

1                                   A bill to be entitled  
2           An act relating to water management; amending  
3           s. 287.042, F.S.; providing requirements to  
4           protest contracts administered by water  
5           management districts; amending s. 373.083,  
6           F.S.; authorizing a water management district  
7           governing board to delegate its powers, duties,  
8           and functions to district staff; amending s.  
9           373.323, F.S.; providing additional licensure  
10          requirements for water well contractors;  
11          amending s. 373.324, F.S.; providing for a  
12          continuing education requirement for license  
13          renewal; providing for rules; amending s.  
14          373.414, F.S.; revising the criteria to be  
15          considered in determining the cumulative  
16          impacts of activities upon surface waters and  
17          wetlands; creating s. 403.065, F.S.; providing  
18          findings and declarations; providing for  
19          classification and permitting of aquifer  
20          storage and recovery wells; providing a zone of  
21          discharge for aquifer storage and recovery  
22          wells meeting specific criteria; providing  
23          monitoring requirements for aquifer storage and  
24          recovery wells; requiring an aquifer exemption  
25          for aquifer storage and recovery wells  
26          exceeding primary drinking water standards  
27          other than total coliform bacteria or sodium;  
28          requiring the Department of Environmental  
29          Protection to make a reasonable effort to issue  
30          or deny permits within 90 days; providing the  
31          department with rulemaking authority; amending

1 s. 403.0882, F.S.; reorganizing and clarifying  
2 provisions; directing the department to adopt  
3 rules; creating a technical advisory committee  
4 to assist in rule development; providing  
5 permitting requirements relating to failure of  
6 toxicity tests due to naturally occurring  
7 constituents; amending s. 403.061, F.S.;  
8 providing an exemption allowing  
9 demineralization concentrate mixing zones in  
10 Outstanding Florida Waters with specific  
11 requirements; amending s. 403.852, F.S.;  
12 redefining the terms "public water system,"  
13 "noncommunity water system," and "nontransient  
14 noncommunity water system," and defining the  
15 term "transient noncommunity water system";  
16 amending s. 403.853, F.S.; requiring the  
17 department to adopt and enforce certain primary  
18 and secondary drinking water regulations for  
19 nontransient noncommunity water systems and  
20 transient noncommunity water systems; amending  
21 s. 403.8532, F.S.; authorizing the department  
22 to make loans to nonprofit transient  
23 noncommunity water systems; amending s.  
24 403.854, F.S.; allowing the department to waive  
25 disinfection requirements and operator  
26 requirements for certain water systems on a  
27 case-by-case basis; amending s. 403.865, F.S.;  
28 expanding the legislative declaration to  
29 include water distribution systems; amending s.  
30 403.866, F.S.; redefining the term "water  
31 distribution system"; amending ss. 403.867,

1 403.872, 403.875, and 403.88, F.S.; expanding  
2 provisions relating to water and wastewater  
3 facilities personnel to include "water  
4 distribution systems," as required by federal  
5 law; providing for the development of a  
6 proposal to dredge an access channel in Santa  
7 Rosa Sound; providing for a plan of mitigation;  
8 providing responsibility for costs; providing  
9 for an expedited process for state dredge and  
10 fill permits; developing project criteria;  
11 amending s. 20.255, F.S.; requiring the  
12 Governor to provide reasonable representation  
13 from all sections of the state in making  
14 appointments to the Environmental Regulation  
15 Commission; amending s. 403.088, F.S.;  
16 requiring persons holding water pollution  
17 operation permits to report certain  
18 noncompliance; providing for the adoption of  
19 rules; providing for the distribution of  
20 certain documentary stamp tax revenues to the  
21 Marine Resource Conservation Trust Fund to be  
22 used for marine mammal care; amending s.  
23 201.15, F.S.; providing for the distribution of  
24 certain documentary stamp tax revenues to the  
25 Marine Resource Conservation Trust Fund to be  
26 used for marine mammal care, effective July 1,  
27 2001; amending s. 328.72, F.S.; revising the  
28 process of handling voluntary contributions for  
29 manatee protection; amending s. 328.76, F.S.;  
30 eliminating the transfer of certain registered  
31 vessel revenues to the Save the Manatee Trust

1 Fund; amending s. 370.0603, F.S.; providing  
2 requirements for the use of funds in the Marine  
3 Resource Conservation Trust Fund; amending s.  
4 370.12, F.S.; eliminating requirements for the  
5 use of specified funds for manatee  
6 rehabilitation from the Save the Manatee Trust  
7 Fund; creating s. 163.065, F.S.; creating the  
8 "Miami River Improvement Act"; providing  
9 findings and purpose; directing state and  
10 regional agencies to assist the Miami River  
11 Commission; requiring a plan; providing an  
12 appropriation; creating s. 373.200, F.S.;  
13 specifying the role of the Seminole Tribe Water  
14 Rights Compact; amending s. 403.813, F.S.;  
15 prohibiting the restriction of the number of  
16 vessels moored at certain private,  
17 single-family docks; providing an effective  
18 date.

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

21  
22 Section 1. Paragraph (c) of subsection (2) of section  
23 287.042, Florida Statutes, is amended to read:

24 287.042 Powers, duties, and functions.--The department  
25 shall have the following powers, duties, and functions:

26 (2)

27 (c) Any person who files an action protesting a  
28 decision or intended decision pertaining to contracts  
29 administered by the department, a water management district,  
30 or a state agency pursuant to s. 120.57(3)(b) shall post with  
31 the department, the water management district, or the state

1 agency at the time of filing the formal written protest a bond  
2 payable to the department, the water management district, or  
3 the state agency in an amount equal to 1 percent of the  
4 department's, the water management district's, or the state  
5 agency's estimate of the total volume of the contract or  
6 \$5,000, whichever is less, which bond shall be conditioned  
7 upon the payment of all costs which may be adjudged against  
8 him or her in the administrative hearing in which the action  
9 is brought and in any subsequent appellate court proceeding.  
10 For protests of decisions or intended decisions of the  
11 department pertaining to agencies' requests for approval of  
12 exceptional purchases, the bond shall be in an amount equal to  
13 1 percent of the requesting agency's estimate of the contract  
14 amount for the exceptional purchase requested or \$5,000,  
15 whichever is less. In lieu of a bond, the department, the  
16 water management district, or the state agency may, in either  
17 case, accept a cashier's check or money order in the amount of  
18 the bond. If, after completion of the administrative hearing  
19 process and any appellate court proceedings, the water  
20 management district or the agency prevails, it shall recover  
21 all costs and charges which shall be included in the final  
22 order or judgment, excluding attorney's fees. This section  
23 shall not apply to protests filed by the Minority Business  
24 Advocacy and Assistance Office. Upon payment of such costs and  
25 charges by the person protesting the award, the bond,  
26 cashier's check, or money order shall be returned to him or  
27 her. If the person protesting the award prevails, he or she  
28 shall recover from the water management district or the agency  
29 all costs and charges which shall be included in the final  
30 order of judgment, excluding attorney's fees.  
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1           Section 2. Subsection (5) is added to section 373.083,  
2 Florida Statutes, to read:

3           373.083 General powers and duties of the governing  
4 board.--In addition to other powers and duties allowed it by  
5 law, the governing board is authorized to:

6           (5) Execute any of the powers, duties, and functions  
7 vested in the governing board through a member or members  
8 thereof, the executive director, or other district staff as  
9 designated by the governing board. The governing board may  
10 establish the scope and terms of any delegation. However, if  
11 the governing board delegates the authority to take final  
12 action on permit applications under part II or part IV, or  
13 petitions for variances or waivers of permitting requirements  
14 under part II or part IV, the governing board shall provide a  
15 process for referring any denial of such application or  
16 petition to the governing board to take final action. The  
17 authority in this subsection is supplemental to any other  
18 provision of this chapter granting authority to the governing  
19 board to delegate specific powers, duties, or functions.

