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**Environment  
&  
Natural Resources Council**

**April 11, 2008  
1:00 PM  
404 HOB**

**Council Actions**

# Council Meeting Notice

## HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

### Environment & Natural Resources Council

**Start Date and Time:** Friday, April 11, 2008 01:00 pm  
**End Date and Time:** Friday, April 11, 2008 03:00 pm  
**Location:** 404 HOB  
**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 411 Internet Predator Awareness and Online Safety by Ambler  
HB 1195 Wrecker Services by Reagan

**Consideration of the following proposed council bill(s):**

PCB ENRC 08-09 -- Florida Forever Successor  
PCB ENRC 08-13 -- Environmental Resources  
PCB ENRC 08-14 -- Alternative Water Resource Projects  
PCB ENRC 08-18 -- Wastewater Disposal

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00p.m., Thursday, April 10, 2008.

By request of Chair Mayfield, all council members are asked to have amendments to bills on the agenda submitted to staff by 6:00p.m., Thursday, April 10, 2008.

**NOTICE FINALIZED on 04/09/2008 16:24 by BLR**

**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**

**4/11/2008 1:00:00PM**

**Location:** 404 HOB

**AMENDED**

**Summary:**

**Environment & Natural Resources Council**

*Friday April 11, 2008 01:00 pm*

HB 411 Favorable with Council Substitute Yeas: 14 Nays: 0

HB 1195 Temporarily Deferred

PCB ENRC 08-09 Favorable With Amendments Yeas: 13 Nays: 0  
all amendments were adopted without objection

PCB ENRC 08-13 Favorable With Amendments Yeas: 13 Nays: 0  
amendments 1 & 2 were adopted; amendment 3 failed

PCB ENRC 08-14 Favorable With Amendments Yeas: 13 Nays: 0

PCB ENRC 08-18 Favorable With Amendments Yeas: 13 Nays: 0

Committee meeting was reported out: Tuesday, April 15, 2008 6:22:22PM

**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**

4/11/2008 1:00:00PM

Location: 404 HOB

**AMENDED**

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Stan Mayfield (Chair)	X		
Debbie Boyd	X		
Mary Brandenburg	X		
Faye Culp	X		
Richard Glorioso	X		
Denise Grimsley	X		
Will Kendrick	X		
Paige Kreegel			X
Rick Kriseman	X		
Richard Machek	X		
Bryan Nelson	X		
Ralph Poppell	X		
Stephen Precourt	X		
Scott Randolph	X		
Anthony Sasso III	X		
Baxter Troutman			X
Trudi Williams			X
<b>Totals:</b>	<b>14</b>	<b>0</b>	<b>3</b>

Committee meeting was reported out: Tuesday, April 15, 2008 6:22:22PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Bill No. HB 411

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION  (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

A

1 Council/Committee hearing bill: Environment & Natural Resources  
 2 Council

3 Representative(s) Kendrick offered the following:

4  
 5 **Amendment by Representative Kendrick (with title**  
 6 **amendments)**

7 Strike everything after the enacting clause and insert:  
 8 Section 1. Subsection (3) is added to section 257.12,  
 9 Florida Statutes, to read:

10 257.12 Division of Library and Information Services  
 11 authorized to accept and expend federal funds.--

12 (3) All public libraries are encouraged to adopt an  
 13 Internet safety education program, including the implementation  
 14 of a computer-based educational program, which has been endorsed  
 15 by a United States government-sanctioned law enforcement agency  
 16 or other reputable organization and is designed for children and  
 17 adults. The purpose of the Internet safety education program is  
 18 to promote the use of prudent online deportment and broaden  
 19 awareness of online predators. The program shall be interactive  
 20 and age appropriate. Each library shall annually report to the  
 21 division the annual number of users who complete the education  
 22 program. By April 1, 2009, the division shall adopt rules for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

23 rewarding those libraries in the program grant application  
24 process which have had 1 percent or more of their annual number  
25 of users, based on the total number of registered borrowers from  
26 the preceding year who have completed the education program  
27 adopted by the library. Users completing the program as a result  
28 of strategic partnerships or collaboration between the library  
29 and other entities shall be integrated into the library's annual  
30 report. The division shall adopt rules to allocate 10 percent of  
31 the total points available in the library services and  
32 technology grant application evaluation process to public  
33 libraries that are in compliance with this section, beginning  
34 with the grant application cycle for the 2010-2011 fiscal year.

35 Section 2. This act shall take effect July 1, 2008.  
36  
37

38 -----  
39 **T I T L E A M E N D M E N T**

40 Remove lines 2 - 10 and insert:

41 An act relating to public library Internet safety education;  
42 amending s. 257.12, F.S.; encouraging all public libraries to  
43 implement an Internet safety education program for children and  
44 adults; providing minimum requirements for the program;  
45 requiring libraries to annually report to the Division of  
46 Library and Information Services of the Department of State the  
47 number of users who complete the program; requiring that the  
48 division adopt rules to award additional points to grant  
49 applicants implementing such a program; providing an effective  
50 date.  
51

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 411**

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

*Adopted 4/9/08*

1 Council/Committee hearing bill: Environment & Natural Resources  
2 Council

3 Representative(s) Ambler offered the following:  
4

5 **Substitute Amendment for traveling Amendment by Committee**  
6 **on Agribusiness (with title amendment)**

7 Between line(s) 13 and 14, insert:

8 Section 1. Subsection (3) is added to section 257.12,  
9 Florida Statutes, to read:

10 257.12 Division of Library and Information Services  
11 authorized to accept and expend federal funds.--

12 (3) All public libraries are encouraged to adopt an  
13 Internet safety education program, including the implementation  
14 of a computer-based educational program, which has been endorsed  
15 by a United States government-sanctioned law enforcement agency  
16 or other reputable organization and is designed for children and  
17 adults. The purpose of the Internet safety education program is  
18 to promote the use of prudent online deoportment and broaden  
19 awareness of online predators. The program shall be interactive  
20 and age appropriate. Each library shall annually report to the  
21 division the annual number of users who complete the education  
22 program. By April 1, 2009, the division shall adopt rules for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 rewarding those libraries in the program grant application  
24 process which have had 1 percent or more of their annual number  
25 of users, based on the total number of registered borrowers from  
26 the preceding year who have completed the education program  
27 adopted by the library. Users completing the program as a result  
28 of strategic partnerships or collaboration between the library  
29 and other entities shall be integrated into the library's annual  
30 report. The division shall adopt rules to allocate 10 percent of  
31 the total points available in the library services and  
32 technology grant application evaluation process to public  
33 libraries that are in compliance with this section, beginning  
34 with the grant application cycle for the 2010-2011 fiscal year.  
35  
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41 -----  
42 **T I T L E A M E N D M E N T**

43 Remove line(s) 3 and insert:

44 safety; amending s. 257.12, F.S.; encouraging all public  
45 libraries to implement an Internet safety education program for  
46 children and adults; providing minimum requirements for the  
47 program; requiring libraries to annually report to the Division  
48 of Library and Information Services of the Department of State  
49 the number of users who complete the program; requiring that the  
50 division adopt rules to award additional points to grant  
51 applicants implementing such a program; creating s. 501.165,  
52 F.S.; providing a short  
53



**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**  
**4/11/2008 1:00:00PM**

**Location:** 404 HOB

**AMENDED**

**HB 411 : Public Library Internet Safety Education**

*Favorable with Council Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Faye Culp	X				
Richard Glorioso	X				
Denise Grimsley	X				
Will Kendrick	X				
Paige Kreegel			X		
Rick Kriseman	X				
Richard Machek	X				
Bryan Nelson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Scott Randolph	X				
Anthony Sasso III	X				
Baxter Troutman			X		
Trudi Williams			X		
Stan Mayfield (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

**Appearances:**

strike-all amendment

Brandon Wagner - Proponent  
Hillsborough County Government  
601 E. Kennedy Blvd.  
Tampa FL 33602  
Phone: 813-276-2640

Matt Puckett (Lobbyist) - Proponent  
FL Police Benevolent Association  
300 East Brevard Street  
Tallahassee FL 32301  
Phone: 222-3329

Committee meeting was reported out: Tuesday, April 15, 2008 6:22:22PM

**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**

4/11/2008 1:00:00PM

**Location:** 404 HOB  
**HB 1195 : Wrecker Services**

**AMENDED**

*Temporarily Deferred*

**Appearances:**

Lisa Bartholf Agent/Owner (Lobbyist) - Opponent  
Independent Wrecker Operators  
Danny B's Towing 3138 Connector Drive  
Tallahassee FL 32303  
Phone: 562-2407

Melissa Young, Executive Secretary (Lobbyist) - Opponent  
FL Independent Towing & Recovery Association

Bill Barrett (Lobbyist) - Opponent  
Jade Towing & Recovery  
P.O. Box 340561  
Tampa FL 33694  
Phone: 321-403-6410

H. Lee Moffitt (Lobbyist) - Opponent  
AAA Auto Club South  
3225 S. MacDill Avenue  
Tampa FL 33629  
Phone: 813-831-1500

Brian Pitts, Chair - Information Only  
Justice-2-Jesus  
1119 Newton Avenue South  
St. Petersburg FL 33705  
Phone: 727-897-9291

Sam Brewer - Proponent  
Professional Wrecker Operators of Florida  
1030 W. Jefferson Street  
Brooksville FL 34601  
Phone: 352-279-3992

Jim Patton - Opponent  
Independent Towing Companies  
2613 Springhill Road  
Tallahassee FL 32305  
Phone: 942-6478

Committee meeting was reported out: Tuesday, April 15, 2008 6:22:22PM

**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**

4/11/2008 1:00:00PM

Location: 404 HOB

**AMENDED**

**PCB ENRC 08-09 : Florida Forever Successor**

*Favorable With Amendments* - all amendments were adopted without objection

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Mary Brandenburg	X				
Faye Culp	X				
Richard Glorioso	X				
Denise Grimsley	X				
Will Kendrick	X				
Paige Kreegel			X		
Rick Kriseman	X				
Richard Machek	X				
Bryan Nelson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Scott Randolph	X				
Anthony Sasso III	X				
Baxter Troutman			X		
Trudi Williams			X		
Stan Mayfield (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

**Appearances:**

amendments 2, 3, 8, 11a='O'

Tom Pelham, Secretary (Lobbyist) (State Employee) - Information Only

DCA

2555 Shumard Oaks

Tallahassee FL 32399

Phone: 922-1732

amendments 2, 3, 8, 11a, 15a, 16='O' / amendment 6='P'

Janet Bowman, Director of Legislative Policy & Strategies (Lobbyist) - Opponent

Nature Conservancy

625 N. Adams Street

Tallahassee FL 32301

Phone: 222-0199

amendments 2, 3, 8, 11a, 15a, 16='O' / amendment 6='P'

Jeanne Zokovitch (Lobbyist) - Opponent

League of Women Voters

233 Third Street North, Suite 203

St. Petersburg FL 33701

Phone: 727-388-3654

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**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**

**4/11/2008 1:00:00PM**

**AMENDED**

**Location:** 404 HOB

PCB-09 (cont'd) amendments 2, 3, 8, 11a  
Charles Pattison, President (Lobbyist) - Information Only  
1000 Friends of Florida  
926 E. Park Avenue  
Tallahassee FL 32301  
Phone: 222-6277

amendment 2='0' and the bill as amended

J. Scott Dudley, Senior Legislative Advocate - Information Only  
Florida League of Cities  
301 S. Bronough Street  
Tallahassee FL 32301  
Phone: 222-9684

amendment 14

Mike Slayton, Dept. Executive Director (Lobbyist) - Opponent  
St. John's Water Management District  
525 Community College Parkway  
Palm Bay FL 32909  
Phone: 321-508-0801

amendment 11a

Wade Hopping (Lobbyist) - Proponent  
National Marine Manufacuters Association  
710 N. Ride Road  
Tallahassee FL 32312  
Phone: 222-7500

amendment 15 and bill as amended

Missy Timmins (Lobbyist) - Proponent  
Marine Industries Associaiton of Florida  
2910 Kerry Forest Parkway D4-368  
Tallahassee FL 32309  
Phone: 264-3225

bill as amended

Doug Mann (Lobbyist) - Information Only  
American Water Works Association  
310 W. College Avenue  
Tallahassee FL 32301  
Phone: 222-7535

bill as amended

Keyna Corey, Chief Lobbyist (Lobbyist) - Proponent  
Associated Industries of Florida  
110 East College Avenue  
Tallahassee FL 32301  
Phone: 681-1065

