of a posted speed limit is a noncriminal infraction, punishable by a civil penalty of \$50.²⁵

Uniform Waterway Markers

The FWC has established a uniform system of regulatory markers compatible with the system of regulatory markers prescribed by the United States Coast Guard in the United States Aids to Navigation System, 33 C.F.R. part 62.²⁶ The Division of Law Enforcement's Boating Waterways Section within the FWC permits and regulates the placement of markers in, on, and over the waters of this state and the shores thereof.²⁷

A person or municipality, county, or other governmental entity may not place any uniform waterway marker in, on, or over the waters or shores of the state without a permit.²⁸ The FWC will not issue any permit authorizing placement of regulatory markers implementing municipal or county ordinances that:

- Are in violation of s. 327.60, F.S., relating to limitations on local regulations;
- Establish boating-restricted areas until such ordinances have been reviewed and approved by the Boating and Waterways Section; or
- Regulate vessel speed or operation for manatee protection purposes, until such ordinances have been reviewed and approved by the commission, coordinated through the Imperiled Species Management Section, and provided that such ordinances do not apply within the

²⁰ Section 379.2431, F.S.

²¹ Section 379.2431(2)(k), F.S.

²² Section 379.2431(2)(p), F.S.

²³ *Id.*

²⁴ *Id.*

²⁵ Section 327.73(1), F.S.

²⁶ Section 327.41, F.S.

²⁷ Rule 68D-23.102, F.A.C.

²⁸ Section 327.40, F.S.

marked navigation channel of the Florida Intracoastal Waterway nor to the waters within 100 feet of said channel.²⁹

III. Effect of Proposed Changes:

SB 1312 creates s. 373.469, F.S., to require the Fish and Wildlife Conservation Commission (FWC) to establish protection zones restricting the speed and operation of vessels to protect and prevent harm to springs. The bill clarifies that harm includes negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic- and wetland-dependent species.

The bill requires the FWC to develop each protection zone in consultation and coordination with the water management district, 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 United States, the commission shall additionally coordinate with the United States Coast Guard and the United States Army Corps of Engineers.

Any individual who operates a vessel in violation of a spring protection zone shall be charged on a uniform boating citation and is subject to the following penalties:

- First offense is a noncriminal infraction, up to a maximum fine of \$50.
- Second offense is a noncriminal infraction, up to a maximum fine of \$250.
- Third and subsequent violations are misdemeanors of the second degree, punishable by up to 60 days of imprisonment or up to a \$500 fine.

The bill clarifies that any restriction in a spring protection zone does not apply:

- To law enforcement, firefighting, or rescue personnel operating a vessel in the course of performing their official duties; or
- In emergency situations, provided the emergency operation of a vessel is a reasonable response given the circumstances.

The bill defines the following terms:

- “Commission” means “the Fish and Wildlife Conservation Commission.”
- “Navigable waters of the United States” means “the waters of the United States, including the territorial seas, as referenced in the Clean Water Act, 33 U.S.C. ss. 1251 et seq., and the federal rules and regulations promulgated thereunder.”
- “Vessel” has the same meaning as provided in s. 327.02, F.S., which defines the term “vessel” as “synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and 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.”³⁰

The bill provides that the FWC is responsible for the posting and maintenance of regulatory markers identifying the spring protection zones and requires the FWC to adopt rules to establish and implement the spring protection zones.

²⁹ Rule 68D-23.101, F.A.C.

³⁰ Section 327.02, F.S.

The bill amends s. 327.73, F.S., to include the penalties for violations relating to protection zones for springs on the list of noncriminal infractions.

The bill amends s. 327.731, F.S., to conform a cross-reference to the list of noncriminal infractions.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FWC will incur costs associated with rulemaking to develop protection zones as required under the bill. Additional costs will be incurred to relating to the posting and maintenance of the regulatory markers for identifying the zones.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.73, 373.469, 327.731.