20           Section 3. Subsection (5) of section 373.323, Florida  
21 Statutes, is amended, and subsection (10) is added to said  
22 section, to read:

23           373.323 Licensure of water well contractors;  
24 application, qualifications, and examinations; equipment  
25 identification.--

26           (5) The water management district shall issue a water  
27 well contracting license to any applicant who receives a  
28 passing grade on the examination, has paid the initial  
29 application fee, takes and completes to the satisfaction of  
30 the department a minimum of 12 hours of approved course work,  
31 and has complied with the requirements of this section. A

1 passing grade on the examination shall be as established by  
2 the department by rule. A license issued by any water  
3 management district shall be valid in every water management  
4 district in the state.

5 (10) Effective July 1, 2001, water well contractors  
6 licensed under the provisions of this section shall be able to  
7 install, repair, and modify pumps and tanks in accordance with  
8 the Florida Building Code, Chapter 29, section 612--Well Pumps  
9 and Tanks Used for Potable Water Systems.

10 Section 4. Subsection (2) of section 373.324, Florida  
11 Statutes, is amended, subsections (3), (4), and (5) are  
12 renumbered as subsections (4), (5), and (6), respectively, and  
13 a new subsection (3) is added to said section, to read:

14 373.324 License renewal.--

15 (2) The water management district shall renew a  
16 license upon receipt of the renewal application, proof of  
17 completion of 12 classroom hours of continuing education  
18 annually, and renewal fee.

19 (3) The department shall prescribe by rule the method  
20 for renewal of licenses, which shall include continuing  
21 education requirements of not less than 12 classroom hours  
22 annually.

23 Section 5. Subsection (8) of section 373.414, Florida  
24 Statutes, is amended to read:

25 373.414 Additional criteria for activities in surface  
26 waters and wetlands.--

27 (8)(a) The governing board or the department, in  
28 deciding whether to grant or deny a permit for an activity  
29 regulated under this part shall consider the cumulative  
30 impacts upon surface water and wetlands, as delineated in s.

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1 373.421(1), within the same drainage basin as defined in s.  
2 373.403(9), of:

3 ~~1.(a)~~ The activity for which the permit is sought.

4 ~~2.(b)~~ Projects which are existing or activities  
5 regulated under this part which are under construction or  
6 projects for which permits or determinations pursuant to s.  
7 373.421 or s. 403.914 have been sought.

8 ~~3.(c)~~ Activities which are under review, approved, or  
9 vested pursuant to s. 380.06, or other activities regulated  
10 under this part which may reasonably be expected to be located  
11 within surface waters or wetlands, as delineated in s.  
12 373.421(1), in the same drainage basin as defined in s.  
13 373.403(9), based upon the comprehensive plans, adopted  
14 pursuant to chapter 163, of the local governments having  
15 jurisdiction over the activities, or applicable land use  
16 restrictions and regulations.

17 (b) If an applicant proposes mitigation within the  
18 same drainage basin where adverse effects are to be mitigated  
19 and if the mitigation offsets these adverse effects, the  
20 governing board and department shall consider the regulated  
21 activity to meet the requirements of paragraph (a). However,  
22 this paragraph may not be construed to prohibit mitigation  
23 outside the drainage basin which offsets the adverse effects  
24 within the drainage basin.

25 Section 6. Section 403.065, Florida Statutes, is  
26 created to read:

27 403.065 Aquifer Storage and Recovery Wells.--

28 (1) The Legislature finds and declares that it is in  
29 the public interest to conserve and protect water resources,  
30 provide adequate water supplies, provide for natural systems,  
31



1 and promote quality aquifer storage and recovery projects by  
2 removing inappropriate institutional barriers.

3 (2) Aquifer storage and recovery wells shall be  
4 classified and permitted according to department rules,  
5 consistent with the federal Safe Drinking Water Act. They  
6 shall be constructed to prevent violation of state groundwater  
7 quality standards at the point of discharge, except as  
8 specifically provided in this section.

9 (3) Aquifer storage and recovery wells shall be  
10 allowed a zone of discharge for sodium and secondary drinking  
11 water standards, provided that the requirements of paragraphs  
12 (4)(b), (c), and (d) and subsection (6) are met.

13 (4) Aquifer storage and recovery wells used to inject  
14 water from a surfacewater or groundwater source shall be  
15 allowed a zone of discharge for total coliform bacteria when  
16 the applicant for the aquifer storage and recovery well permit  
17 demonstrates, through a risk-based analysis, the following:

18 (a) The native groundwater within the proposed zone of  
19 discharge contains no less than 1,500 milligrams per liter  
20 total dissolved solids;

21 (b) The native groundwater within the proposed zone of  
22 discharge is not currently being used as a public or private  
23 drinking water supply, nor can any other person other than the  
24 permit applicant be reasonably expected to withdraw water from  
25 the zone of discharge in the future for such use;

26 (c) The presence of the stored water will not cause  
27 any person other than the permit applicant to treat its source  
28 water in any way that would not have been required in the  
29 absence of the aquifer storage and recovery well;

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1           (d) The department has approved a monitoring plan that  
2 specifies the number and location of monitor wells, monitoring  
3 parameters, and frequency of monitoring;

4           (e) Total coliform bacteria is the only primary  
5 drinking water standard other than sodium that will not be met  
6 prior to injection;

7           (f) The permit applicant demonstrates that biological  
8 contaminants will experience die-off such that primary  
9 drinking water standards will be met at the edge of the zone  
10 of discharge and that those contaminants will not pose an  
11 adverse risk to human health;

12           (g) The permit applicant documents the environmental  
13 benefits to be derived from the storage, recovery, and future  
14 use of the injected water;

15           (h) The use of the recovered water is consistent with  
16 its intended primary purpose; and

17           (i) The storage of water will not endanger drinking  
18 water sources, as defined in the federal Safe Drinking Water  
19 Act, 42 U.S.C. s. 300h.

20           (5) The department may allow a zone of discharge for  
21 sodium, total coliform bacteria, and secondary drinking water  
22 standards if the total dissolved solids concentration of the  
23 native groundwater within the proposed zone of discharge is  
24 less than 1,500 milligrams per liter and if the requirements  
25 of paragraphs (4)(b)-(i) are satisfied and:

26           (a) The applicant for the aquifer storage and recovery  
27 well permit demonstrates that no person, other than the permit  
28 applicant, may in the future withdraw water from the zone of  
29 discharge for use as a public or private drinking water supply  
30 because of legal restrictions imposed by a water management  
31 district, state agency, local government, or other

1 governmental entity having jurisdiction over water supply or  
2 well construction;

3 (b) The permit applicant provides written notice,  
4 including specific information about the proposed aquifer  
5 storage and recovery project, to each land owner whose  
6 property overlies the zone of discharge.

7 (6) A zone of discharge for aquifer storage and  
8 recovery wells shall not intersect or include any part of a  
9 500-foot radius surrounding any well that uses the injection  
10 zone to supply drinking water.

11 (7) The department shall specify in the permit for the  
12 aquifer storage and recovery well the vertical and lateral  
13 limits of the approved zone of discharge. The zone of  
14 discharge limits shall be based on hydrogeological conditions,  
15 for which the permit applicant shall provide calculations or  
16 the results of modeling that include, but are not limited to,  
17 reasonable assumptions about the expected volume of water to  
18 be stored and recovered and reasonable assumptions regarding  
19 aquifer thickness and porosity. Compliance with the primary  
20 drinking water standard for total coliform bacteria, sodium,  
21 and the secondary drinking water standards shall be required  
22 at the edge of the zone of discharge.

23 (8) After the aquifer storage and recovery well is in  
24 operation, groundwater monitoring must demonstrate that  
25 biological die-off is occurring, no exceedances of the primary  
26 drinking water standards have occurred outside of the zone of  
27 discharge, and there is no adverse risk to human health from  
28 the injection activity. Failure of the applicant to make this  
29 demonstration shall result in revocation of the zone of  
30 discharge.