Committee meeting was reported out: Tuesday, April 15, 2008 6:22:22PM

**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**

**4/11/2008 1:00:00PM**

**AMENDED**

**Location:** 404 HOB

PCB-09 (cont'd) bill as amended  
Keith C. Hetrick (Lobbyist) - Proponent  
Florida Home Builders Association  
201 E. Park Avenue  
Tallahassee FL 32301  
Phone: 224-4316

bill as amended  
Sue Mullins (Lobbyist) - Proponent  
Florida Wildlife Federation, Defenders of Wildlife, FL Native Plant Society  
300 W. Pensacola Street #118D  
Tallahassee FL 32301  
Phone: 590-8000

bill as amended  
David Cullen (Lobbyist) - Information Only  
Sierra Club  
1674 University Parkway, #296  
Sarasota FL 34243  
Phone: 941-323-2404

bill as amended  
Eric Draper (Lobbyist) - Proponent  
Audobon  
2507 Callaway Road #103  
Tallahassee FL 32303  
Phone: 224-7546

Committee meeting was reported out: Tuesday, April 15, 2008 6:22:22PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION  (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

A

1 Council hearing bill: Environment & Natural Resources Council  
 2 Representative Kendrick offered the following:

**Amendment (with directory and title amendments)**

Between line(s) 107-108 and insert:

Section 1. Subsection (7) of section 20.18, Florida Statutes, is created to read:

20.18 The Department of Community Affairs - is created a Department Community Affairs.

(7) There is created within the Florida Communities Trust an executive director who shall administratively serve the Florida Communities Trust. The executive director shall have all the powers and duties necessary to carry out the purposes provided in ss. 380.504 - 380.515. The executive director is to be appointed by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund from a recommendation by the secretary of the Department of Community Affairs, subject to confirmation by the Senate. The executive director shall report directly to the Board of Trustee on all matters and shall serve at the exclusive pleasure of the Board of Trustees.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

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**T I T L E   A M E N D M E N T**

Between line(s) 2-3 and insert:

amending s. 20.18 providing for the appointment of an executive  
director for the Florida Communities Trust program;



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	



1 Council hearing bill: Environment & Natural Resources Council  
 2 Representative Kendrick offered the following:

3

4 **Amendment**

5 Remove line(s) 120-122 and insert:

6

7 division director shall report directly to the Board of Trustee  
 8 on all matters and shall serve at the exclusive pleasure of the  
 9 Board of Trustees. The Florida Communities Trust program created  
 10 pursuant to ss. 380.501 through 380.515 shall be located  
 11 organizationally within the Division of State Lands.

12

13

14

15

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

A

1 Council hearing bill: Environment & Natural Resources Council  
 2 Representative Kendrick offered the following:

**Amendment**

Remove line(s) 320-328 and insert:

6 of the parcel exceeds \$500,000 ~~\$1 million~~. When two appraisals  
 7 are required, one appraiser shall be selected by the Department  
 8 of Agriculture and Consumer Services. When both appraisals  
 9 exceed \$500,000 and differ significantly, a third appraisal  
 10 shall be obtained, with the Department of Financial Services  
 11 selecting the third appraiser. Two appraisals shall be  
 12 considered to differ significantly if the higher of the two  
 13 values exceeds 120% of the lower value. When the estimated value  
 14 of a parcel exceeds \$500,000 the review appraiser shall be  
 15 selected by

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5

Bill No. PCB 08-09 ENRC

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

A

1 Council hearing bill: Environment & Natural Resources Council  
2 Representative Kendrick offered the following:

3  
4 **Amendment**

5 Remove line 582 and insert:  
6 data are to be the property of the state. The Division of State  
7  
8

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6b

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

A

1 Council hearing bill: Environment & Natural Resources Council  
2 Representative Kendrick offered the following:

3  
4 **Substitute Amendment for Amendment 6**

5 Remove lines 705-708 and insert:

6 (e) "Public Access," as used in chapters 253 and 259,  
7 shall mean access by the general public to state lands and  
8 waters, including vessel access made possible by boat ramps,  
9 docks, associated parking, and appropriate amenities approved by  
10 the board of trustees excluding marinas, fuel dispensing and  
11 storage. The exclusions do not apply to existing facilities on  
12 state lands, facilities existing at the time of acquisition by  
13 the state and working waterfronts acquisitions purchased  
14 pursuant to s.570.71.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED  (Y/N)  
 ADOPTED AS AMENDED  (Y/N)  
 ADOPTED W/O OBJECTION  (Y/N)  
 FAILED TO ADOPT  (Y/N)  
 WITHDRAWN  (Y/N)  
 OTHER

*Superseded  
by substitute (6b)*

1 Council hearing bill: Environment & Natural Resources Council  
 2 Representative Sasso offered the following:

4 **Amendment**

5 Remove line 708 and insert:  
 6 docks, associated parking and appropriate amenities approved by  
 7 the board of trustees, excluding marinas, concessions, fuel  
 8 dispensing and storage.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7

Bill No. PCB 08-09 ENRC

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

A

1 Council hearing bill: Environment & Natural Resources Council  
2 Representative Kendrick offered the following:

3  
4 **Amendment**

5 Remove line 982 and insert:


6 the state purposes ~~purpose for which they were originally~~  
7  
8

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)   
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Council hearing bill: Environment & Natural Resources Council  
2 Representative(s) Kendrick offered the following:

3  
4 **Amendment**

5 Remove line(s) 1457-1459 and insert:

6 (j) To preserve agricultural lands and working waterfronts  
7 under threat of conversion to development through fee simple and  
8 less-than-fee acquisitions, including acquisition pursuant to  
9 s.570.71.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9 (for drafter's use only)

Bill No. PCB 08-09 ENRC

COUNCIL/COMMITTEE ACTION

ADOPTED                                        (Y/N)  
ADOPTED AS AMENDED                        (Y/N)  
ADOPTED W/O OBJECTION                  ✓   (Y/N)  
FAILED TO ADOPT                            (Y/N)  
WITHDRAWN                                   (Y/N)  
OTHER                                           

A

1 Council hearing bill: Environment & Natural Resources Council  
2 Representative Kendrick offered the following:

3  
4            **Amendment**

5            Remove line 2646 and insert:

6 referenced in subparagraph (a)11 are also to be utilized to

7  
8



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10 (for drafter's use only)

Bill No. PCB 08-09 ENRC

COUNCIL/COMMITTEE ACTION

ADOPTED                                    — (Y/N)  
ADOPTED AS AMENDED                   — (Y/N)  
ADOPTED W/O OBJECTION                ✓ (Y/N)  
FAILED TO ADOPT                        — (Y/N)  
WITHDRAWN                               — (Y/N)  
OTHER                                     —



1 Council hearing bill: Environment & Natural Resources Council  
2 Representative Kendrick offered the following:

3  
4        **Amendment**  
5        Remove line 2689 and insert:  
6 revenue sources including those identified in s. 259.105(a)11.

7  
8

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 11a

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



1 Council hearing bill: Environment & Natural Resources Council  
2 Representative Kendrick offered the following:

3  
4 **Amendment**

5 Remove line(s) 2850-2855 and insert:

6 Trust Fund to fund the acquisition of fee simple and perpetual  
7 easements by the Board of Trustees of the Internal Improvement  
8 Trust fund pursuant to the provisions of s.570.71. Of the  
9 proceeds distributed pursuant to this paragraph, one-third shall  
10 be used to fund working waterfront protection agreements or  
11 acquisitions of fee simple interest in working waterfronts. The  
12 Departments of Agriculture and Consumer Services and  
13 Environmental Protection shall coordinate the development of  
14 annual workplans for proposed fee simple and less-than-fee  
15 simple acquisition projects developed

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. *12*

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>✓</u>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	



1 Council hearing bill: Environment & Natural Resources Council  
2 Representative Kendrick offered the following:

3  
4 **Amendment**  
5 Remove line(s) 3087-3092 and insert:  
6 purchasing local government.

7  
8  
9  
10  
11

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. <sup>13</sup>(for drafter's use only)

Bill No. PCB 08-09 ENRC

COUNCIL/COMMITTEE ACTION

ADOPTED                                   — (Y/N)  
ADOPTED AS AMENDED                   — (Y/N)  
ADOPTED W/O OBJECTION                ✓ (Y/N)  
FAILED TO ADOPT                       — (Y/N)  
WITHDRAWN                              — (Y/N)  
OTHER                                     —



1 Council hearing bill: Environment & Natural Resources Council  
2 Representative Kendrick offered the following:

3  
4  
5  
6  
7  
8

**Amendment**

Remove line 3363 and insert:

sources as provided in s. 259.105(2) (a)11 shall be deposited

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 14

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION  (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_



1 Council/Committee hearing bill: Environment & Natural Resources  
2 Council

3 Representative(s) Kendrick offered the following:

4  
5 **Amendment (with title amendment)**

6 Between line(s) 3393 and 3394 insert:

7 Section 22. Paragraph (a) of subsection (3) of section  
8 373.503, Florida Statutes, is amended, subsection (5) is  
9 renumbered as subsection (6), and a new subsection (5) is added  
10 to that section, to read:

11 373.503 Manner of taxation.--

12 (3) (a) Subject to annual authorization by the Legislature  
13 to levy ad valorem taxes under subsection (5), the districts may  
14 levy ad valorem taxes on property within the district solely for  
15 the purposes of this chapter and of chapter 25270, 1949, Laws of  
16 Florida, as amended, and chapter 61-691, Laws of Florida, as  
17 amended. The authority to levy ad valorem taxes as provided in  
18 this act shall commence with the year 1977. However, the taxes  
19 levied for 1977 by the governing boards pursuant to this section  
20 shall be prorated to ensure that no such taxes will be levied  
21 for the first 4 days of the tax year, which days will fall prior

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

22 to the effective date of the amendment to s. 9(b), Art. VII of  
23 the State Constitution, which was approved March 9, 1976. When  
24 appropriate, taxes levied by each governing board may be  
25 separated by the governing board into a millage necessary for  
26 the purposes of the district and a millage necessary for  
27 financing basin functions specified in s. 373.0695. ~~Beginning~~  
28 ~~with the taxing year 1977, and~~ Notwithstanding the provisions of  
29 any other general or special law to the contrary and subject to  
30 annual authorization by the Legislature to levy ad valorem taxes  
31 under subsection (5), the maximum total millage rate for  
32 district and basin purposes shall be:

- 33 1. Northwest Florida Water Management District: 0.05 mill.
- 34 2. Suwannee River Water Management District: 0.75 mill.
- 35 3. St. Johns River Water Management District: 0.6 mill.
- 36 4. Southwest Florida Water Management District: 1.0 mill.
- 37 5. South Florida Water Management District: 0.80 mill.