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 Dean

5-01201A-16

20161312__

1 A bill to be entitled
2 An act relating to protection zones for springs;
3 amending s. 327.73, F.S.; providing penalties for
4 violations relating to protection zones for springs;
5 creating s. 373.469, F.S.; defining terms; directing
6 the Fish and Wildlife Conservation Commission to
7 establish protection zones to prevent harm to springs;
8 requiring the commission to set vessel speed and
9 operation standards for protection zones; requiring
10 the commission to consult with certain other entities
11 under certain circumstances; providing penalties;
12 providing exceptions; specifying responsibility for
13 posting and maintaining regulatory markers; requiring
14 the commission to adopt rules; amending s. 327.731,
15 F.S.; conforming cross-references; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (1) of section 327.73, Florida
21 Statutes, is amended to read:

22 327.73 Noncriminal infractions.—

23 (1) Violations of the following provisions of the vessel
24 laws of this state are noncriminal infractions unless otherwise
25 provided:

26 (a) Section 373.469, relating to protection zones for
27 springs, for which the penalty is:

28 1. For a first offense, up to a maximum of \$50.

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

30 3. For a third or subsequent offense, criminal penalties as
31 provided in s. 373.469(4).

32 (b) ~~(a)~~ Section 328.46, relating to operation of

5-01201A-16

20161312__

33 unregistered and unnumbered vessels.

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

36 (d)~~(e)~~ Section 328.48(5), relating to display of decal.

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

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

40 (g)~~(f)~~ Section 328.60, relating to military personnel and
41 registration of vessels.

42 (h)~~(g)~~ Section 328.72(13), relating to operation with an
43 expired registration.

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

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

47 (k)~~(j)~~ Section 327.44, relating to interference with
48 navigation.

49 (l)~~(k)~~ Violations relating to boating-restricted areas and
50 speed limits:

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

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

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

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

57 (o)~~(n)~~ Section 327.65, relating to muffling devices.

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

60 1. That does not result in an accident; or

61 2. That results in an accident not causing serious bodily

5-01201A-16

20161312__

62 injury or death, for which the penalty is:

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

64 b. For a second offense, up to a maximum of \$750.

65 c. For a third or subsequent offense, up to a maximum of
66 \$1,000.

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

69 (r)~~(q)~~ Section 327.53(1), (2), and (3), relating to marine
70 sanitation.

71 (s)~~(r)~~ Section 327.53(4), (5), and (7), relating to marine
72 sanitation, for which the civil penalty is \$250.

73 (t)~~(s)~~ Section 327.395, relating to boater safety
74 education.

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

77 (v)~~(u)~~ Section 327.331, relating to divers-down flags and
78 buoys, except for violations meeting the requirements of s.
79 327.33.

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

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

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

87 1. For a first offense, \$50.

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

90 3. For a third offense occurring within 36 months after a

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20161312__

91 prior conviction, \$500.

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

94
95 Any person cited for a violation of any provision of this
96 subsection, unless otherwise provided, shall be deemed to be
97 charged with a noncriminal infraction, shall be cited for such
98 an infraction, and shall be cited to appear before the county
99 court. The civil penalty for any such infraction is \$50, except
100 as otherwise provided in this section. Any person who fails to
101 appear or otherwise properly respond to a uniform boating
102 citation shall, in addition to the charge relating to the
103 violation of the boating laws of this state, be charged with the
104 offense of failing to respond to such citation and, upon
105 conviction, be guilty of a misdemeanor of the second degree,
106 punishable as provided in s. 775.082 or s. 775.083. A written
107 warning to this effect shall be provided at the time such
108 uniform boating citation is issued.

109 Section 2. Section 373.469, Florida Statutes, is created to
110 read:

111 373.469 Protection zones for springs.-

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

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

115 (b) "Navigable waters of the United States" means the
116 waters of the United States, including the territorial seas, as
117 referenced in the Clean Water Act, 33 U.S.C. ss. 1251 et seq.,
118 and the federal rules and regulations promulgated thereunder.