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1           (9) If drinking water supply wells are present in the  
2 injection zone within 2.5 miles of the edge of the zone of  
3 discharge, additional monitor wells may be required to detect  
4 the possible movement of injected fluids in the direction of  
5 the drinking water wells.

6           (10) Monitor wells shall be sampled at least monthly  
7 for the parameters specified in the permit for the aquifer  
8 storage and recovery well. The department may modify the  
9 monitoring requirements if necessary to provide reasonable  
10 assurance that underground sources of drinking water are  
11 adequately protected.

12           (11) An aquifer exemption shall be obtained prior to  
13 injection if the injection fluid exceeds any primary drinking  
14 water standard maximum contaminant level other than total  
15 coliform bacteria or sodium, or if the presence of any  
16 contaminant in the injection fluid may adversely affect the  
17 health of persons and the applicant cannot demonstrate with  
18 reasonable certainty that such contaminant will experience  
19 die-off within the proposed zone of discharge.

20           (12) The department shall make a reasonable effort to  
21 issue or deny a permit within 90 days after determining the  
22 permit application to be complete. In accordance with s.  
23 403.0876(2)(b), the failure of the department to issue or deny  
24 an underground injection control permit for an aquifer storage  
25 and recovery well within the 90-day time period shall not  
26 result in the automatic issuance or denial of the permit and  
27 shall not prevent the inclusion of specific permit conditions  
28 that are necessary to ensure compliance with applicable  
29 statutes and rules.

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1           (13) The department may adopt rules for the regulation  
2 of aquifer storage and recovery wells to implement the  
3 provisions of this section.

4           Section 7. Section 403.0882, Florida Statutes, is  
5 amended to read:

6           (Substantial rewording of section. See s.

7 403.0882, F.S., for present text.)

8 403.0882 Discharge of demineralization concentrate.--

9           (1) The Legislature finds and declares that it is in  
10 the public interest to conserve and protect water resources,  
11 provide adequate water supplies and provide for natural  
12 systems, and promote brackish water demineralization as an  
13 alternative to withdrawals of freshwater from groundwater and  
14 surface water by removing institutional barriers to  
15 demineralization and through research, including demonstration  
16 projects, to advance water and water byproduct treatment  
17 technology, sound waste byproduct disposal methods, and  
18 regional solutions to water resources issues. In order to  
19 promote the state objective of alternative water supply  
20 development, including the use of demineralization  
21 technologies, and to encourage the conservation and protection  
22 of the state's natural resources, the concentrate resulting  
23 from demineralization must be classified as potable water  
24 byproduct regardless of flow quantity and must be  
25 appropriately treated and discharged or reused.

26           (2) For the purposes of this section, the term:

27           (a) "Demineralization concentrate" means the  
28 concentrated byproduct water, brine, or reject water produced  
29 by ion exchange or membrane separation technologies such as  
30 reverse osmosis, membrane softening, ultra-filtration,  
31 membrane filtration, electrodialysis, and electrodialysis

1 reversal used for desalination, softening, or reducing total  
2 dissolved solids during water treatment for public water  
3 supply purposes.

4 (b) "Small water utility business" means any facility  
5 that distributes potable water to two or more customers with a  
6 concentrate discharge of less than 50,000 gallons per day.

7 (3) The department shall initiate rulemaking no later  
8 than October 1, 2000, to address facilities that discharge  
9 demineralization concentrate. The department shall convene a  
10 technical advisory committee to assist in the development of  
11 the rules, which committee shall include one representative  
12 each from the demineralization industry, local government,  
13 water and wastewater utilities, the engineering profession,  
14 business, and environmental organizations. The technical  
15 advisory committee shall also include one member representing  
16 the five water management districts and one representative  
17 from the Florida Marine Research Institute. In convening the  
18 technical advisory committee, consideration must be given to  
19 geographical balance. The rules must address, at a minimum:

20 (a) Permit application forms for concentrate disposal;

21 (b) Specific options and requirements for  
22 demineralization concentrate disposal, including a  
23 standardized list of effluent and monitoring parameters, which  
24 may be adjusted or expanded by the department as necessary to  
25 protect water quality;

26 (c) Specific requirements and accepted methods for  
27 evaluating mixing of effluent in receiving waters; and

28 (d) Specific toxicity provisions.

29 (4)(a) For facilities that discharge demineralization  
30 concentrate, the failure of whole effluent toxicity tests  
31 predominantly due to the presence of constituents naturally

1 occurring in the source water, limited to calcium, potassium,  
2 sodium, magnesium, chloride, bromide, and other constituents  
3 designated by the department, may not be the basis for denial  
4 of a permit, denial of a permit renewal, revocation of a  
5 permit, or other enforcement action by the department as long  
6 as the volume of water necessary to achieve water quality  
7 standards is available within a distance not in excess of two  
8 times the natural water depth at the point of discharge under  
9 all flow conditions.

10 (b) If failure of whole effluent toxicity tests is due  
11 predominately to the presence of the naturally occurring  
12 constituents identified in paragraph (a), the department shall  
13 issue a permit for the demineralization concentrate discharge  
14 if:

15 1. The volume of water necessary to achieve water  
16 quality standards is available within a distance not in excess  
17 of two times the natural water depth at the point of discharge  
18 under all flow conditions; and

19 2. All other permitting requirements are met.

20  
21 A variance for toxicity under the circumstance described in  
22 this paragraph is not required.

23 (c) Facilities that fail to meet the requirements of  
24 this subsection may be permitted in accordance with department  
25 rule, including all applicable moderating provisions such as  
26 variances, exemptions, and mixing zones.

27 (5) Blending of demineralization concentrate with  
28 reclaimed water shall be allowed in accordance with the  
29 department's reuse rules.

30 (6) This subsection applies only to small water  
31 utility businesses.

1           (a) The discharge of demineralization concentrate from  
2 small water utility businesses is presumed to be allowable and  
3 permissible in all waters in the state if:

4           1. The discharge meets the effluent limitations in s.  
5 403.086(4), except that high-level disinfection is not  
6 required unless the presence of fecal coliforms in the source  
7 water will result in the discharge not meeting applicable  
8 water quality standards;

9           2. The discharge of demineralization concentrate  
10 achieves a minimum of 4-to-1 dilution within a distance not in  
11 excess of two times the natural water depth at the point of  
12 discharge under all flow conditions; and

13           3. The point of discharge is located at a reasonably  
14 accessible point that minimizes water quality impacts to the  
15 greatest extent possible.

16           (b) The presumption in paragraph (a) may be overcome  
17 only by a demonstration that one or more of the following  
18 conditions is present:

19           1. The discharge will be made directly into an  
20 Outstanding Florida Water, except as provided in chapter  
21 90-262, Laws of Florida;

22           2. The discharge will be made directly to Class I or  
23 Class II waters;

24           3. The discharge will be made to a water body having a  
25 total maximum daily load established by the department and the  
26 discharge will cause or contribute to a violation of the  
27 established load;

28           4. The discharge fails to meet the requirements of the  
29 antidegradation policy contained in the department rules;

30           5. The discharge will be made to a sole-source  
31 aquifer;



1           6. The discharge fails to meet applicable surfacewater  
2 and groundwater quality standards; or

3           7. The results of any toxicity test performed by the  
4 applicant under paragraph (d) or by the department indicate  
5 that the discharge does not meet toxicity requirements at the  
6 boundary of the mixing zone under subparagraph (a)2.

7           (c) If one or more of the conditions in paragraph (b)  
8 has been demonstrated, the department may:

9           1. Require more stringent effluent limitations;

10           2. Require relocation of the discharge point or a  
11 change in the method of discharge;

12           3. Limit the duration or volume of the discharge; or

13           4. Prohibit the discharge if there is no alternative  
14 that meets the conditions of subparagraphs 1.-3.