38 (5) To ensure that the taxes authorized by this chapter  
39 continue to be in proportion to the benefits derived by the  
40 several parcels of real estate within the districts, the  
41 Legislature shall annually review the authorized millage rate  
42 for each district and annually set the maximum amount of revenue  
43 authorized to be raised by each district from the taxes  
44 authorized by this chapter. However, if the annual maximum  
45 amount of revenue authorized to be raised by each district is  
46 not set by the Legislature on or before July 1 of each year,  
47 each district is authorized to raise the amount of revenue  
48 authorized by the Legislature in the preceding fiscal year and  
49 adjusted by the percentage change in the Consumer Price Index  
50 for the preceding fiscal year.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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51 Section 23. Subsections (1) and (2) and paragraphs (c),  
52 (e), and (f) of subsection (5) of section 373.536, Florida  
53 Statutes, are amended to read:

54 373.536 District budget and hearing thereon.--

55 (1) FISCAL YEAR.--The fiscal year of districts created  
56 under the provisions of this chapter shall extend from July  
57 ~~October~~ 1 of one year through June ~~September~~ 30 of the following  
58 year.

59 (2) BUDGET SUBMITTAL.--The budget officer of the district  
60 shall, ~~on or before July 15 of each year,~~ submit for  
61 consideration by the governing board of the district a tentative  
62 budget for the district covering its proposed operations and  
63 funding requirements for the ensuing fiscal year.

64 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
65 APPROVAL.--

66 (c) Each water management district shall, by February  
67 ~~August~~ 1 of each year, submit for review a tentative budget to  
68 the Governor, the President of the Senate, the Speaker of the  
69 House of Representatives, the chairs of all legislative  
70 committees and subcommittees with substantive or fiscal  
71 jurisdiction over water management districts, as determined by  
72 the President of the Senate or the Speaker of the House of  
73 Representatives as applicable, the secretary of the department,  
74 and the governing body of each county in which the district has  
75 jurisdiction or derives any funds for the operations of the  
76 district.

77 ~~(e) By September 5 of the year in which the budget is~~  
78 ~~submitted, the House and Senate appropriations chairs may~~  
79 ~~transmit to each district comments and objections to the~~  
80 ~~proposed budgets. Each district governing board shall include a~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

81 ~~response to such comments and objections in the record of the~~  
82 ~~governing board meeting where final adoption of the budget takes~~  
83 ~~place, and the record of this meeting shall be transmitted to~~  
84 ~~the Executive Office of the Governor, the department, and the~~  
85 ~~chairs of the House and Senate appropriations committees.~~

86 (e) ~~(f)~~ The Executive Office of the Governor shall  
87 annually, on or before September ~~December~~ 15, file with the  
88 Legislature a report that summarizes its review of the water  
89 management districts' tentative budgets and displays the adopted  
90 budget allocations by program area. The report must identify the  
91 districts that are not in compliance with the reporting  
92 requirements of this section. State funds shall be withheld from  
93 a water management district that fails to comply with these  
94 reporting requirements.

95 Section 24. For the 2008-2009 and 2009-2010 fiscal years,  
96 notwithstanding any law to the contrary, the water management  
97 districts are directed to budget and plan for their fiscal  
98 management to conform to the provisions of this act.

99 Section 25. Section 373.073, Florida Statutes, is amended  
100 to read:

101 373.073 Governing board.--

102 (1) (a) The governing board of each water management  
103 district shall be composed of 9 members who shall reside within  
104 the district, except that the Southwest Florida Water Management  
105 District shall be composed of 13 members who shall reside within  
106 the district. Members of the governing boards shall be nominated  
107 by the Nominating Council created in s. 350.031 and appointed by  
108 the Governor, subject to confirmation by the Senate pursuant to  
109 subsection (5) at the next regular session of the Legislature,  
110 and the The refusal or failure of the Senate to confirm an



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

11 appointment creates a vacancy in the office to which the  
112 appointment was made. The term of office for a governing board  
113 member is 4 years and commences on June ~~March~~ 2 of the year in  
114 which the appointment is confirmed ~~made~~ and terminates on June  
115 ~~March~~ 1 of the fourth calendar year of the term or may continue  
116 until a successor is appointed, ~~but not more than 180 days.~~  
117 Terms of office of governing board members shall be staggered to  
118 help maintain consistency and continuity in the exercise of  
119 governing board duties and to minimize disruption in district  
120 operations.

121 (b) Commencing January 1, 1999, the Governor shall appoint  
122 the following number of governing board members in each year of  
123 the Governor's 4-year term of office:

124 1. In the first year of the Governor's term of office, the  
125 Governor shall appoint three members to the governing board of  
126 each district.

127 2. In the second year of the Governor's term of office,  
128 the Governor shall appoint three members to the governing board  
129 of the Southwest Florida Water Management District and two  
130 members to the governing board of each other district.

131 3. In the third year of the Governor's term of office, the  
132 Governor shall appoint three members to the governing board of  
133 the Southwest Florida Water Management District and two members  
134 to the governing board of each other district.

135 4. In the fourth year of the Governor's term of office,  
136 the Governor shall appoint two members to the governing board of  
137 each district.

138  
139 For any governing board vacancy that occurs before the date  
140 scheduled for the office to be filled under this paragraph, the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

141 Nominating Council created in s. 350.031 shall nominate and the  
142 Governor shall appoint a person meeting residency requirements  
143 of subsection (2) for a term that will expire on the date  
144 scheduled for the term of that office to terminate under this  
145 subsection. In addition to the residency requirements for the  
146 governing boards as provided by subsection (2), the Governor  
147 shall consider appointing governing board members to represent  
148 an equitable cross-section of regional interests and technical  
149 expertise.

150 (2) A person may not be nominated to serve as a member of  
151 a water management district governing board until the  
152 Nominating Council created in s. 350.031 has determined that the  
153 person has ~~Membership on governing boards shall be selected from~~  
154 ~~candidates who have~~ significant experience in one or more of the  
155 following areas, including, but not limited to: agriculture, the  
156 development industry, local government, government-owned or  
157 privately owned water utilities, law, civil engineering,  
158 environmental science, hydrology, accounting, or financial  
159 businesses. The Nominating Council created in s. 350.031 shall  
160 nominate appointees to represent an equitable cross-section of  
161 regional interests and technical expertise. Recommendations of  
162 the Nominating Council created in s. 350.031 shall be  
163 nonpartisan. Notwithstanding the provisions of any other general  
164 or special law to the contrary, vacancies in the governing  
165 boards of the water management districts shall be filled  
166 according to the following residency requirements, representing  
167 areas designated by the United States Water Resources Council in  
168 United States Geological Survey, River Basin and Hydrological  
169 Unit Map of Florida--1975, Map Series No. 72:

170 (a) Northwest Florida Water Management District:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1 1. One member shall reside in the area generally  
172 designated as the "Perdido River Basin-Perdido Bay Coastal Area-  
173 Lower Conecuh River-Escambia River Basin" hydrologic units and  
174 that portion of the "Escambia Bay Coastal Area" hydrologic unit  
175 which lies west of Pensacola Bay and Escambia Bay.

176 2. One member shall reside in the area generally  
177 designated as the "Blackwater River Basin-Yellow River Basin-  
178 Choctawhatchee Bay Coastal Area" hydrologic units and that  
179 portion of the "Escambia Bay Coastal Area" hydrologic unit which  
180 lies east of Pensacola Bay and Escambia Bay.

181 3. One member shall reside in the area generally  
182 designated as the "Choctawhatchee River Basin-St. Andrews Bay  
183 Coastal Area" hydrologic units.

184 4. One member shall reside in the area generally  
185 designated as the "Lower Chattahoochee-Apalachicola River-  
6 Chipola River Basin-Coastal Area between Ochlockonee River  
187 Apalachicola Rivers-Apalachicola Bay coastal area and offshore  
188 islands" hydrologic units.

189 5. One member shall reside in the area generally  
190 designated as the "Ochlockonee River Basin-St. Marks and Wakulla  
191 Rivers and coastal area between Aucilla and Ochlockonee River  
192 Basin" hydrologic units.

193 6. Four members shall be appointed at large, except that  
194 no county shall have more than two members on the governing  
195 board.

196 (b) Suwannee River Water Management District:

197 1. One member shall reside in the area generally  
198 designated as the "Aucilla River Basin" hydrologic unit.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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199 2. One member shall reside in the area generally  
200 designated as the "Coastal Area between Suwannee and Aucilla  
201 Rivers" hydrologic unit.

202 3. One member shall reside in the area generally  
203 designated as the "Withlacoochee River Basin-Alapaha River  
204 Basin-Suwannee River Basin above the Withlacoochee River"  
205 hydrologic units.

206 4. One member shall reside in the area generally  
207 designated as the "Suwannee River Basin below the Withlacoochee  
208 River excluding the Santa Fe River Basin" hydrologic unit.

209 5. One member shall reside in the area generally  
210 designated as the "Santa Fe Basin-Waccasassa River and coastal  
211 area between Withlacoochee and Suwannee River" hydrologic units.

212 6. Four members shall be appointed at large, except that  
213 no county shall have more than two members on the governing  
214 board.

215 (c) St. Johns River Water Management District:

216 1. One member shall reside in the area generally  
217 designated as the "St. Marys River Basin-Coastal area between  
218 St. Marys and St. Johns Rivers" hydrologic units.

219 2. One member shall reside in the area generally  
220 designated as the "St. Johns River Basin below Oklawaha River-  
221 Coastal area between the St. Johns River and Ponce de Leon  
222 Inlet" hydrologic units.

223 3. One member shall reside in the area generally  
224 designated as the "Oklawaha River Basin" hydrologic unit.

225 4. One member shall reside in the area generally  
226 designated as the "St. Johns River Basin above the Oklawaha  
227 River" hydrologic unit.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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28 5. One member shall reside in the area generally  
229 designated as the "Coastal area between Ponce de Leon Inlet and  
230 Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie River"  
231 hydrologic units.

232 6. Four members shall be appointed at large, except that  
233 no county shall have more than two members on the governing  
234 board.

235 (d) South Florida Water Management District:

236 1. Two members shall reside in Dade County.

237 2. One member shall reside in Broward County.

238 3. One member shall reside in Palm Beach County.

239 4. One member shall reside in Collier County, Lee County,  
240 Hendry County, or Charlotte County.

241 5. One member shall reside in Glades County, Okeechobee  
242 County, Highlands County, Polk County, Orange County, or Osceola  
243 County.

244 6. Two members, appointed at large, shall reside in an  
245 area consisting of St. Lucie, Martin, Palm Beach, Broward, Dade,  
246 and Monroe Counties.

247 7. One member, appointed at large, shall reside in an area  
248 consisting of Collier, Lee, Charlotte, Hendry, Glades, Osceola,  
249 Okeechobee, Polk, Highlands, and Orange Counties.

250 8. No county shall have more than three members on the  
251 governing board.

252 (e) Southwest Florida Water Management District:

253 1. Two members shall reside in Hillsborough County.

254 2. One member shall reside in the area consisting of  
255 Hillsborough and Pinellas Counties.

256 3. Two members shall reside in Pinellas County.

257 4. One member shall reside in Manatee County.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

- 258 5. Two members shall reside in Polk County.  
259 6. One member shall reside in Pasco County.  
260 7. One member shall be appointed at large from Levy,  
261 Citrus, Sumter, and Lake Counties.  
262 8. One member shall be appointed at large from Hardee,  
263 DeSoto, and Highlands Counties.  
264 9. One member shall be appointed at large from Marion and  
265 Hernando Counties.  
266 10. One member shall be appointed at large from Sarasota  
267 and Charlotte Counties.

268 (3) It is the responsibility of the Nominating Council  
269 created in s. 350.031 to nominate to the Governor three persons  
270 for each vacancy on the governing boards of any of the five  
271 water management districts. The Nominating Council created in s.  
272 350.031 shall submit the recommendations to the Governor by  
273 December 31 for the seats of those governing board members whose  
274 terms are to expire the following calendar year, or within 90  
275 days after a vacancy occurs for any reason other than the  
276 expiration of the term.