119 (c) "Vessel" has the same meaning as provided in s. 327.02.

5-01201A-16

20161312__

120 (2) The commission shall establish by rule protection zones
121 restricting the speed and operation of vessels to protect and
122 prevent harm to springs. This harm includes negative impacts to
123 water quality, water quantity, hydrology, wetlands, and aquatic-
124 and wetland-dependent species.

125 (3) The commission shall develop each protection zone in
126 consultation and coordination with the water management
127 district, and the governing bodies of the county and
128 municipality, if applicable, in which the zone is located. If
129 the zone includes navigable waters of the United States, the
130 commission shall additionally coordinate with the United States
131 Coast Guard and the United States Army Corps of Engineers.

132 (4) Any individual who operates a vessel in violation of a
133 spring protection zone rule adopted pursuant to this section
134 shall be charged on a uniform boating citation as provided in s.
135 327.74 and is subject to the following penalties:

136 (a) First and second violations are noncriminal
137 infractions, punishable as provided in s. 327.73(1)(a).

138 (b) Third and subsequent violations are misdemeanors of the
139 second degree, punishable as provided in s. 775.082 or s.
140 775.083.

141 (5) Restrictions in a protection zone do not apply:

142 (a) To law enforcement, firefighting, or rescue personnel
143 operating a vessel in the course of performing their official
144 duties; or

145 (b) In emergency situations. However, the emergency
146 operation of a vessel must be a reasonable response given the
147 circumstances.

148 (6) The commission is responsible for the posting and

5-01201A-16

20161312__

149 maintenance of regulatory markers identifying protection zones.

150 (7) The commission shall adopt rules to implement this
151 section.

152 Section 3. Subsection (1) of section 327.731, Florida
153 Statutes, is amended to read:

154 327.731 Mandatory education for violators.—

155 (1) A person convicted of a criminal violation under this
156 chapter, convicted of a noncriminal infraction under this
157 chapter if the infraction resulted in a reportable boating
158 accident, or convicted of two noncriminal infractions as
159 specified in s. 327.73(1)(i)-(l), (n), (p), (q), and (t)-(y) s.
160 327.73(1)(h)-(k), (m), (o), (p), and (s)-(x), said infractions
161 occurring within a 12-month period, must:

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

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

168 (c) Refrain from operating a vessel until he or she has
169 filed proof of successful completion of the course with the
170 commission.

171 Section 4. This act shall take effect July 1, 2016.

760

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Adam R. Gelber

is duly appointed a member of the

Environmental Regulation Commission

for a term beginning on the

Second day of October, A.D., 2015,

until the First day of July, A.D., 2019

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 First day of December, A.D., 2015.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2" x 11" document



RICK SCOTT
GOVERNOR

RECEIVED
DEPT. OF STATE
2015 OCT 13 AM 11:11
DIVISION OF ELECTIO
TALLAHASSEE, FL

October 5, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.255(7), Florida Statutes:

Mr. Adam R. Gelber
5916 Pine Tree Drive
Miami Beach, Florida 33140

as a member of the Environmental Regulation Commission, subject to confirmation by the Senate. This appointment is effective October 2, 2015, for a term ending July 1, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2015 NOV 13 AM 9:55
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Miami-Dade

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

Environmental Regulation Commission

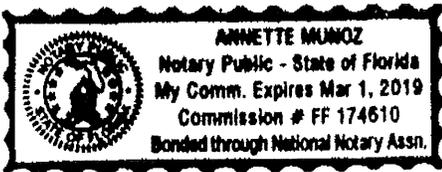
(Title of Office)

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.]