15           (d) For facilities owned by small water utility  
16 businesses, the department may not:

17           1. Require those businesses to perform toxicity  
18 testing at other than the time of permit application, permit  
19 renewal, or any requested permit modification, unless the  
20 initial toxicity test or any subsequent toxicity test  
21 performed by the department does not meet toxicity  
22 requirements.

23           2. Require those businesses to obtain a  
24 water-quality-based effluent limitation determination.

25           (7) The department may adopt additional rules for the  
26 regulation of demineralization and to administer this section  
27 and s. 403.061(11)(b).

28           Section 8. Paragraph (b) of subsection (11) of section  
29 403.061, Florida Statutes, is amended to read:

30           403.061 Department; powers and duties.--The department  
31 shall have the power and the duty to control and prohibit

1 pollution of air and water in accordance with the law and  
2 rules adopted and promulgated by it and, for this purpose, to:

3 (11) Establish ambient air quality and water quality  
4 standards for the state as a whole or for any part thereof,  
5 and also standards for the abatement of excessive and  
6 unnecessary noise. The department is authorized to establish  
7 reasonable zones of mixing for discharges into waters.

8 (b) No mixing zone for point source discharges shall  
9 be permitted in Outstanding Florida Waters except for:

10 1. Sources that ~~which~~ have received permits from the  
11 department prior to April 1, 1982, or the date of designation,  
12 whichever is later;

13 2. Blowdown from new power plants certified pursuant  
14 to the Florida Electrical Power Plant Siting Act; ~~and~~

15 3. Discharges of water necessary for water management  
16 purposes that ~~which~~ have been approved by the governing board  
17 of a water management district and, if required by law, by the  
18 secretary; ~~and-~~

19 4. The discharge of demineralization concentrate which  
20 has been determined permissible under s. 403.0882 and which  
21 meets the specific provisions of s. 403.0882(4)(a) and (b), if  
22 the proposed discharge is clearly in the public interest.

23  
24 Nothing in this act shall be construed to invalidate any  
25 existing department rule relating to mixing zones. The  
26 department shall cooperate with the Department of Highway  
27 Safety and Motor Vehicles in the development of regulations  
28 required by s. 316.272(1).

29 Section 9. Subsections (2), (4), and (17) of section  
30 403.852, Florida Statutes, are amended, and subsection (18) is  
31 added to that section to read:

1           403.852 Definitions; ss. 403.850-403.864.--As used in  
2 ss. 403.850-403.864:

3           (2) "Public water system" means a ~~community,~~  
4 ~~nontransient noncommunity, or noncommunity~~ system for the  
5 provision to the public of ~~pip~~ed water for human consumption  
6 through pipes or other constructed conveyances if, provided  
7 ~~that~~ such system has at least 15 service connections or  
8 regularly serves at least 25 individuals daily at least 60  
9 days out of the year. A public water system is either a  
10 community water system or a noncommunity water system.The  
11 term "public water system" includes:

12           (a) Any collection, treatment, storage, and  
13 distribution facility or facilities under control of the  
14 operator of such system and used primarily in connection with  
15 such system.

16           (b) Any collection or pretreatment storage facility or  
17 facilities not under control of the operator of such system  
18 but used primarily in connection with such system.

19           (4) "Noncommunity water system" means a public water  
20 system ~~that for provision to the public of piped water for~~  
21 ~~human consumption, which serves at least 25 individuals daily~~  
22 ~~at least 60 days out of the year, but which is not a community~~  
23 ~~water system; except that a water system for a wilderness~~  
24 ~~educational camp is a noncommunity water system. A~~  
25 noncommunity water system is either a nontransient  
26 noncommunity water system or a transient noncommunity water  
27 system.

28           (17) "Nontransient noncommunity water system" means a  
29 noncommunity ~~public~~ water system that ~~is not a community water~~  
30 ~~system and that~~ regularly serves at least 25 of the same  
31 persons over 6 months per year.

1           (18) "Transient noncommunity water system" means a  
2 noncommunity water system that has at least 15 service  
3 connections or regularly serves at least 25 persons daily at  
4 least 60 days out of the year but that does not regularly  
5 serve 25 or more of the same persons over 6 months per year.

6           Section 10. Subsections (1) and (6) of section  
7 403.853, Florida Statutes, are amended to read:

8           403.853 Drinking water standards.--

9           (1) The department shall adopt and enforce:

10          (a)1. State primary drinking water regulations that  
11 shall be no less stringent at any given time than the complete  
12 interim or revised national primary drinking water regulations  
13 in effect at such time; and

14          2. State secondary drinking water regulations  
15 patterned after the national secondary drinking water  
16 regulations.

17          (b) Primary and secondary drinking water regulations  
18 for nontransient noncommunity water systems and transient  
19 noncommunity water systems, which shall be no more stringent  
20 than the corresponding national primary or secondary drinking  
21 water regulations in effect at such time, except that  
22 nontransient, noncommunity systems shall monitor and comply  
23 with additional primary drinking water regulations as  
24 determined by the department.

25          (6) Upon the request of the owner or operator of a  
26 transient noncommunity water system serving businesses, other  
27 than restaurants or other public food service establishments,  
28 and using groundwater as a source of supply, the department,  
29 or a local county health department designated by the  
30 department, shall perform a sanitary survey of the facility.  
31 Upon receipt of satisfactory survey results according to

1 department criteria, the department shall reduce the  
2 requirements of such owner or operator from monitoring and  
3 reporting on a quarterly basis to performing these functions  
4 on an annual basis. Any revised monitoring and reporting  
5 schedule approved by the department under this subsection  
6 shall apply until such time as a violation of applicable state  
7 or federal primary drinking water standards is determined by  
8 the system owner or operator, by the department, or by an  
9 agency designated by the department, after a random or routine  
10 sanitary survey. Certified operators are not required for  
11 transient noncommunity water systems of the type and size  
12 covered by this subsection. Any reports required of such  
13 system shall be limited to the minimum as required by federal  
14 law. When not contrary to the provisions of federal law, the  
15 department may, upon request and by rule, waive additional  
16 provisions of state drinking water regulations for such  
17 systems.

18 Section 11. Subsection (3) of section 403.8532,  
19 Florida Statutes, is amended to read:

20 403.8532 Drinking water state revolving loan fund;  
21 use; rules.--

22 (3) The department is authorized to make loans to  
23 community water systems, nonprofit transient noncommunity  
24 water systems, and nonprofit nontransient noncommunity water  
25 systems to assist them in planning, designing, and  
26 constructing public water systems, unless such public water  
27 systems are for-profit privately owned or investor-owned  
28 systems that regularly serve 1,500 service connections or more  
29 within a single certified or franchised area. However, a  
30 for-profit privately owned or investor-owned public water  
31 system that regularly serves 1,500 service connections or more

1 within a single certified or franchised area may qualify for a  
2 loan only if the proposed project will result in the  
3 consolidation of two or more public water systems. The  
4 department is authorized to provide loan guarantees, to  
5 purchase loan insurance, and to refinance local debt through  
6 the issue of new loans for projects approved by the  
7 department. Public water systems are authorized to borrow  
8 funds made available pursuant to this section and may pledge  
9 any revenues or other adequate security available to them to  
10 repay any funds borrowed. The department shall administer  
11 loans so that amounts credited to the Drinking Water Revolving  
12 Loan Trust Fund in any fiscal year are reserved for the  
13 following purposes:

14 (a) At least 15 percent to qualifying small public  
15 water systems.

16 (b) Up to 15 percent to qualifying financially  
17 disadvantaged communities.

18 (c) However, if an insufficient number of the projects  
19 for which funds are reserved under this paragraph have been  
20 submitted to the department at the time the funding priority  
21 list authorized under this section is adopted, the reservation  
22 of these funds shall no longer apply. The department may  
23 award the unreserved funds as otherwise provided in this  
24 section.