277 (4) The Governor shall select from the list of nominees  
278 provided by the Nominating Council created in s. 350.031. The  
279 Governor shall fill a vacancy occurring on the governing board  
280 of a water management district by appointment of one of the  
281 applicants nominated by the Nominating Council created in s.  
282 350.031 only after a background investigation of such applicant  
283 has been conducted by the Florida Department of Law Enforcement.  
284 If the Governor does not made an appointment within 60  
285 consecutive calendar days after the receipt of the  
286 recommendations, the Nominating Council created in s. 350.031

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Amendment No.

287 shall initiate, in accordance with this section, the nominating  
38 process within 30 days.

289 (5) Each appointment to the governing board of a water  
290 management district shall be subject to confirmation by the  
291 Senate during the next regular session after the vacancy occurs.  
292 If the Senate refuses to confirm or fails to consider the  
293 appointment of the Governor, the Nominating Council created in  
294 s. 350.031 shall initiate, in accordance with this section, the  
295 nominating process in 30 days. Under no circumstances may an  
296 appointee serve on the governing board of a water management  
297 district until confirmed by the Senate.

-----  
301 **T I T L E A M E N D M E N T**

302 Remove line(s) 96-98 and insert:

303 Fund; increasing bonding authority; amending s. 373.073, F.S.,  
304 providing for the nominating council created in s. 350.031,  
305 F.S., to nominate members to the Governor for appointment to the  
306 governing boards of the five water management districts;  
307 providing for the terms of office of governing board members to  
308 commence on June 2 of the year confirmed and terminate June 1 of  
309 the fourth calendar year of the term; providing for  
310 recommendations of the nominating council to be nonpartisan;  
311 providing for the nominating council to nominate three persons  
312 for each vacancy on the governing boards of any of the five  
313 water management districts and to submit the recommendations by  
314 December 31 or within 90 days after a vacancy occurs for any  
315 reason other than the expiration of a member's term; providing  
316 for the Florida Department of Law Enforcement to conduct a

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317 background investigation of an applicant prior to appointment;  
318 providing for each appointment to the governing board to be  
319 subject to confirmation by the Senate during the next regular  
320 session after the vacancy occurs; providing for the nominating  
321 process to be reinitiated if the Senate refuses to confirm or  
322 fails to consider an appointment of the Governor; providing that  
323 under no circumstances may an appointee serve on a governing  
324 board of a water management district until confirmed by the  
325 Senate; amending s. 373.503, F.S.; providing that a water  
326 management district's millage rate is subject to annual  
327 authorization by the Legislature; requiring the Legislature to  
328 annually review a district's millage rate; requiring the  
329 Legislature to annually set the amount of revenue authorized to  
330 be raised by a district from ad valorem taxes; providing for the  
331 amount of authorized revenue to be raised by a district if the  
332 Legislature does not set the amount by a specified date;  
333 amending s. 373.536, F.S.; revising the beginning and ending  
334 dates of a district's fiscal year; revising the date by which a  
335 district must submit a tentative budget to the Governor and the  
336 Legislature; eliminating the authorization for the Legislature  
337 to comment on such budgets; eliminating the requirement for  
338 districts to respond to such comments and to forward such  
339 responses to the Governor and Legislature; revising the date by  
340 which the Executive Office of the Governor must file a specified  
341 report with the Legislature; directing districts to implement  
342 conforming measures; amending s. 373.1391, F.S.; providing  
343 additional



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 15a

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION ✓ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

A

1 Council hearing bill: Environmental Preservation and  
2 Conservation

3 Representative Kendrick offered the following:

4  
5 **Amendment (with title amendments)**

6 Between line(s) 3428-3429 and insert:

7 Section 24. Section 570.71, Florida Statutes, is amended  
8 to read:

9 570.71 Conservation easements and agreements.--

10 (1) The department, on behalf of the Board of Trustees of  
11 the Internal Improvement Trust Fund, may allocate moneys to  
12 acquire perpetual, less-than-fee interest in land, to enter into  
13 agricultural protection agreements, ~~and~~ to enter into resource  
14 conservation agreements, and to enter into working waterfront  
15 protection agreements for the following public purposes:

16 (a) Promotion and improvement of wildlife habitat;

17 (b) Protection and enhancement of water bodies, aquifer  
18 recharge areas, wetlands, and watersheds;

19 (c) Perpetuation of open space on lands with significant  
20 natural areas; or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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21 (d) Protection of agricultural lands threatened by  
22 conversion to other uses.

23 (e) Protection of working waterfronts.

24 ~~(2) To achieve the purposes of this act, beginning no~~  
25 ~~sooner than July 1, 2002, and every year thereafter, the~~  
26 department may accept applications for project proposals that:

27 (a) Purchase conservation easements, as defined in s.  
28 704.06.

29 (b) Purchase rural-lands-protection easements pursuant to  
30 this act.

31 (c) Fund resource conservation agreements pursuant to this  
32 act.

33 (d) Fund agricultural protection agreements pursuant to  
34 this act.

35 (e) Fund working waterfront protection agreements pursuant  
36 to this act.

37 (f) Fund fee simple acquisitions in working waterfronts  
38 pursuant to subsection (12).

39 (3) Rural-lands-protection easements shall be a perpetual  
40 right or interest in agricultural land which is appropriate to  
41 retain such land in predominantly its current state and to  
42 prevent the subdivision and conversion of such land into other  
43 uses. This right or interest in property shall prohibit only the  
44 following:

45 (a) Construction or placing of buildings, roads,  
46 billboards or other advertising, utilities, or structures,  
47 except those structures and unpaved roads necessary for the  
48 agricultural operations on the land or structures necessary for  
49 other activities allowed under the easement, and except for  
50 linear facilities described in s. 704.06(11);

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51 (b) Subdivision of the property;

52 (c) Dumping or placing of trash, waste, or offensive  
53 materials; and

54 (d) Activities that affect the natural hydrology of the  
55 land or that detrimentally affect water conservation, erosion  
56 control, soil conservation, or fish or wildlife habitat, except  
57 those required for environmental restoration; federal, state, or  
58 local government regulatory programs; or best management  
59 practices.

60 (4) Resource conservation agreements will be contracts for  
61 services which provide annual payments to landowners for  
62 services that actively improve habitat and water restoration or  
63 conservation on their lands over and above that which is already  
64 required by law or which provide recreational opportunities.  
65 They will be for a term of not less than 5 years and not more  
66 than 10 years. Property owners will become eligible to enter  
67 into a resource conservation agreement only upon entering into a  
68 conservation easement or rural lands protection easement.

69 (5) Agricultural protection agreements shall be for terms  
70 of 30 years and will provide payments to landowners having  
71 significant natural areas on their land. Public access and  
72 public recreational opportunities may be negotiated at the  
73 request of the landowner.

74 (a) For the length of the agreement, the landowner shall  
75 agree to prohibit:

76 1. Construction or placing of buildings, roads, billboards  
77 or other advertising, utilities, or structures, except those  
78 structures and unpaved roads necessary for the agricultural  
79 operations on the land or structures necessary for other

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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80 activities allowed under the easement, and except for linear  
81 facilities described in s. 704.06(11);

82 2. Subdivision of the property;

83 3. Dumping or placing of trash, waste, or offensive  
84 materials; and

85 4. Activities that affect the natural hydrology of the  
86 land, or that detrimentally affect water conservation, erosion  
87 control, soil conservation, or fish or wildlife habitat.

88 (b) As part of the agricultural protection agreement, the  
89 parties shall agree that the state shall have a right to buy a  
90 conservation easement or rural land protection easement at the  
91 end of the 30-year term. If the landowner tenders the easement  
92 for the purchase and the state does not timely exercise its  
93 right to buy the easement, the landowner shall be released from  
94 the agricultural agreement. The purchase price of the easement  
95 shall be established in the agreement and shall be based on the  
96 value of the easement at the time the agreement is entered into,  
97 plus a reasonable escalator multiplied by the number of full  
98 calendar years following the date of the commencement of the  
99 agreement. The landowner may transfer or sell the property  
100 before the expiration of the 30-year term, but only if the  
101 property is sold subject to the agreement and the buyer becomes  
102 the successor in interest to the agricultural protection  
103 agreement. Upon mutual consent of the parties, a landowner may  
104 enter into a perpetual easement at any time during the term of  
105 an agricultural protection agreement.

106 (5) Working waterfront protection agreements shall be  
107 perpetual less-than-fee interest in lands that currently or  
108 historically have been used as a working waterfront. The  
109 agreements shall prevent the conversion of the land into other

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 15a

110 inconsistent uses and shall maintain the use of the land in its  
111 predominate historical or current state.

112 (7) ~~(6)~~ Payment for conservation easements and rural land  
113 protection easements, working waterfront protection agreements  
114 and working waterfront acquisitions shall be a lump-sum payment  
115 at the time the easement is entered into.

116 (8) ~~(7)~~ Landowners entering into an agricultural  
117 protection agreement may receive up to 50 percent of the  
118 purchase price at the time the agreement is entered into, and  
119 remaining payments on the balance shall be equal annual payments  
120 over the term of the agreement.

121 (9) ~~(8)~~ Payments for the resource conservation agreements  
122 shall be equal annual payments over the term of the agreement.

123 (10) ~~(9)~~ Easements purchased pursuant to this act may not  
124 prevent landowners from transferring the remaining fee value  
25 with the easement.

126 (11) ~~(10)~~ The department, in consultation with the  
127 Department of Environmental Protection, the water management  
128 districts, the Department of Community Affairs, and the Florida  
129 Fish and Wildlife Conservation Commission, shall adopt rules  
130 that establish an application process, a process and criteria  
131 for setting priorities for use of funds consistent with the  
132 purposes specified in subsection (1) and giving preference to  
133 ranch and timber lands managed using sustainable practices, an  
134 appraisal process, and a process for title review and compliance  
135 and approval of the rules by the Board of Trustees of the  
136 Internal Improvement Trust Fund.

137 (12) Notwithstanding any other provision of law, the  
138 department, on behalf of the Board of Trustees of the Internal  
139 Improvement Trust Fund, is authorized to acquire fee simple

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 15a

140 interest in working waterfront properties. Such acquisitions  
141 are to prevent further loss of Florida's cultural history and  
142 the marine industries supported by working waterfronts. For  
143 purposes of chapters 253, 259 and 570 working waterfronts mean a  
144 parcel or parcels of real property that support water-dependent  
145 commercial activities, including commercial fishing or provide  
146 public access to state waters.

147 (a) Working waterfront acquisitions by fee simple  
148 acquisition may be completed by the department in whole, or  
149 partnership with other entities.

150 (b) Working waterfront acquisitions shall be managed by  
151 the department. The department is authorized to enter into  
152 management agreements with other entities for the management of  
153 the acquisitions.

154 (13) ~~(11)~~ If a landowner objects to having his or her  
155 property included in any lists or maps developed to implement  
156 this act, the department shall remove the property from any such  
157 lists or maps upon receipt of the landowner's written request to  
158 do so.

159 (14) ~~(12)~~ The department is authorized to use funds from  
160 the following sources to implement this act:

- 161 (a) State funds;  
162 (b) Federal funds;  
163 (c) Other governmental entities;  
164 (d) Nongovernmental organizations; or  
165 (e) Private individuals.