Adam R. Gelber

Signature



Sworn to and subscribed before me this 11 day of November, 2015

Annette Munoz

Signature of Officer Administering Oath or of Notary Public

Annette Munoz

Print, Type, or Stamp Commissioned Name of Notary Public

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

5916 Pine Tree Drive
Street or Post Office Box
Miami Beach, FL
City, State, Zip Code

Adam R. Gelber

Print name as you desire commission issued

Adam R. Gelber

Signature

760

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Sarah S. Walton

is duly appointed a member of the

Environmental Regulation Commission

for a term beginning on the
Twelfth day of June, A.D., 2015,
until the First day of July, A.D., 2017

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 Twentieth day of August, A.D., 2015.*



Ken Detzner

Secretary of State

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RICK SCOTT
GOVERNOR

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2015 JUN 17 AM 11:52
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.255(7), Florida Statutes:

Mrs. Sarah S. Walton
25 West Cedar Street, Suite 550
Pensacola, Florida 32502

as a member of the Environmental Regulation Commission, subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending July 1, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cw

OATH OF OFFICE

RECEIVED

(Art. II, § 5(b), Fla. Const.)

15 JUN 29 AM 11:01

STATE OF FLORIDA

County of ESCAMBIA

DIVISION OF ELECTIONS
SECRETARY OF STATE

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

Commissioner of the Environmental Regulation Commission

(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.]

[Handwritten Signature]

Signature

Sworn to and subscribed before me this 25 day of June, 2015

[Handwritten Signature: Dionne J. Niswonger]

Signature of Officer Administering Oath or of Notary Public

Dionne J Niswonger

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

P. O. Box 1390
Street or Post Office Box
Pensacola, FL 32591-1390
City, State, Zip Code

Sarah S. Walton

Print name as you desire commission issued

[Handwritten Signature]
Signature

760

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Joseph C. Joyce

is duly appointed a member of the

Environmental Regulation Commission

for a term beginning on the
Second day of October, A.D., 2015,
until the First day of July, A.D., 2019.

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 Eighteenth day of November, A.D., 2015.*



Ken Detzner

Secretary of State

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"State of Florida" appears in small letters across the face of this 8 1/2" x 11" document



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2015 OCT 13 AM 11:16
DIVISION OF OPERATIONS
TALLAHASSEE, FL

October 5, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.255(7), Florida Statutes:

Dr. Joseph C. Joyce
9916 Southwest 13th Street
Gainesville, Florida 32607

as a member of the Environmental Regulation Commission, subject to confirmation by the Senate. This appointment is effective October 2, 2015, for a term ending July 1, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Alachua

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STATE DEPT. OF STATE
2015 NOV -3 PM 1:14
DIVISION OF ELECTIONS
TAL. AND SEC. 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

Commissioner, Environmental Regulation Commission

(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.]

Joseph C. Joyce
Signature

Sworn to and subscribed before me this 30 day of October 2015.

Pamela Matchett
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

9916 SW 13th Place

Street or Post Office Box

Gainesville, FL 32607

City, State, Zip Code

Joseph C. Joyce

Print name as you desire commission issued

Joseph C. Joyce
Signature

2460

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

John R. Henslick

is duly appointed a member of the

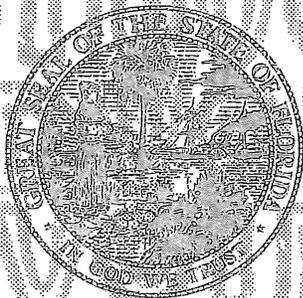
**Governing Board,
Southwest Florida Water Management District**

for a term beginning on the
Twenty-Fifth day of September, A.D., 2015,
until the First day of March, A.D., 2017
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 Twentieth day of October, A.D. 2015.*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

RECEIVED
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2015 OCT -1 AM 11:32
DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 25, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. John R. Henslick
41144 24th Terrace East
Myakka City, Florida 34251

as a member of the Governing Board, Southwest Florida Water Management District, succeeding Carlos Beruff, subject to confirmation by the Senate. This appointment is effective September 25, 2015, for a term ending March 1, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
2015 OCT 19 AM 9:23
NOTARY PUBLIC
TALAMON, FL

STATE OF FLORIDA

County of MANATEE

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, Southwest Fl. Water Management District

(Title of Office)

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

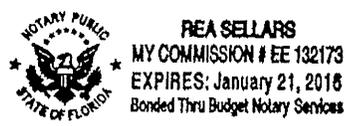
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

John R. Henslick
Signature
Sworn to and subscribed before me this 12 day of OCTOBER, 2015.