25 Section 12. Subsections (4), (5), and (8) of section  
26 403.854, Florida Statutes, are amended to read:

27 403.854 Variances, exemptions, and waivers.--

28 (4)(a) The department shall, except upon a showing of  
29 good cause, waive on a case-by-case basis any disinfection  
30 ~~chlorination~~ requirement applicable to transient noncommunity  
31 water systems using groundwater as a source of supply upon an

1 affirmative showing by the supplier of water that no hazard to  
2 health will result. This showing shall be based upon the  
3 following:

- 4 1. The completion of a satisfactory sanitary survey;
- 5 2. The history of the quality of water provided by the  
6 system and monthly monitoring tests for bacteriological  
7 contamination;
- 8 3. Evaluation of the well and the site on which it is  
9 located, including geology, depth of well, casing, grouting,  
10 and other relevant factors which have an impact on the quality  
11 of water supplied; and
- 12 4. The number of connections and size of the  
13 distribution system.

14 (b) The department may as a condition of waiver  
15 require a monitoring program of sufficient frequency to assure  
16 that safe drinking water standards are being met.

17 (5) The department shall, except upon a showing of  
18 good cause, waive on a case-by-case basis any requirement for  
19 a certified operator for a transient nontransient noncommunity  
20 ~~or noncommunity~~ water system using groundwater as a source of  
21 supply having a design flow of less than 10,000 gallons per  
22 ~~day~~ upon an affirmative showing by the supplier of water that  
23 the system can be properly maintained without a certified  
24 operator. The department shall consider:

- 25 (a) The results of a sanitary survey if deemed  
26 necessary;
- 27 (b) The operation and maintenance records for the year  
28 preceding an application for waiver;
- 29 (c) The adequacy of monitoring procedures for maximum  
30 contaminant levels included in primary drinking water  
31 regulations;

1 (d) The feasibility of the supplier of water becoming  
2 a certified operator; and

3 (e) Any threat to public health that could result from  
4 nonattendance of the system by a certified operator.

5 (8) Neither the department nor any of its employees  
6 shall be held liable for money damages for any injury,  
7 sickness, or death sustained by any person as a result of  
8 drinking water from any transient noncommunity water system  
9 granted a waiver under subsection (4) or subsection (5).

10 Section 13. Section 403.865, Florida Statutes, is  
11 amended to read:

12 403.865 Water and wastewater facility personnel;  
13 legislative purpose.--The Legislature finds that the threat to  
14 the public health and the environment from the operation of  
15 water and wastewater treatment plants and water distribution  
16 systems mandates that qualified personnel operate these  
17 facilities. It is the legislative intent that any person who  
18 performs the duties of an operator and who falls below minimum  
19 competency or who otherwise presents a danger to the public be  
20 prohibited from operating a plant or system in this state.

21 Section 14. Subsection (5) of section 403.866, Florida  
22 Statutes, is amended to read:

23 403.866 Definitions; ss. 403.865-403.876.--As used in  
24 ss. 403.865-403.876, the term:

25 (5) "Water distribution system" means those components  
26 of a public water system used in conveying water for human  
27 consumption from the water treatment plant to the consumer's  
28 property, including pipes, tanks, pumps, pipelines, conduits,  
29 pumping stations, and all other constructed conveyances  
30 structures, devices, appurtenances, and facilities used  
31 specifically for such purpose.



1           Section 15. Section 403.867, Florida Statutes, is  
2 amended to read:

3           403.867 License required.--A person may not perform  
4 the duties of an operator of a water treatment plant, water  
5 distribution system, or a domestic wastewater treatment plant  
6 unless he or she holds a current operator's license issued by  
7 the department.

8           Section 16. Subsection (1) of section 403.872, Florida  
9 Statutes, is amended to read:

10           403.872 Requirements for licensure.--

11           (1) Any person desiring to be licensed as a water  
12 treatment plant operator, a water distributions system  
13 operator, or a domestic wastewater treatment plant operator  
14 must apply to the department to take the licensure  
15 examination.

16           Section 17. Paragraphs (a), (b), and (f) of subsection  
17 (1) of section 403.875, Florida Statutes, are amended to read:

18           403.875 Prohibitions; penalties.--

19           (1) A person may not:

20           (a) Perform the duties of an operator of a water  
21 treatment plant, water distribution system, or domestic  
22 wastewater treatment plant unless he or she is licensed under  
23 ss. 403.865-403.876.

24           (b) Use the name or title "water treatment plant  
25 operator," "water distribution system operator," or "domestic  
26 wastewater treatment plant operator" or any other words,  
27 letters, abbreviations, or insignia indicating or implying  
28 that he or she is an operator, or otherwise holds himself or  
29 herself out as an operator, unless the person is the holder of  
30 a valid license issued under ss. 403.865-403.876.

31

1 (f) Employ unlicensed persons to perform the duties of  
2 an operator of a water treatment or domestic wastewater  
3 treatment plant or a water distribution system.

4 Section 18. Subsection (1) of section 403.88, Florida  
5 Statutes, is amended to read:

6 403.88 Classification of water and wastewater  
7 treatment facilities and facility operators.--

8 (1) The department shall classify water treatment  
9 plants, and wastewater treatment plants, and water  
10 distribution systems by size, complexity, and level of  
11 treatment necessary to render the wastewater or source water  
12 suitable for its intended purpose in compliance with this  
13 chapter and department rules.

14 Section 19. The Department of Environmental Protection  
15 in cooperation with the Santa Rosa Shores Homeowners  
16 Association shall develop a proposal for dredging of a single  
17 access channel connected to the existing channels and canals  
18 within Santa Rosa Shores, Santa Rosa County, and extending to  
19 navigable depths in Santa Rosa Sound. The proposal shall  
20 include a plan of mitigation for offsetting adverse impacts of  
21 the dredging, a plan for disposing of dredged materials, a  
22 plan for protecting water quality and sea grass habitat during  
23 dredging, a plan for long-term maintenance of the channel, and  
24 a plan for inspection and study of the project, with annual  
25 progress reports to be prepared by the Santa Rosa Shores  
26 Homeowners Association for submittal to the Department of  
27 Environmental Protection. The Santa Rosa Shores Homeowners  
28 Association shall be responsible for the payment of costs  
29 involved with the project and for submitting all required  
30 applications required to authorize the project. Santa Rosa  
31 Shores Homeowners Association and the Department of

1 Environmental Protection may contract with the University of  
2 West Florida to provide the necessary monitoring services and  
3 reports. The Department of Environmental Protection shall  
4 assist in expediting the processing of the required state  
5 dredge and fill permit, and any associated authorizations  
6 required from the Board of Trustees and the United States Army  
7 Corps of Engineers. The Department of Environmental  
8 Protection shall assist the Santa Rosa Shores Homeowners  
9 Association in developing project criteria, including but not  
10 limited to: the length, width, and depth of the access  
11 channel; where and how material is to be excavated and  
12 disposed; the method for protecting water quality and sea  
13 grass habitat; long-term maintenance of the channel as needed;  
14 mitigation design; and design of the monitoring and reporting  
15 program.

16 Section 20. Subsection (10) of section 20.255, Florida  
17 Statutes, is amended to read:

18 20.255 Department of Environmental Protection.--There  
19 is created a Department of Environmental Protection.

20 (10) There is created as a part of the Department of  
21 Environmental Protection an Environmental Regulation  
22 Commission. The commission shall be composed of seven  
23 residents of this state appointed by the Governor, subject to  
24 confirmation by the Senate. In making appointments, the  
25 Governor shall provide reasonable representation from all  
26 sections of the state.~~The commission shall include one, but~~  
27 ~~not more than two, members from each water management district~~  
28 ~~who have resided in the district for at least 1 year, and the~~  
29 ~~remainder shall be selected from the state at large.~~  
30 Membership shall be representative of agriculture, the  
31 development industry, local government, the environmental

1 community, lay citizens, and members of the scientific and  
2 technical community who have substantial expertise in the  
3 areas of the fate and transport of water pollutants,  
4 toxicology, epidemiology, geology, biology, environmental  
5 sciences, or engineering. The Governor shall appoint the  
6 chair, and the vice chair shall be elected from among the  
7 membership. The members serving on the commission on July 1,  
8 1995, shall continue to serve on the commission for the  
9 remainder of their current terms. All appointments thereafter  
10 shall continue to be for 4-year terms. The Governor may at any  
11 time fill a vacancy for the unexpired term. The members of the  
12 commission shall serve without compensation, but shall be paid  
13 travel and per diem as provided in s. 112.061 while in the  
14 performance of their official duties. Administrative,  
15 personnel, and other support services necessary for the  
16 commission shall be furnished by the department.