166  
167 Any such funds provided shall be deposited into the Conservation  
168 and Recreation Lands Program Trust Fund within the Department of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 15a

69 Agriculture and Consumer Services and used for the purposes of  
170 this act.

171 (13) No more than 10 percent of any funds made available  
172 to implement this act shall be expended for resource  
173 conservation agreements and agricultural protection agreements.  
174

175 -----

176 **T I T L E A M E N D M E N T**

177 Between line(s) 100-101 and insert:  
178 ; amending s. 570.71, F.S. providing for working waterfronts  
179

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 16

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council hearing bill: Environment & Natural Resources Council  
 2 Representative Kendrick offered the following:

**Amendment (with title amendment)**

Between line(s) 3428-3429 and insert:

Section 24. Subsection (4) of section 380.504, Florida Statutes, is created to read:

380.504 Florida Communities Trust; creation; membership; expenses.--

(4) There is created within the Florida Communities Trust an executive director who shall administratively serve the Florida Communities Trust. The executive director shall have all the powers and duties necessary to carry out the purposes provided in ss. 380.504 - 380.515. The executive director is to be appointed by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund from a recommendation by the secretary of the Department of Community Affairs, subject to confirmation by the Senate. The executive director shall report directly to the Board of Trustee on all matters and shall serve at the exclusive pleasure of the Board of Trustees.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

22

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**T I T L E   A M E N D M E N T**

25

Between line(s) 100-101 and insert:

26

amending s. 380.540 providing for the appointment of an

27

executive director for the Florida Communities Trust program;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.17

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



1 Council bill: Environment & Natural Resources  
2 Representative(s) Kendrick offered the following:

3  
4  
5  
6  
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8

**Amendment**

Remove line 2630 and insert:

11. Easements acquired pursuant to s. 570.71(2)(a) and (b),

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 18

Bill No. PCB ENRC 08-09

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



1 Council hearing bill: Environment & Natural Resources

2 Representative Kendrick offered the following:

3

4 **Amendment**

5 Remove line 266 and insert:

6

7 identification of all personnel assigned, all administrative

8

9

10

**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**

4/11/2008 1:00:00PM

Location: 404 HOB

**AMENDED**

**PCB ENRC 08-13 : Environmental Resources**

*Favorable With Amendments* - amendments 1 & 2 were adopted; amendment 3 failed

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Mary Brandenburg	X				
Faye Culp	X				
Richard Glorioso	X				
Denise Grimsley	X				
Will Kendrick	X				
Paige Kreegel			X		
Rick Kriseman	X				
Richard Machek	X				
Bryan Nelson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Scott Randolph	X				
Anthony Sasso III	X				
Baxter Troutman			X		
Trudi Williams			X		
Stan Mayfield (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

**Appearances:**

Amendment 3

Gary Hunter (Lobbyist) - Opponent

Ascott

Hopping, Green & Sams 123 South Calhoun Street

Tallahassee FL 32301

Phone: 222-7500

Amendment 3

Chuck Littlejohn (Lobbyist) - Opponent

Florida Chamber of Commerce

310 W. College Avenue

Tallahassee FL 32301

Phone: 222-7535

Amendment 3

J. Keith Arnold (Lobbyist) - Proponent

Lee & Collier Counties

201 W. Park Avenue, suite 100

Tallahassee FL 32301

Phone: 222-8188

Committee meeting was reported out: Tuesday, April 15, 2008 6:22:22PM

**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**

**4/11/2008 1:00:00PM**

**AMENDED**

**Location:** 404 HOB

PCB 08-13 (cont'd) - Amendment 3

C. Scott Dudley, Sr. Legislative Advocate - Opponent

Florida League of Cities

301 S. Bronough Street

Tallahassee FL 32301

Phone: 222-9684

Amendment 3

Eric Poole, Assistant Legislative Director (Lobbyist) - Opponent

FL Association of Counties

100 S. Monroe

Tallahassee FL 32301

Phone: 922-4300

Amendment 3

Eric Draper (Lobbyist) - Opponent

Audobon

2507 Callaway Road #103

Tallahassee FL 32303

Phone: 224-7546

Committee meeting was reported out: Tuesday, April 15, 2008 6:22:22PM

**Environment & Natural Resources Council**

**Date: 4/11/08**

**Amendment: #3 by Rep. Sasso**

**To HB: PCB 08-13**

**ROLL CALL VOTE**

MEMBERS	2nd	YES	NO	VOICE VOTE	COMMENTS
Boyd		✓			
Brandenburg			✓		
Culp			✓		
Glorioso			✓		
Grimsley			✓		
Kendrick			✓		
Kreegal					
Kriseman		✓			
Machek			✓		
Nelson			✓		
Poppell			✓		
Precourt					
Randolph		✓			
Sasso		✓			
Williams					
Vice-Chair Troutman					
Chair Mayfield		✓	✓		
<b>TOTALS:</b>					

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. ✓

Bill No. PCB 08-13

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Environment & Natural Resources

2 Council

3 Representative Williams offered the following:

4

5 **Amendment (with title amendments)**

6 Remove line(s) 71 and insert:

7 (a) Contingent upon a specific appropriation, the Florida  
8 Department of Transportation shall

9

10

11

-----  
**T I T L E A M E N D M E N T**

13

Remove line(s) 5 and insert:

14

construction materials in the state contingent upon a  
15 specific appropriation; providing duties for

16

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. PCB 08-13

COUNCIL/COMMITTEE ACTION

ADOPTED  (Y/N)

ADOPTED AS AMENDED  (Y/N)

ADOPTED W/O OBJECTION  (Y/N)

FAILED TO ADOPT  (Y/N)

WITHDRAWN  (Y/N)

OTHER \_\_\_\_\_

A

Council/Committee hearing bill: Environment & Natural Resources Council

Representative(s) Poppell offered the following:

**Amendment (title amendment)**

Remove line(s) 187-200 and insert:

(40) Maintain a list of projects or activities that applicants may consider when developing proposals to meet the mitigation or public interest requirements of chapter 253, chapter 373, or this chapter. The contents of such a list are not a rule as defined in chapter 120, and listing a specific project or activity does not imply approval by the department for such project or activity. Each county government is encouraged to develop a prioritized inventory of projects or activities for inclusion on the list by obtaining input from local stakeholder groups in the public, private, and nonprofit sectors, including local governments, port authorities, marine contractors, other representatives of the marine construction industry, environmental or conservation organizations, and other interested parties. Counties may establish dedicated funds for depositing public interest donations into a reserve for future



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

22 public interest projects, including improvements to on water law  
23 enforcement.

24

25

26

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**T I T L E   A M E N D M E N T**

27

Remove line(s) 25 and insert:

28

activities; authorizing counties to establish dedicated funds

29

for public interest projects; amending s. 403.813, F.S.;

30

prohibiting a local

31

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. PCB 13

COUNCIL/COMMITTEE ACTION

ADOPTED                                    — (Y/N) ·  
ADOPTED AS AMENDED                    — (Y/N)  
ADOPTED W/O OBJECTION                — (Y/N)  
FAILED TO ADOPT                        ~~—~~ (Y/N)  
WITHDRAWN                                — (Y/N)  
OTHER                                      \_\_\_\_\_

*Failed  
roll call*

1 Council/Committee hearing bill: Environment and Natural  
2 Resources  
3 Representative(s) Sasso offered the following:

**Amendment (title amendments)**

Remove line(s) 223-241 and insert:

-----

**T I T L E   A M E N D M E N T**

Remove line(s) 16-21 and insert:  
amending s. 403.061, F.S.; revising the

**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**

4/11/2008 1:00:00PM

Location: 404 HOB

**AMENDED**

**PCB ENRC 08-14 : Alternative Water Resource Projects**

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Mary Brandenburg	X				
Faye Culp	X				
Richard Glorioso	X				
Denise Grimsley	X				
Will Kendrick	X				
Paige Kreegel			X		
Rick Kriseman	X				
Richard Machek	X				
Bryan Nelson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Scott Randolph	X				
Anthony Sasso III	X				
Baxter Troutman			X		
Trudi Williams			X		
Stan Mayfield (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Tuesday, April 15, 2008 6:22:22PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

PCB Strike-All-

Bill No. PCB ENRC 14

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: Environment & Natural Resources  
 2 Council  
 3 Representative(s) Williams offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Subsection (6) is added to section 373.236

8 Florida Statutes, to read:

9 Subsection (6) of section 373.236, Florida Statutes, is  
 10 created to read:

11 373.236 Duration of permits; compliance reports.--

12 (6) (a) The need for alternative water supply development  
 13 projects to meet anticipated public water supply demands of the  
 14 state is such that it is essential to encourage participation in  
 15 and contribution to these projects by private rural land owners  
 16 which characteristically have relatively modest near-term water  
 17 demands but substantially increasing demands after the 20-year  
 18 planning horizon in s. 373.0361. Where such landowners make  
 19 extraordinary contributions of lands or construction funding to  
 20 enable the expeditious implementation of such projects, water  
 21 management districts and the department are authorized to grant  
 22 permits for such projects for a period of up to 50 years to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

PCB Strike-All-

23 municipalities, counties, special districts, regional water  
24 supply authorities, multijurisdictional water supply entities,  
25 and publicly owned or privately owned utilities, but not any of  
26 the foregoing created for or by the private landowners after  
27 April 1, 2008, which have entered into an agreement with the  
28 private landowner for the purpose of more efficiently pursuing  
29 alternative public water supply development projects identified  
30 in a district's regional water supply plan and of meeting water  
31 demands of both the applicant and the landowner.

32 (b) Any permit pursuant to subsection (a) shall be granted only  
33 for that period of time for which there is sufficient data to  
34 provide reasonable assurance that the conditions for permit  
35 issuance will be met. Such a permit shall require a compliance  
36 report by the permittee every 5 years during the term of the  
37 permit. The report shall contain sufficient data to maintain  
38 reasonable assurance that the conditions for permit issuance,  
39 applicable at the time of district review of the compliance  
40 report, are met. Following review of this report, the  
41 governing board or the department may modify the permit to  
42 ensure that the use meets the conditions for issuance. This  
43 subsection shall not be construed to limit the existing  
44 authority of the department or the governing board to modify or  
45 revoke a consumptive use permit.

46 Section 2. Paragraph (d) of subsection (11) of section  
47 163.3177, Florida Statutes, is amended to read:

48 163.3177 Required and optional elements of comprehensive  
49 plan; studies and surveys.-

50 (d)1. The department, in cooperation with the Department  
51 of Agriculture and Consumer Services, the Department of  
52 Environmental Protection, water management districts, and  
53 regional planning councils, shall provide assistance to local

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

PCB Strike-All-

54 governments in the implementation of this paragraph and rule 9J-  
55 5.006(5) (1), Florida Administrative Code. Implementation of  
56 those provisions shall include a process by which the department  
57 may authorize local governments to designate all or portions of  
58 lands classified in the future land use element as predominantly  
59 agricultural, rural, open, open-rural, or a substantively  
60 equivalent land use, as a rural land stewardship area within  
61 which planning and economic incentives are applied to encourage  
62 the implementation of innovative and flexible planning and  
63 development strategies and creative land use planning  
64 techniques, including those contained herein and in rule 9J-  
65 5.006(5) (1), Florida Administrative Code. Assistance may  
66 include, but is not limited to:

67 a. Assistance from the Department of Environmental  
68 Protection and water management districts in creating the  
69 geographic information systems land cover database and aerial  
70 photogrammetry needed to prepare for a rural land stewardship  
71 area;

72 b. Support for local government implementation of rural  
73 land stewardship concepts by providing information and  
74 assistance to local governments regarding land acquisition  
75 programs that may be used by the local government or landowners  
76 to leverage the protection of greater acreage and maximize the  
77 effectiveness of rural land stewardship areas; and

78 c. Expansion of the role of the Department of Community  
79 Affairs as a resource agency to facilitate establishment of  
80 rural land stewardship areas in smaller rural counties that do  
81 not have the staff or planning budgets to create a rural land  
82 stewardship area.

83 2. The department shall encourage participation by local  
84 governments of different sizes and rural characteristics in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

PCB Strike-All-

85 establishing and implementing rural land stewardship areas. It  
86 is the intent of the Legislature that rural land stewardship  
87 areas be used to further the following broad principles of rural  
88 sustainability: restoration and maintenance of the economic  
89 value of rural land; control of urban sprawl; identification and  
90 protection of ecosystems, habitats, and natural resources;  
91 promotion of rural economic activity; maintenance of the  
92 viability of Florida's agricultural economy; and protection of  
93 the character of rural areas of Florida. Rural land stewardship  
94 areas may be multicounty in order to encourage coordinated  
95 regional stewardship planning.