Rea Sellers
Signature of Officer Administering Oath or of Notary Public

Rea Sellers
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

41144 24th Terrace East
Street or Post Office Box
Myakka City, Fl. 34251
City, State, Zip Code

John R. Henslick
Print name as you desire commission issued

John R. Henslick
Signature

2460

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Kelly S. Rice

is duly appointed a member of the

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

for a term beginning on the
Twenty-Fifth day of September, A.D., 2015,
until the First day of March, A.D., 2019
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 Eighteenth day of November, A.D., 2015.*

Ken Detzner
Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2015 OCT -1 AM 11:32

DIVISION OF REGULATIONS
TALLAHASSEE, FL

September 25, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. Kelly S. Rice
1034 W C 48
Bushnell, Florida 33513

as a member of the Governing Board, Southwest Florida Water Management District, succeeding Douglas Tharp, subject to confirmation by the Senate. This appointment is effective September 25, 2015, for a term ending March 1, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott", written over a large, stylized flourish.

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT
2015 NOV 13 AM 10:45

STATE OF FLORIDA

County of Hernando

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

Southwest Florida Water Management District Governing Board
(Title of Office)

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

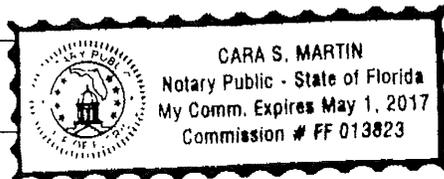
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 27 day of October, 2015.

Cara S Martin
Signature of Officer Administering Oath or of Notary Public

Cara S Martin
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

1034 West County Rd 48
Street or Post Office Box

Bushnell, FL 33513
City, State, Zip Code

Kelly S. Rice
Print name as you desire commission issued

[Signature]
Signature



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Community Affairs
Finance and Tax
Regulated Industries
Rules

SENATOR MIGUEL DIAZ de la PORTILLA

40th District

January 25, 2016

The Honorable Charlie Dean
Chair
Environmental Preservation & Conservation

RE: SB 1176, Dredge and Fill

Dear Chair Dean:

The above referenced bill is on your agenda for Wednesday, January 27. If you have no objection, I am respectfully requesting that you permit Representative Katie Edwards, the sponsor of the House Bill, to present the bill on Wednesday. I will be in Regulated Industries Committee.

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla
State Senator, District 40

Cc: Ms. Ellen Rogers, Staff Director; Ms. Kim Bonn, Committee Administrative Assistant

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Military and Veterans Affairs, Space, and Domestic Security, *Chair*
Children, Families, and Elder Affairs, *Vice-Chair*
Appropriations
Appropriations Subcommittee on General Government
Environmental Preservation and Conservation
Finance and Tax

SENATOR THAD ALTMAN

16th District

January 20, 2016

The Honorable Charles S. Dean
325 Knott Building
404 South Monroe St.
Tallahassee, FL 32399-1100

Dear Chair Dean,

The purpose of this letter is to seek your permission to be excused from the scheduled Environmental Preservation and Conservation Committee meeting on January 27, 2015. Due to unforeseen circumstances, I will not be able to attend.

Should you have any questions concerning this matter, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Thad Altman".