17 Section 21. Subsection (5) is added to section  
18 403.088, Florida Statutes, to read:

19 403.088 Water pollution operation permits;  
20 conditions.--

21 (5)(a) A person permitted under this section shall  
22 report to the department, upon discovery, any noncompliance  
23 that may endanger public health or the  
24 environment. Notification shall be provided orally to the  
25 department immediately after notification of appropriate local  
26 health and emergency management authorities. A written report  
27 detailing the noncompliance circumstances and actions taken to  
28 resolve the noncompliance also shall be provided to the  
29 department within five days of discovery unless the department  
30 waives the report.

31 (b) The department may adopt rules to:

1           1. Specify the circumstances of noncompliance that  
2 warrant notification, including but not limited to bypasses,  
3 upsets, violations of permitted discharge limits, and  
4 unauthorized discharges to surface or ground waters;

5           2. Specify the information to be included in oral and  
6 written notifications of noncompliance;

7           3. Specify the persons to be notified of noncompliance  
8 and the manner of notification, with consideration given to  
9 use of the statewide emergency response system;

10           4. Specify any follow-up actions necessary to ensure  
11 resolution of the noncompliance and prevention of future  
12 noncompliance; and

13           5. Otherwise carry out the purposes of this  
14 subsection.

15           (c) Until such rules are implemented, the department  
16 shall notify all affected permittees about the existing  
17 statewide toll-free emergency management communications system  
18 and other appropriate means of reporting the instances of  
19 noncompliance identified in this subsection.

20           Section 22. Paragraph (c) of subsection (1), paragraph  
21 (a) of subsection (2), and subsection (8) of section 201.15,  
22 Florida Statutes, are amended to read:

23           201.15 Distribution of taxes collected.--All taxes  
24 collected under this chapter shall be distributed as follows  
25 and shall be subject to the service charge imposed in s.  
26 215.20(1), except that such service charge shall not be levied  
27 against any portion of taxes pledged to debt service on bonds  
28 to the extent that the amount of the service charge is  
29 required to pay any amounts relating to the bonds:  
30  
31

1           (1) Sixty-two and sixty-three hundredths percent of  
2 the remaining taxes collected under this chapter shall be used  
3 for the following purposes:

4           (c) The remainder of the moneys distributed under this  
5 subsection, after the required payments under paragraphs (a)  
6 and (b), shall be paid into the State Treasury to the credit  
7 of the General Revenue Fund of the state to be used and  
8 expended for the purposes for which the General Revenue Fund  
9 was created and exists by law or to the Ecosystem Management  
10 and Restoration Trust Fund or to the Marine Resource  
11 Conservation Trust Fund as provided in subsection (8).

12           (2) Seven and fifty-six hundredths percent of the  
13 remaining taxes collected under this chapter shall be used for  
14 the following purposes:

15           (a) Beginning in the month following the final payment  
16 for a fiscal year under paragraph (1)(b), available moneys  
17 shall be paid into the State Treasury to the credit of the  
18 General Revenue Fund of the state to be used and expended for  
19 the purposes for which the General Revenue Fund was created  
20 and exists by law or to the Ecosystem Management and  
21 Restoration Trust Fund or to the Marine Resource Conservation  
22 Trust Fund as provided in subsection (8). Payments made under  
23 this paragraph shall continue until the cumulative amount  
24 credited to the General Revenue Fund for the fiscal year under  
25 this paragraph equals the cumulative payments made under  
26 paragraph (1)(b) for the same fiscal year.

27           (8) From the moneys specified in paragraphs (1)(c) and  
28 (2)(a) and prior to deposit of any moneys into the General  
29 Revenue Fund, ~~\$30~~\$10 million shall be paid into the State  
30 Treasury to the credit of the Ecosystem Management and  
31 Restoration Trust Fund in fiscal year ~~1998-1999~~, ~~\$20 million~~

1 ~~in fiscal year 1999-2000, and \$30 million in fiscal year~~  
2 2000-2001 and each fiscal year thereafter, to be used for the  
3 preservation and repair of the state's beaches as provided in  
4 ss. 161.091-161.212 and \$2 million shall be paid into the  
5 State Treasury to the credit of the Marine Resources  
6 Conservation Trust Fund to be used for marine mammal care as  
7 provided in s. 370.0603(3).

8 Section 23. Effective July 1, 2001, paragraph (c) of  
9 subsection (1), paragraph (a) of subsection (2), and  
10 subsection (11) of section 201.15, Florida Statutes, as  
11 amended by section 2 of chapter 99-247, Laws of Florida, are  
12 amended to read:

13 201.15 Distribution of taxes collected.--All taxes  
14 collected under this chapter shall be distributed as follows  
15 and shall be subject to the service charge imposed in s.  
16 215.20(1), except that such service charge shall not be levied  
17 against any portion of taxes pledged to debt service on bonds  
18 to the extent that the amount of the service charge is  
19 required to pay any amounts relating to the bonds:

20 (1) Sixty-two and sixty-three hundredths percent of  
21 the remaining taxes collected under this chapter shall be used  
22 for the following purposes:

23 (c) The remainder of the moneys distributed under this  
24 subsection, after the required payments under paragraph (a),  
25 shall be paid into the State Treasury to the credit of the  
26 General Revenue Fund of the state to be used and expended for  
27 the purposes for which the General Revenue Fund was created  
28 and exists by law or to the Ecosystem Management and  
29 Restoration Trust Fund or to the Marine Resources Conservation  
30 Trust Fund as provided in subsection (11).

31

1           (2) Seven and fifty-six hundredths percent of the  
2 remaining taxes collected under this chapter shall be used for  
3 the following purposes:

4           (a) Beginning in the month following the final payment  
5 for a fiscal year under paragraph (1)(b), available moneys  
6 shall be paid into the State Treasury to the credit of the  
7 General Revenue Fund of the state to be used and expended for  
8 the purposes for which the General Revenue Fund was created  
9 and exists by law or to the Ecosystem Management and  
10 Restoration Trust Fund or to the Marine Resources Conservation  
11 Trust Fund as provided in subsection (11). Payments made under  
12 this paragraph shall continue until the cumulative amount  
13 credited to the General Revenue Fund for the fiscal year under  
14 this paragraph equals the cumulative payments made under  
15 paragraph (1)(b) for the same fiscal year.

16           (11) From the moneys specified in paragraphs (1)(c)  
17 and (2)(a) and prior to deposit of any moneys into the General  
18 Revenue Fund, ~~\$30~~\$10 million shall be paid into the State  
19 Treasury to the credit of the Ecosystem Management and  
20 Restoration Trust Fund in fiscal year ~~1998-1999~~, ~~\$20 million~~  
21 ~~in fiscal year 1999-2000~~, ~~and \$30 million in fiscal year~~  
22 ~~2000-2001~~ and each fiscal year thereafter, to be used for the  
23 preservation and repair of the state's beaches as provided in  
24 ss. 161.091-161.212 and \$2 million shall be paid into the  
25 State Treasury to the credit of the Marine Resources  
26 Conservation Trust Fund to be used for marine mammal care as  
27 provided in s. 370.0603(3).