96 3. A local government, in conjunction with a regional  
97 planning council, a stakeholder organization of private land  
98 owners, or another local government, shall notify the department  
99 in writing of its intent to designate a rural land stewardship  
100 area. The written notification shall describe the basis for the  
101 designation, including the extent to which the rural land  
102 stewardship area enhances rural land values, controls urban  
103 sprawl, provides necessary open space for agriculture and  
104 protection of the natural environment, promotes rural economic  
105 activity, and maintains rural character and the economic  
106 viability of agriculture.

107 4. A rural land stewardship area shall be not less than  
108 10,000 acres and shall be located outside of municipalities and  
109 established urban growth boundaries, and shall be designated by  
110 plan amendment. The plan amendment designating a rural land  
111 stewardship area shall be subject to review by the Department of  
112 Community Affairs pursuant to s. 163.3184 and shall provide for  
113 the following:

114 a. Criteria for the designation of receiving areas within  
115 rural land stewardship areas in which innovative planning and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

PCB Strike-All-2

116 development strategies may be applied. Criteria shall at a  
117 minimum provide for the following: adequacy of suitable land to  
118 accommodate development so as to avoid conflict with  
119 environmentally sensitive areas, resources, and habitats;  
120 compatibility between and transition from higher density uses to  
121 lower intensity rural uses; the establishment of receiving area  
122 service boundaries which provide for a separation between  
123 receiving areas and other land uses within the rural land  
124 stewardship area through limitations on the extension of  
125 services; and connection of receiving areas with the rest of the  
126 rural land stewardship area using rural design and rural road  
127 corridors.

128       b. Goals, objectives, and policies setting forth the  
129 innovative planning and development strategies to be applied  
130 within rural land stewardship areas pursuant to the provisions  
131 of this section.

132       c. A process for the implementation of innovative planning  
133 and development strategies within the rural land stewardship  
134 area, including those described in this subsection and rule 9J-  
135 5.006(5)(1), Florida Administrative Code, which provide for a  
136 functional mix of land uses, including adequate available  
137 workforce housing, including low, very-low and moderate income  
138 housing for the development anticipated in the receiving area  
139 and which are applied through the adoption by the local  
140 government of zoning and land development regulations applicable  
141 to the rural land stewardship area.

142       d. A process which encourages visioning pursuant to s.  
143 163.3167(11) to ensure that innovative planning and development  
144 strategies comply with the provisions of this section.

145       e. The control of sprawl through the use of innovative  
146 strategies and creative land use techniques consistent with the



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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147 provisions of this subsection and rule 9J-5.006(5)(1), Florida  
148 Administrative Code.

149 5. A receiving area shall be designated by the adoption of  
150 a land development regulation. Prior to the designation of a  
151 receiving area, the local government shall provide the  
152 Department of Community Affairs a period of 30 days in which to  
153 review a proposed receiving area for consistency with the rural  
154 land stewardship area plan amendment and to provide comments to  
155 the local government. At the time of designation of a  
156 stewardship receiving area, a listed species survey will be  
157 performed. If listed species occur on the receiving area site,  
158 the developer shall coordinate with each appropriate local,  
159 state, or federal agency to determine if adequate provisions  
160 have been made to protect those species in accordance with  
161 applicable regulations. In determining the adequacy of  
162 provisions for the protection of listed species and their  
163 habitats, the rural land stewardship area shall be considered as  
164 a whole, and the impacts to areas to be developed as receiving  
165 areas shall be considered together with the environmental  
166 benefits of areas protected as sending areas in fulfilling this  
167 criteria.

168 6. Upon the adoption of a plan amendment creating a rural  
169 land stewardship area, the local government shall, by ordinance,  
170 establish the methodology for the creation, conveyance, and use  
171 of transferable rural land use credits, otherwise referred to as  
172 stewardship credits, the application of which shall not  
173 constitute a right to develop land, nor increase density of  
174 land, except as provided by this section. The total amount of  
175 transferable rural land use credits within the rural land  
176 stewardship area must enable the realization of the long-term  
177 vision and goals for the 25-year or greater projected population

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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178 of the rural land stewardship area, which may take into  
179 consideration the anticipated effect of the proposed receiving  
180 areas. Transferable rural land use credits are subject to the  
181 following limitations:

182 a. Transferable rural land use credits may only exist  
183 within a rural land stewardship area.

184 b. Transferable rural land use credits may only be used on  
185 lands designated as receiving areas and then solely for the  
186 purpose of implementing innovative planning and development  
187 strategies and creative land use planning techniques adopted by  
188 the local government pursuant to this section.

189 c. Transferable rural land use credits assigned to a parcel  
190 of land within a rural land stewardship area shall cease to  
191 exist if the parcel of land is removed from the rural land  
192 stewardship area by plan amendment.

193 d. Neither the creation of the rural land stewardship area  
194 by plan amendment nor the assignment of transferable rural land  
195 use credits by the local government shall operate to displace  
196 the underlying density of land uses assigned to a parcel of land  
197 within the rural land stewardship area; however, if transferable  
198 rural land use credits are transferred from a parcel for use  
199 within a designated receiving area, the underlying density  
200 assigned to the parcel of land shall cease to exist.

201 e. The underlying density on each parcel of land located  
202 within a rural land stewardship area shall not be increased or  
203 decreased by the local government, except as a result of the  
204 conveyance or use of transferable rural land use credits, as  
205 long as the parcel remains within the rural land stewardship  
206 area.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

PCB Strike-All-2

207 f. Transferable rural land use credits shall cease to exist  
208 on a parcel of land where the underlying density assigned to the  
209 parcel of land is utilized.

210 g. An increase in the density of use on a parcel of land  
211 located within a designated receiving area may occur only  
212 through the assignment or use of transferable rural land use  
213 credits and shall not require a plan amendment.

214 h. A change in the density of land use on parcels located  
215 within receiving areas shall be specified in a development order  
216 which reflects the total number of transferable rural land use  
217 credits assigned to the parcel of land and the infrastructure  
218 and support services necessary to provide for a functional mix  
219 of land uses corresponding to the plan of development.

220 i. Land within a rural land stewardship area may be  
221 removed from the rural land stewardship area through a plan  
222 amendment.

223 j. Transferable rural land use credits may be assigned at  
224 different ratios of credits per acre according to the natural  
225 resource or other beneficial use characteristics of the land and  
226 according to the land use remaining following the transfer of  
227 credits, with the highest number of credits per acre assigned to  
228 the most environmentally valuable land, alternative water supply  
229 development projects identified in the regional water supply  
230 plan, or water quality enhancement as part of the plan approved  
231 by the Legislature or water management district for the  
232 restoration of Lake Okeechobee, estuaries that receive waters  
233 from Lake Okeechobee, and the Northern Everglades or, in  
234 locations where the retention of open space and agricultural  
235 land is a priority, to such lands.

236 k. The use or conveyance of transferable rural land use  
237 credits must be recorded in the public records of the county in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

PCB Strike-All-2

238 which the property is located as a covenant or restrictive  
239 easement running with the land in favor of the county and either  
240 the Department of Environmental Protection, Department of  
241 Agriculture and Consumer Services, a water management district,  
242 or a recognized statewide land trust.

243 7. Owners of land within rural land stewardship areas  
244 should be provided incentives to enter into rural land  
245 stewardship agreements, pursuant to existing law and rules  
246 adopted thereto, with state agencies, water management  
247 districts, and local governments to achieve mutually agreed upon  
248 conservation objectives. Such incentives may include, but not be  
249 limited to, the following:

250 a. Opportunity to accumulate transferable mitigation  
251 credits.

252 b. Extended permit agreements.

253 c. Opportunities for recreational leases and ecotourism.

254 d. Payment for specified land management services on  
255 publicly owned land, or property under covenant or restricted  
256 easement in favor of a public entity.

257 e. Option agreements for sale to public entities or  
258 private land conservation entities, in either fee or easement,  
259 upon achievement of conservation objectives.

260 f. If an alternative water supply project such as a  
261 surface reservoir or an aquifer storage and recovery well is  
262 incorporated into the rural land stewardship area and is  
263 identified in the regional water supply plan, these projects  
264 shall receive consideration for funding under the Water  
265 Protection and Sustainability Program pursuant to s.  
266 373.1961(3)(g), and the source may be considered a preferred  
267 water supply source under s.373.2234.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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268 8. The department shall report to the Legislature on an  
269 annual basis on the results of implementation of rural land  
270 stewardship areas authorized by the department, including  
271 successes and failures in achieving the intent of the  
272 Legislature as expressed in this paragraph.

273 Section 3. Subparagraph 6 is added to s. 373.1961(3)(g),  
274 F.S., to read:

275 6. Whether the project is included in a rural land  
276 stewardship area under s. 163.3177(11).

277 Section 4. This act shall take effect July 1, 2008.

278

279

280

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

281

Remove the entire title and insert:

282

A bill to be entitled

283

An act relating to alternative water resources; amending s.

284

373.236, F.S.; providing incentives for alternative water

285

resource projects; amending s. 163.3177, F.S.; providing

286

credits for certain projects that dedicate land to

287

alternative water resource projects, providing for a

288

consideration for funding pursuant to s. 373.1961(3)(g),

289

F.S., consideration as a preferred water supply source

290

under section 373.2234, F.S.; amending s. 373.1961, F.S.

291

providing a factor to consider for alternative water

292

project funding; providing an effective date.

293

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

Bill No. PCB ENRC 08-14

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Environment & Natural Resources  
 2 Council  
 3 Representative(s) Boyd offered the following:

4  
 5 **Amendment to Strike-all Amendment (1) by Representative**  
 6 **Williams (with title amendment)**

7 Between line(s) 274-275 insert:

8 Section 4. Section 373.185, Florida Statutes, is amended  
 9 to read:

10 373.185 Local Florida-friendly landscape Xeriscape  
 11 ordinances.--

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

13 (a) "Local government" means any county or municipality of  
 14 the state.

15 (b) ~~"Xeriscape"~~ or "Florida-friendly landscape" means  
 16 quality landscapes that conserve water, and protect the  
 17 environment, and are adaptable to local conditions, and which  
 18 are drought tolerant. The principles of Florida-friendly  
 19 landscape Xeriscape include planting the right plant in the  
 20 right place, efficient watering, appropriate fertilization,  
 21 mulching, attraction of wildlife, responsible management of yard  
 22 pests, recycling yard waste, reduction of stormwater runoff, and  
 23 waterfront protection. Additional components of Florida-friendly

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

24 | landscape include planning and design, ~~appropriate choice of~~  
25 | ~~plants,~~ soil analysis which may include the use of solid waste  
26 | compost, ~~efficient irrigation,~~ practical use of turf,  
27 | ~~appropriate use of mulches,~~ and proper maintenance.

28 |         (2) Each water management district shall design and  
29 | implement an incentive program to encourage all local  
30 | governments within its district to adopt new ordinances or amend  
31 | existing ordinances to require Florida-friendly Xeriscape  
32 | landscaping for development permitted after the effective date  
33 | of the new ordinance or amendment. Each district shall establish  
34 | criteria ~~adopt rules governing the implementation of its~~  
35 | ~~incentive program~~ and governing the review and approval of local  
36 | government Florida-friendly landscape Xeriscape ordinances or  
37 | amendments which are intended to qualify a local government for  
38 | the incentive program. Each district shall assist the local  
39 | governments within its jurisdiction by providing a model  
40 | Florida-friendly landscape Xeriscape code and other technical  
41 | assistance. A local government Florida-friendly landscape  
42 | ~~Xeriscape~~ ordinance or amendment, in order to qualify the local  
43 | government for a district's incentive program, must include, at  
44 | a minimum:

45 |         (a) Landscape design, installation, and maintenance  
46 | standards that result in water conservation. Such standards  
47 | shall address the use of plant groupings, soil analysis  
48 | including the promotion of the use of solid waste compost,  
49 | efficient irrigation systems, and other water-conserving  
50 | practices.