Thad Altman

CC: Ellen Rogers, Staff Director, 325 Knott Building
Kim Bonn, Committee Administrative Assistant

TA/dw

REPLY TO:

- 6767 North Wickham Road, Suite 211, Melbourne, Florida 32940 (321) 752-3138
- 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16
Meeting Date

644
Bill Number (if applicable)

Topic BOATING SAFETY

671240
Amendment Barcode (if applicable)

Name DIANA PADGETT

Job Title CONSULTANT

Address 1371 MILLSTREAM RD.
Street

Phone 850-212-4204

TALLAHASSEE FL 32312
City State Zip

Email DHPCONSULTING & EARTH
LINK.NET

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MARINE INDUSTRIES ASSOC. OF PALM BEACH COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

644
Bill Number (if applicable)

Topic Boating Safety

671240
Amendment Barcode (if applicable)

Name Lisa Henning

Job Title Consultant

Address 242 Office Plaza

Phone 850-766-8808

Street

Tallahassee FL 32301

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Marine Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE
APPEARANCE RECORD

TAB 1

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-16
Meeting Date

644
Bill Number (if applicable)

Topic Boating Safety

Amendment Barcode (if applicable)

Name Peggy Matthews

Job Title FL Rep

Address _____
Street

Phone _____

City

State

Zip

Email matthews@fla.gov

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record)

Representing American Watercraft Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at a meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

644

Meeting Date

Bill Number (if applicable)

Topic 644 Boating Safety

Amendment Barcode (if applicable)

Name Steven Webster

Job Title President

Address 122 S Calhoun

Phone 850 391 7674

Tallahassee FL 32301
Street City State Zip

Email swester@mwem.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Citizens For Florida's Waterways

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

TAB 2

1/27/16
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1176
Bill Number (if applicable)

Topic DREDGE & FILL

Amendment Barcode (if applicable)

Name FRANK MATTHEWS

Job Title ATTY

Address PO BOX 6526

Phone 8502227500

Street

TLH
City

FLA
State

32301
Zip

Email frankm@hgs/law.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ASSOC OF FLA COMM. DEVELOPERS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16

Meeting Date

1300

Bill Number (if applicable)

Topic AT RISK VESSELS

Amendment Barcode (if applicable)

Name STEPHEN JAMES

Job Title

Address 100 S MONROE

Phone (850) 922-4300

Street

TALLAHASSEE FL 32301

Email

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing FLA ASSOC. OF. COUNTIES

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1300
Bill Number (if applicable)

Meeting Date _____

Topic At Risk Vessels

Amendment Barcode (if applicable) _____

Name Lisa Henning

Job Title Consultant

Address 242 Office Plaza Dr

Phone 850-766-8808

Tallahassee FL 3230
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Marine Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16
Meeting Date

1300
Bill Number (if applicable)

Topic AT RISK VESSELS

Amendment Barcode (if applicable)

Name DIANA PADGETT

Job Title CONSULTANT

Address 1371 MILLSTREAM RD.
Street

Phone 850-212-4204

TALLAHASSEE FL 32312
City State Zip

Email DHPCONSULTING @
EARTHLINK.NET

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MARINE INDUSTRIES ASSOC. OF PALM BEACH CO.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16
Meeting Date

SB 1300
Bill Number (if applicable)

Topic at-risk Vessels

Amendment Barcode (if applicable)

Name Phillip Werndli

Job Title Member - Concerned Cruisers Committee

Address 1028 Apollo Beach Blvd. #3
Street

Phone 850 519 8398

Apollo Beach FL 33572
City State Zip

Email pwerndli@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Seven Seas Cruising Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 27, 2015
Meeting Date

1300
Bill Number (if applicable)

Topic At Risk Derelict Vessels

Amendment Barcode (if applicable)

Name David Childs

Job Title Counsel

Address 119 S. Monroe St Suite 300
Street

Phone 850 222-7500

Tallahassee FL 32303
City State Zip

Email DAVIDC@H6SLAW.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing National Marine Manufacturers Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

TAB 4

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16
Meeting Date

1300
Bill Number (if applicable)

Topic AT Risk Vessels

Amendment Barcode (if applicable)

Name Bonnie Basham

Job Title _____

Address 133 oak st #15
Street

Phone 850 933 7277

City

State

Zip

Email Capital.Ideas@ATT.

Speaking: For Against Information

Waive Speaking: In Support Against ATT.
(The Chair will read this information into the record.)

Representing BOAT US

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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