28           Section 24. Subsection (11) of section 328.72, Florida  
29 Statutes, is amended to read:

30  
31



1           328.72 Classification; registration; fees and charges;  
2 surcharge; disposition of fees; fines; marine turtle  
3 stickers.--

4           (11) VOLUNTARY CONTRIBUTIONS.--The application form  
5 for boat registration shall include a provision to allow each  
6 applicant to indicate a desire to pay an additional voluntary  
7 contribution to the Save the Manatee Trust Fund for manatee  
8 and marine mammal research, protection, recovery, rescue,  
9 rehabilitation, and release. This contribution shall be in  
10 addition to all other fees and charges. The amount of the  
11 request for a voluntary contribution solicited shall be \$2 or  
12 \$5 per registrant. A registrant who provides a voluntary  
13 contribution of \$5 or more shall be given a sticker or emblem  
14 by the tax collector to display, which signifies support for  
15 the Save the Manatee Trust Fund. All voluntary contributions  
16 shall be deposited in the Save the Manatee Trust Fund for use  
17 according to this subsection. ~~The first \$2 of Voluntary~~  
18 ~~contribution by a vessel registrant shall be available for the~~  
19 ~~manatee protection and recovery effort pursuant to s.~~  
20 ~~370.12(4)s. 370.12(4)(a). Any additional amount of voluntary~~  
21 ~~contribution by a vessel registrant shall also be for the~~  
22 ~~purpose of the manatee protection and recovery effort, except~~  
23 ~~that any voluntary contribution in excess of the first \$2~~  
24 ~~voluntary contribution by a vessel registrant but not~~  
25 ~~exceeding \$2 shall be available for manatee rehabilitation by~~  
26 ~~those facilities approved to rescue, rehabilitate, and release~~  
27 ~~manatees pursuant to s. 370.12(4)(b).~~The form shall also  
28 include language permitting a voluntary contribution of \$5 per  
29 applicant, which contribution shall be transferred into the  
30 Election Campaign Financing Trust Fund. A statement providing  
31

1 an explanation of the purpose of the trust fund shall also be  
2 included.

3 Section 25. Subsection (1) of section 328.76, is  
4 amended to read:

5 328.76 Marine Resources Conservation Trust Fund;  
6 vessel registration funds; appropriation and distribution.--

7 (1) Except as otherwise specified and less any  
8 administrative costs, all funds collected from the  
9 registration of vessels through the Department of Highway  
10 Safety and Motor Vehicles and the tax collectors of the state  
11 shall be deposited in the Marine Resources Conservation Trust  
12 Fund for recreational channel marking; public launching  
13 facilities; law enforcement and quality control programs;  
14 aquatic weed control; manatee protection, recovery, rescue,  
15 rehabilitation, and release; and marine mammal protection and  
16 recovery. The funds collected pursuant to s. 328.72(1) shall  
17 be transferred as follows:

18 (a) In each fiscal year, an amount equal to \$1.50~~\$1~~  
19 for each vessel registered in this state shall be transferred  
20 to the Save the Manatee Trust Fund for manatee and marine  
21 mammal research, protection, and recovery in accordance with  
22 the provisions of s. 370.12(4)(a).

23 ~~(b) In addition, in each fiscal year, an amount equal~~  
24 ~~to 50 cents for each vessel registered in this state shall be~~  
25 ~~transferred to the Save the Manatee Trust Fund in accordance~~  
26 ~~with the provisions of s. 370.12(4)(b) for use by those~~  
27 ~~facilities approved to rescue, rehabilitate, and release~~  
28 ~~manatees as authorized pursuant to the Fish and Wildlife~~  
29 ~~Service of the United States Department of the Interior.~~

30 (b)(c) Two dollars from each noncommercial vessel  
31 registration fee, except that for class A-1 vessels, shall be

1 transferred to the Invasive Plant Control Trust Fund for  
2 aquatic weed research and control.

3 ~~(c)(d)~~ Forty percent of the registration fees from  
4 commercial vessels shall be used for law enforcement and  
5 quality control programs.

6 ~~(d)(e)~~ Forty percent of the registration fees from  
7 commercial vessels shall be transferred to the Invasive Plant  
8 Control Trust Fund for aquatic plant research and control.

9 Section 26. Subsection (3) is added to section  
10 370.0603, Florida Statutes, to read:

11 370.0603 Marine Resources Conservation Trust Fund;  
12 purposes.--

13 (3) Funds provided to the Marine Resources  
14 Conservation Trust Fund from taxes distributed under s.  
15 201.15(9), shall be used for the following purposes:

16 (a) To reimburse the cost of activities authorized  
17 pursuant to the Fish and Wildlife Service of the United States  
18 Department of the Interior. Such facilities must be involved  
19 in the actual rescue and full-time acute care  
20 veterinarian-based rehabilitation of manatees. The cost of  
21 activities includes, but is not limited to, costs associated  
22 with expansion, capital outlay, repair, maintenance, and  
23 operation related to the rescue, treatment, stabilization,  
24 maintenance, release, and monitoring of manatees. Moneys  
25 distributed through the contractual agreement to each facility  
26 for manatee rehabilitation must be proportionate to the number  
27 of manatees under acute care rehabilitation; the number of  
28 maintenance days medically necessary in the facility; and the  
29 number released during the previous fiscal year. The  
30 commission may set a cap on the total amount reimbursed per  
31 manatee per year.

1           (b) For training on the care, treatment, and  
2 rehabilitation of marine mammals at the Whitney Laboratory and  
3 the Veterinary School of Medicine at the University of  
4 Florida.

5           (c) For program administration costs of the agency.

6           (d) Funds not distributed in any 1 fiscal year must be  
7 carried over for distribution in subsequent years.

8           Section 27. Subsection (4) of section 370.12, Florida  
9 Statutes, is amended to read:

10           370.12 Marine animals; regulation.--

11           (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

12           ~~(a)~~ Each fiscal year the Save the Manatee Trust Fund  
13 shall be available to fund an impartial scientific benchmark  
14 census of the manatee population in the state. Weather  
15 permitting, the study shall be conducted annually by the Fish  
16 and Wildlife Conservation Commission and the results shall be  
17 made available to the President of the Senate, the Speaker of  
18 the House of Representatives, and the Governor and Cabinet for  
19 use in the evaluation and development of manatee protection  
20 measures. In addition, the Save the Manatee Trust Fund shall  
21 be available for annual funding of activities of public and  
22 private organizations and those of the commission intended to  
23 provide manatee and marine mammal protection and recovery  
24 effort; manufacture and erection of informational and  
25 regulatory signs; production, publication, and distribution of  
26 educational materials; participation in manatee and marine  
27 mammal research programs, including carcass salvage and other  
28 programs; programs intended to assist the recovery of the  
29 manatee as an endangered species, assist the recovery of the  
30 endangered or threatened marine mammals, and prevent the  
31 endangerment of other species of marine mammals; and other

1 similar programs intended to protect and enhance the recovery  
2 of the manatee and other species of marine mammals. The  
3 commission shall annually solicit advisory recommendations  
4 from the Save the Manatee Committee affiliated with the Save  
5 the Manatee Club, as identified and recognized in Executive  
6 Order 85-19, on the use of funds from the Save the Manatee  
7 Trust Fund.