51 |         (b) Identification of prohibited invasive exotic plant  
52 | species consistent with the provisions of s. 581.091.

53 |         (c) Identification of controlled plant species,  
54 | accompanied by the conditions under which such plants may be  
55 | used.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

56 (d) A provision specifying the maximum percentage of turf  
57 and the maximum percentage of impervious surfaces allowed in a  
58 Florida-friendly landscaped ~~xeriscaped~~ area and addressing the  
59 practical selection and installation of turf.

60 (e) Specific standards for land clearing and requirements  
61 for the preservation of existing native vegetation.

62 (f) A monitoring program for ordinance implementation and  
63 compliance.

64 (g) Incorporation of the landscape irrigation and Florida-  
65 friendly landscape design standards developed pursuant to s.  
66 373.228(4).

67  
68 The districts also shall work with local governments, county  
69 extension agents or offices, nursery and landscape industry  
70 groups, and other interested stakeholders to promote, through  
71 educational programs and publications, the use of Florida-  
72 friendly landscape ~~Xeriscape~~ practices, including the use of  
73 solid waste compost, in existing residential and commercial  
74 development. The districts shall use the University of Florida's  
75 Yards and Neighborhoods extension program or a similar program  
76 as a primary resource for the delivery of educational programs  
77 to individual homeowners and homeowners' associations. ~~This~~  
78 ~~section may not be construed to limit the authority of the~~  
79 ~~districts to require Xeriscape ordinances or practices as a~~  
80 ~~condition of any consumptive use permit.~~ This subsection is not  
81 subject to the rulemaking requirements of chapter 120.

82 (3) This section may not be construed to limit the  
83 authority of the districts to require Florida-Friendly landscape  
84 ordinances or practices as a condition of any permit under part  
85 II or part IV of this chapter.

86 (4) ~~(3)~~ A deed restriction or covenant ~~entered after~~  
87 ~~October 1, 2001,~~ or local government ordinance may not prohibit



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

88 any property owner from implementing ~~Xeriscape~~ or Florida-  
89 friendly landscaping landscape on his or her land, or create any  
90 requirement or limitation in conflict with any provision of part  
91 II or a water shortage order, other order, consumptive use  
92 permit, or rule adopted or issued pursuant to part II. Any deed  
93 restriction or covenant, or local government ordinance, now in  
94 effect, may not be enforced to prohibit a property owner from  
95 implementing Florida-friendly landscaping; nor shall such  
96 restriction, covenant or ordinance create any such conflicting  
97 requirement or limitation. The Legislature finds that the use  
98 of Florida-Friendly landscaping and other measures that conserve  
99 Florida's water resources serve a compelling public interest and  
100 that the participation of homeowners associations and local  
101 governments is essential to state water conservation efforts.

102 Section 5. Section 125.568, Florida Statutes, is amended  
103 to read:

104 125.568 Conservation of water; Florida-friendly landscape  
105 ~~Xeriscape~~.--

106 (1) (a) The Legislature finds that Florida-friendly  
107 landscape ~~Xeriscape~~ contributes to the conservation of water. In  
108 an effort to meet the water needs of this state in a manner that  
109 will supply adequate and dependable supplies of water where  
110 needed, it is the intent of the Legislature that Florida-  
111 friendly landscape ~~Xeriscape~~ be an essential part of water  
112 conservation planning.

113 (b) ~~"Xeriscape"~~ or "Florida-friendly landscape" means  
114 quality landscapes that conserve water, and protect the  
115 environment, and are adaptable to local conditions, and which  
116 are drought tolerant. The principles of Florida-friendly  
117 landscape ~~Xeriscape~~ include planting the right plant in the  
118 right place, efficient watering, appropriate fertilization,  
119 mulching, attraction of wildlife, responsible management of yard

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

20 pests, recycling yard waste, reduction of stormwater runoff, and  
121 waterfront protection. Additional components of Florida-friendly  
122 landscape include planning and design, ~~appropriate choice of~~  
123 ~~plants,~~ soil analysis which may include the use of solid waste  
124 compost, practical use of turf, ~~efficient irrigation,~~  
125 ~~appropriate use of mulches,~~ and proper maintenance.

126 (2) The board of county commissioners of each county shall  
127 consider enacting ordinances requiring the use of Florida-  
128 friendly landscape Xeriscape as a water conservation measure. If  
129 the board determines that Florida-friendly landscape Xeriscape  
130 would be of significant benefit as a water conservation measure  
131 relative to the cost to implement Florida-friendly Xeriscape  
132 landscaping in its area of jurisdiction, the board shall enact a  
133 Florida-friendly landscape Xeriscape ordinance. Further, the  
134 board of county commissioners shall consider promoting Florida-  
135 friendly landscape Xeriscape as a water conservation measure by:  
136 using Florida-friendly landscape Xeriscape in, around, or near  
137 facilities, parks, and other common areas under its jurisdiction  
138 that which are landscaped after the effective date of this act;  
139 providing public education on Florida-friendly landscape  
140 Xeriscape, its uses as a water conservation tool, and its long-  
141 term cost-effectiveness; and offering incentives to local  
142 residents and businesses to implement Florida-friendly Xeriscape  
143 landscaping.

144 (3) A deed restriction, ~~or~~ covenant entered after October  
145 1, 2001, or local government ordinance may not prohibit any  
146 property owner from implementing ~~Xeriscape or~~ Florida-friendly  
147 landscape on his or her land.

148 Section 6. Section 166.048, Florida Statutes, is amended  
149 to read:

50 166.048 Conservation of water; Florida-friendly landscape  
151 Xeriscape.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

152 (1) (a) The Legislature finds that Florida-friendly  
153 landscape Xeriscape contributes to the conservation of water. In  
154 an effort to meet the water needs of this state in a manner that  
155 will supply adequate and dependable supplies of water where  
156 needed, it is the intent of the Legislature that Florida-  
157 friendly landscape Xeriscape be an essential part of water  
158 conservation planning.

159 (b) ~~"Xeriscape"~~ or "Florida-friendly landscape" means  
160 quality landscapes that conserve water, ~~and~~ protect the  
161 environment, ~~and~~ are adaptable to local conditions, ~~and~~ which  
162 are drought tolerant. The principles of Florida-friendly  
163 landscape Xeriscape include planting the right plant in the  
164 right place, efficient watering, appropriate fertilization,  
165 mulching, attraction of wildlife, responsible management of yard  
166 pests, recycling yard waste, reduction of stormwater runoff, and  
167 waterfront protection. Additional components of Florida-friendly  
168 landscape include planning and design, ~~appropriate choice of~~  
169 ~~plants,~~ soil analysis which may include the use of solid waste  
170 compost, practical use of turf, ~~efficient irrigation,~~  
171 ~~appropriate use of mulches,~~ and proper maintenance.

172 (2) The governing body of each municipality shall consider  
173 enacting ordinances requiring the use of Florida-friendly  
174 landscape Xeriscape as a water conservation measure. If the  
175 governing body determines that Florida-friendly landscape  
176 Xeriscape would be of significant benefit as a water  
177 conservation measure relative to the cost to implement Florida-  
178 friendly Xeriscape landscaping in its area of jurisdiction in  
179 the municipality, the board shall enact a Florida-friendly  
180 landscape Xeriscape ordinance. Further, the governing body shall  
181 consider promoting Florida-friendly landscape Xeriscape as a  
182 water conservation measure by: using Florida-friendly landscape  
183 Xeriscape in, around, or near facilities, parks, and other

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all:

184 common areas under its jurisdiction that ~~which~~ are landscaped  
185 after the effective date of this act; providing public education  
186 on Florida-friendly landscape Xeriscape, its uses as a water  
187 conservation tool, and its long-term cost-effectiveness; and  
188 offering incentives to local residents and businesses to  
189 implement Florida-friendly Xeriscape landscaping.

190 (3) A deed restriction, ~~or~~ covenant ~~entered after October~~  
191 ~~1, 2001~~, or local government ordinance may not prohibit any  
192 property owner from implementing ~~Xeriscape~~ or Florida-friendly  
193 landscape on his or her land.

194 Section 7. Section 255.259, Florida Statutes, is amended  
195 to read:

196 255.259 Florida-friendly Xeriscape landscaping on public  
197 property.--

198 (1) The Legislature finds that water conservation is  
199 increasingly critical to the continuance of an adequate water  
200 supply for the citizens of this state. The Legislature further  
201 finds that "Florida-friendly landscape Xeriscape," as defined in  
202 s. 373.185, can contribute significantly to the conservation of  
203 water. Finally, the Legislature finds that state government has  
204 the responsibility to promote Florida-friendly landscape  
205 ~~Xeriscape~~ as a water conservation measure by using Florida-  
206 friendly landscape Xeriscape on public property associated with  
207 publicly owned buildings or facilities.

208 (2) As used in this section, "publicly owned buildings or  
209 facilities" means those construction projects under the purview  
210 of the Department of Management Services. It does not include  
211 environmentally endangered land or roads and highway  
212 construction under the purview of the Department of  
213 Transportation.

214 (3) The Department of Management Services, in consultation  
215 with the Department of Environmental Protection, shall adopt

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

216 rules and guidelines for the required use of Florida-friendly  
217 landscape Xeriscape on public property associated with publicly  
218 owned buildings or facilities constructed after June 30, 1992.  
219 The Department of Management Services also shall develop a 5-  
220 year program for phasing in the use of Florida-friendly  
221 landscape Xeriscape on public property associated with publicly  
222 owned buildings or facilities constructed before July 1, 1992.  
223 In accomplishing these tasks, the Department of Management  
224 Services shall take into account the guidelines set out in s.  
225 373.185(2) (a)-(g) ~~(a)-(f)~~. The Department of Transportation shall  
226 implement Florida-friendly Xeriscape landscaping pursuant to s.  
227 335.167.

228 (4) A deed restriction, ~~or~~ covenant entered ~~after October~~  
229 ~~1, 2001~~, or local government ordinance may not prohibit any  
230 property owner from implementing ~~Xeriscape or~~ Florida-friendly  
231 landscape on his or her land.

232 Section 8. Section 335.167, Florida Statutes, is amended  
233 to read:

234 335.167 State highway construction and maintenance;  
235 ~~Xeriscape or~~ Florida-friendly landscaping.--

236 (1) The department shall use and require the use of  
237 Florida-friendly landscape Xeriscape practices, as defined in s.  
238 373.185(1), in the construction and maintenance of all new state  
239 highways, wayside parks, access roads, welcome stations, and  
240 other state highway rights-of-way constructed upon or acquired  
241 after June 30, 1992. The department shall develop a 5-year  
242 program for phasing in the use of Florida-friendly landscape  
243 ~~Xeriscape~~, including the use of solid waste compost, in state  
244 highway rights-of-way constructed upon or acquired before July  
245 1, 1992. In accomplishing these tasks, the department shall  
246 employ the guidelines set out in s. 373.185(2) (a)-(g) ~~(a)-(f)~~.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

247 (2) A deed restriction or covenant entered after October  
248 1, 2001, or local government ordinance may not prohibit any  
249 property owner from implementing ~~Xeriscape~~ or Florida-friendly  
250 landscape on his or her land.

251 Section 9. Subsections (2) and (4) of section 373.228,  
252 Florida Statutes, are amended to read:

253 373.228 Landscape irrigation design.--

254 (2) The Legislature finds that landscape irrigation  
255 comprises a significant portion of water use and that the  
256 current typical landscape irrigation system and Florida-friendly  
257 landscape ~~xeriscape~~ designs offer significant potential water  
258 conservation benefits.