8 ~~(b) Each fiscal year moneys in the Save the Manatee~~  
9 ~~Trust Fund shall also be used, pursuant to s. 328.76(1)(b), to~~  
10 ~~reimburse the cost of activities related to manatee~~  
11 ~~rehabilitation by facilities that rescue, rehabilitate, and~~  
12 ~~release manatees as authorized pursuant to the Fish and~~  
13 ~~Wildlife Service of the United States Department of the~~  
14 ~~Interior. Such facilities must be involved in the actual~~  
15 ~~rescue and full-time acute care veterinarian-based~~  
16 ~~rehabilitation of manatees. The cost of activities includes,~~  
17 ~~but is not limited to, costs associated with expansion,~~  
18 ~~capital outlay, repair, maintenance, and operations related to~~  
19 ~~the rescue, treatment, stabilization, maintenance, release,~~  
20 ~~and monitoring of manatees. Moneys distributed through~~  
21 ~~contractual agreement to each facility for manatee~~  
22 ~~rehabilitation shall be proportionate to the number of~~  
23 ~~manatees under acute care rehabilitation and those released~~  
24 ~~during the previous fiscal year. However, the reimbursement~~  
25 ~~may not exceed the total amount available pursuant to ss.~~  
26 ~~328.72(11) and 328.76(1)(b) for the purposes provided in this~~  
27 ~~paragraph. Prior to receiving reimbursement for the expenses~~  
28 ~~of rescue, rehabilitation, and release, a facility that~~  
29 ~~qualifies under state and federal regulations shall submit a~~  
30 ~~plan to the Fish and Wildlife Conservation Commission for~~  
31 ~~assisting the commission and the Department of Highway Safety~~

1 ~~and Motor Vehicles in marketing the manatee specialty license~~  
2 ~~plates. At a minimum, the plan shall include provisions for~~  
3 ~~graphics, dissemination of brochures, recorded oral and visual~~  
4 ~~presentation, and maintenance of a marketing exhibit. The plan~~  
5 ~~shall be updated annually, and the Fish and Wildlife~~  
6 ~~Conservation Commission shall inspect each marketing exhibit~~  
7 ~~at least once each year to ensure the quality of the exhibit~~  
8 ~~and promotional material. Each facility that receives funds~~  
9 ~~for manatee rehabilitation shall annually provide the~~  
10 ~~commission a written report, within 30 days after the close of~~  
11 ~~the state fiscal year, documenting the efforts and~~  
12 ~~effectiveness of the facility's promotional activities.~~

13 ~~(b)(c)~~ By December 1 each year, the Fish and Wildlife  
14 Conservation Commission shall provide the President of the  
15 Senate and the Speaker of the House of Representatives a  
16 written report, enumerating the amounts and purposes for which  
17 all proceeds in the Save the Manatee Trust Fund for the  
18 previous fiscal year are expended, in a manner consistent with  
19 those recovery tasks enumerated within the manatee recovery  
20 plan as required by the Endangered Species Act.

21 ~~(c)(d)~~ When the federal and state governments remove  
22 the manatee from status as an endangered or threatened  
23 species, the annual allocation may be reduced.

24 Section 28. Section 163.065, Florida Statutes, is  
25 created to read:

26 163.065 Miami River Improvement Act.--

27 (1) SHORT TITLE.--This section may be cited as the  
28 "Miami River Improvement Act."

29 (2) FINDINGS; PURPOSE.--

30 (a) The Miami River Commission was created by chapter  
31 98-402, Laws of Florida, to be the official coordinating

1 clearinghouse for all public policy and projects related to  
2 the Miami River.

3 (b) The United States Congress has provided funding  
4 for an initial federal share of 80 percent for the  
5 environmental and navigational improvements to the Miami  
6 River. The governments of the City of Miami and Miami-Dade  
7 County are coordinating with the Legislature and the Florida  
8 Department of Environmental Protection to determine how the 20  
9 percent local share will be provided.

10 (c) Successful revitalizing and sustaining the urban  
11 redevelopment of the areas adjacent to the Miami River is  
12 dependent on addressing, through an integrated and coordinated  
13 intergovernmental plan, a range of varied components essential  
14 to a healthy urban environment, including cultural,  
15 recreational, economic, and transportation components.

16 (d) The purpose of this section is to ensure a  
17 coordinated federal, state, regional, and local effort to  
18 improve the Miami River and adjacent areas.

19 (3) AGENCY ASSISTANCE.--All state and regional  
20 agencies shall provide all available assistance to the Miami  
21 River Commission in the conduct of its activities.

22 (4) PLAN.--The Miami River Commission, working with  
23 the City of Miami and Miami-Dade County, shall consider the  
24 merits of the following:

25 (a) Development and adoption of an urban infill and  
26 redevelopment plan, under ss. 163.2511-163.2526, and  
27 participating state and regional agencies shall review the  
28 proposed plan for the purposes of consistency with applicable  
29 law.

30 (b) Development of a greenway/riverwalk and blueway,  
31 where appropriate, as authorized in s. 260.101, to provide an

1 attractive and safe connector system of bicycle, pedestrian,  
2 and transit routes and water taxis to link jobs, waterfront  
3 amenities, and people, and contribute to the comprehensive  
4 revitalization of the Miami River.

5 Section 29. The sum of \$2 million is appropriated to  
6 the Fish and Wildlife Conservation Commission from the Marine  
7 Resources Conservation Trust Fund beginning in fiscal year  
8 2000-2001 to be expended as follows: \$810,000 for training in  
9 the care of marine mammals at the Whitney Laboratory and the  
10 Veterinary School of Medicine at the University of Florida, up  
11 to \$1,150,000 for the care of marine mammals at licensed  
12 research facilities pursuant to section 370.0603(3), Florida  
13 Statutes, and up to \$40,000 for program administration costs  
14 of the agency.

15 Section 30. Section 373.200, Florida Statutes, is  
16 created to read:

17 373.200 Seminole Tribe Water Rights Compact.--Pursuant  
18 to the provisions of s. 285.165, the South Florida Water  
19 Management District is authorized to act in accordance with  
20 the Seminole Tribe Water Rights Compact incorporated by  
21 reference therein.

22 Section 31. Paragraph (b) of subsection (2) of section  
23 403.813, Florida Statutes, is amended to read:

24 403.813 Permits issued at district centers;  
25 exceptions.--

26 (2) No permit under this chapter, chapter 373, chapter  
27 61-691, Laws of Florida, or chapter 25214 or chapter 25270,  
28 1949, Laws of Florida, shall be required for activities  
29 associated with the following types of projects; however,  
30 nothing in this subsection relieves an applicant from any  
31 requirement to obtain permission to use or occupy lands owned



1 by the Board of Trustees of the Internal Improvement Trust  
2 Fund or any water management district in its governmental or  
3 proprietary capacity or from complying with applicable local  
4 pollution control programs authorized under this chapter or  
5 other requirements of county and municipal governments:

6 (b) The installation and repair of mooring pilings and  
7 dolphins associated with private docking facilities or piers  
8 and the installation of private docks, piers and recreational  
9 docking facilities, or piers and recreational docking  
10 facilities of local governmental entities when the local  
11 governmental entity's activities will not take place in any  
12 manatee habitat, any of which docks:

13 1. Has 500 square feet or less of over-water surface  
14 area for a dock which is located in an area designated as  
15 Outstanding Florida Waters or 1,000 square feet or less of  
16 over-water surface area for a dock which is located in an area  
17 which is not designated as Outstanding Florida Waters;

18 2. Is constructed on or held in place by pilings or is  
19 a floating dock which is constructed so as not to involve  
20 filling or dredging other than that necessary to install the  
21 pilings;

22 3. Shall not substantially impede the flow of water or  
23 create a navigational hazard;

24 4. Is used for recreational, noncommercial activities  
25 associated with the mooring or storage of boats and boat  
26 paraphernalia; and

27 5. Is the sole dock constructed pursuant to this  
28 exemption as measured along the shoreline for a distance of 65  
29 feet, unless the parcel of land or individual lot as platted  
30 is less than 65 feet in length along the shoreline, in which  
31 case there may be one exempt dock allowed per parcel or lot.

1  
2 Nothing in this paragraph shall prohibit the department from  
3 taking appropriate enforcement action pursuant to this chapter  
4 to abate or prohibit any activity otherwise exempt from  
5 permitting pursuant to this paragraph if the department can  
6 demonstrate that the exempted activity has caused water  
7 pollution in violation of this chapter. With the exception of  
8 existing regulations governing dock structures in aquatic  
9 preserves or associated with undeveloped barrier islands or  
10 condominiums, neither the department nor the Board of Trustees  
11 of the Internal Improvement Trust Fund shall restrict the  
12 number of vessels moored at private, single-family docks  
13 exempted under this paragraph.

14           Section 32. This act shall take effect upon becoming a  
15 law.

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