259 (4) The water management districts shall work with the  
260 Florida Nurserymen and Growers Association, the Florida Chapter  
261 of the American Society of Landscape Architects, the Florida  
262 Irrigation Society, the Department of Agriculture and Consumer  
263 Services, the Institute of Food and Agricultural Sciences, the  
264 Department of Environmental Protection, the Department of  
265 Transportation, the Florida League of Cities, the Florida  
266 Association of Counties, and the Florida Association of  
267 Community Developers to develop landscape irrigation and  
268 Florida-friendly landscape ~~xeriscape~~ design standards for new  
269 construction which incorporate a landscape irrigation system and  
270 develop scientifically based model guidelines for urban,  
271 commercial, and residential landscape irrigation, including drip  
272 irrigation, for plants, trees, sod, and other landscaping. The  
273 landscape and irrigation design standards shall be based on the  
274 irrigation code defined in the Florida Building Code, Plumbing  
275 Volume, Appendix F. Local governments shall use the standards  
276 and guidelines when developing landscape irrigation and Florida-  
277 friendly landscape ~~xeriscape~~ ordinances. Every 5 years, the  
278 agencies and entities specified in this subsection shall review

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

279 the standards and guidelines to determine whether new research  
280 findings require a change or modification of the standards and  
281 guidelines.

282 Section 10. Paragraph (a) of subsection (3) of section  
283 380.061, Florida Statutes, is amended to read:

284 380.061 The Florida Quality Developments program.--

285 (3) (a) To be eligible for designation under this program,  
286 the developer shall comply with each of the following  
287 requirements which is applicable to the site of a qualified  
288 development:

289 1. Have donated or entered into a binding commitment to  
290 donate the fee or a lesser interest sufficient to protect, in  
291 perpetuity, the natural attributes of the types of land listed  
292 below. In lieu of the above requirement, the developer may enter  
293 into a binding commitment which runs with the land to set aside  
294 such areas on the property, in perpetuity, as open space to be  
295 retained in a natural condition or as otherwise permitted under  
296 this subparagraph. Under the requirements of this subparagraph,  
297 the developer may reserve the right to use such areas for the  
298 purpose of passive recreation that is consistent with the  
299 purposes for which the land was preserved.

300 a. Those wetlands and water bodies throughout the state as  
301 would be delineated if the provisions of s. 373.4145(1)(b) were  
302 applied. The developer may use such areas for the purpose of  
303 site access, provided other routes of access are unavailable or  
304 impracticable; may use such areas for the purpose of stormwater  
305 or domestic sewage management and other necessary utilities to  
306 the extent that such uses are permitted pursuant to chapter 403;  
307 or may redesign or alter wetlands and water bodies within the  
308 jurisdiction of the Department of Environmental Protection which  
309 have been artificially created, if the redesign or alteration is  
310 done so as to produce a more naturally functioning system.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

11 b. Active beach or primary and, where appropriate,  
312 secondary dunes, to maintain the integrity of the dune system  
313 and adequate public accessways to the beach. However, the  
314 developer may retain the right to construct and maintain  
315 elevated walkways over the dunes to provide access to the beach.

316 c. Known archaeological sites determined to be of  
317 significance by the Division of Historical Resources of the  
318 Department of State.

319 d. Areas known to be important to animal species  
320 designated as endangered or threatened animal species by the  
321 United States Fish and Wildlife Service or by the Fish and  
322 Wildlife Conservation Commission, for reproduction, feeding, or  
323 nesting; for traveling between such areas used for reproduction,  
324 feeding, or nesting; or for escape from predation.

325 e. Areas known to contain plant species designated as  
26 endangered plant species by the Department of Agriculture and  
327 Consumer Services.

328 2. Produce, or dispose of, no substances designated as  
329 hazardous or toxic substances by the United States Environmental  
330 Protection Agency or by the Department of Environmental  
331 Protection or the Department of Agriculture and Consumer  
332 Services. This subparagraph is not intended to apply to the  
333 production of these substances in nonsignificant amounts as  
334 would occur through household use or incidental use by  
335 businesses.

336 3. Participate in a downtown reuse or redevelopment  
337 program to improve and rehabilitate a declining downtown area.

338 4. Incorporate no dredge and fill activities in, and no  
339 stormwater discharge into, waters designated as Class II,  
340 aquatic preserves, or Outstanding Florida Waters, except as  
341 activities in those waters are permitted pursuant to s.  
342 403.813(2) and the developer demonstrates that those activities



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all ?

343 meet the standards under Class II waters, Outstanding Florida  
344 Waters, or aquatic preserves, as applicable.

345 5. Include open space, recreation areas, Florida-friendly  
346 landscape Xeriscape as defined in s. 373.185, and energy  
347 conservation and minimize impermeable surfaces as appropriate to  
348 the location and type of project.

349 6. Provide for construction and maintenance of all onsite  
350 infrastructure necessary to support the project and enter into a  
351 binding commitment with local government to provide an  
352 appropriate fair-share contribution toward the offsite impacts  
353 which the development will impose on publicly funded facilities  
354 and services, except offsite transportation, and condition or  
355 phase the commencement of development to ensure that public  
356 facilities and services, except offsite transportation, will be  
357 available concurrent with the impacts of the development. For  
358 the purposes of offsite transportation impacts, the developer  
359 shall comply, at a minimum, with the standards of the state land  
360 planning agency's development-of-regional-impact transportation  
361 rule, the approved strategic regional policy plan, any  
362 applicable regional planning council transportation rule, and  
363 the approved local government comprehensive plan and land  
364 development regulations adopted pursuant to part II of chapter  
365 163.

366 7. Design and construct the development in a manner that  
367 is consistent with the adopted state plan, the applicable  
368 strategic regional policy plan, and the applicable adopted local  
369 government comprehensive plan.

370 Section 11. Subsection (3) of section 388.291, Florida  
371 Statutes, is amended to read:

372 388.291 Source reduction measures; supervision by  
373 department.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all 2

74 (3) Property owners in a developed residential area are  
375 required to maintain their property in such a manner so as not  
376 to create or maintain any standing freshwater condition capable  
377 of breeding mosquitoes or other arthropods in significant  
378 numbers so as to constitute a public health, welfare, or  
379 nuisance problem. Nothing in this subsection shall permit the  
380 alteration of permitted stormwater management systems or  
381 prohibit maintained fish ponds, Florida-friendly landscaping  
382 ~~xeriscaping~~, or other maintained systems of landscaping or  
383 vegetation. If such a condition is found to exist, the local  
384 arthropod control agency shall serve notice on the property  
385 owner to treat, remove, or abate the condition. Such notice  
386 shall serve as prima facie evidence of maintaining a nuisance,  
387 and upon failure of the property owner to treat, remove, or  
388 abate the condition, the local arthropod control agency or any  
39 affected citizen may proceed pursuant to s. 60.05 to enjoin the  
390 nuisance and may recover costs and attorney's fees if they  
391 prevail in the action.

392 Section 12. Paragraph (a) of subsection (6) of section  
393 481.303, Florida Statutes, is amended to read:

394 481.303 Definitions.--As used in this chapter:

395 (6) "Landscape architecture" means professional services,  
396 including, but not limited to, the following:

397 (a) Consultation, investigation, research, planning,  
398 design, preparation of drawings, specifications, contract  
399 documents and reports, responsible construction supervision, or  
400 landscape management in connection with the planning and  
401 development of land and incidental water areas, including the  
402 use of Florida-friendly landscape ~~Xeriscape~~ as defined in s.  
403 373.185, where, and to the extent that, the dominant purpose of  
74 such services or creative works is the preservation,  
405 conservation, enhancement, or determination of proper land uses,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all

406 natural land features, ground cover and plantings, or  
407 naturalistic and aesthetic values;

408 Section 13. Subsection (4) of section 720.3075, Florida  
409 Statutes, is amended to read:

410 720.3075 Prohibited clauses in association documents.--

411 (4) Homeowners' association documents, including  
412 declarations of covenants, articles of incorporation, or bylaws,  
413 ~~entered after October 1, 2001,~~ may not prohibit any property  
414 owner from implementing ~~Xeriscape~~ or Florida-friendly landscape,  
415 as defined in s. 373.185(1), on his or her land.

416

417

418

-----  
**T I T L E A M E N D M E N T**

419

420 Remove entire title and insert:

421

A bill to be entitled

422

An act relating to water resources; amending s. 373.236,

423

F.S.; providing incentives for alternative water resource

424

projects; amending s. 163.3177, F.S.; providing credits

425

for certain projects that dedicate land to alternative

426

water resource projects; providing for a consideration for

427

funding pursuant to s. 373.1961(3)(g), F.S.; providing for

428

consideration as a preferred water supply source under

429

section 373.2234, F.S.; amending s. 373.1961, F.S.;

430

providing a factor to consider for alternative water

431

project funding; amending s. 373.185, F.S.; revising the

432

principles of Florida-friendly landscape; deleting

433

references to "xeriscape"; revising eligibility criteria

434

for certain water management district incentive programs;

435

requiring certain local government ordinances and

436

amendments to incorporate specified landscape irrigation

437

and design standards and identify specified invasive

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to strike-all 2

38 exotic plant species; requiring water management districts  
439 to consult with additional entities for activities  
440 relating to Florida-friendly landscaping practices;  
441 specifying the University of Florida's Yards and  
442 Neighborhoods extension program or a similar program as a  
443 primary resource for the delivery of educational programs  
444 relating to such practices; providing that certain  
445 developments and residential units are Florida-friendly  
446 landscaped areas and exempt from certain regulations;  
447 amending ss. 125.568, 166.048, 255.259, 335.167, 373.228,  
448 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming  
449 provisions to changes made by the act; providing an  
450 effective date.

**COUNCIL MEETING REPORT**  
**Environment & Natural Resources Council**

4/11/2008 1:00:00PM

Location: 404 HOB

**AMENDED**

**PCB ENRC 08-18 : Wastewater Disposal**

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Mary Brandenburg	X				
Faye Culp	X				
Richard Glorioso	X				
Denise Grimsley	X				
Will Kendrick	X				
Paige Kreegel			X		
Rick Kriseman	X				
Richard Machek	X				
Bryan Nelson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Scott Randolph	X				
Anthony Sasso III	X				
Baxter Troutman			X		
Trudi Williams			X		
Stan Mayfield (Chair)	X				
<b>Total Yeas: 13</b>					
<b>Total Nays: 0</b>					

**Appearances:**

Margie Menduni (Lobbyist) - Information Only

Miami-Dade County  
 215 S Monroe, Suite 920  
 Tallahassee FL 32301  
 Phone: 681-6788

Eddy Labrador, Legislative Counsel (Lobbyist) - Opponent

Broward County  
 115S Andrews Avenue  
 Tallahassee FL 33301  
 Phone: 954-357-7575

Paul G. Johnson, President (Lobbyist) - Proponent

Reef Relief  
 537 Hickory Wood Drive  
 Crawfordville FL 32327  
 Phone: 860-926-7439

Committee meeting was reported out: Tuesday, April 15, 2008 6:22:22PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment no. 1

PCB ENRC 08-18

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



1 Council/Committee hearing bill: Environment and Natural  
2 Resources

3 Representative Mayfield offered the following:

4  
5 **Amendment**

6 Remove line 25% and insert:

7 reuse purposes authorized by the department. For the purposes of  
8 this subsection, the term "facility's actual flow on an annual  
9 basis" means the annual average flow of domestic wastewater  
10 discharging through the facility's ocean outfall, as determined  
11 by the department, using monitoring data available for calendar  
12 years 2003 through 2007. Diversion of flows

13

14

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.2

Bill No. pcb 18

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	✓	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

(A)

1 Council/Committee hearing bill: Environment & Natural Resources  
2 Council

3 Representative(s) Hasner offered the following:

4  
5 **Amendment 2 (title amendment)**

6 Between line(s) 329-330 insert:

7 Section 7. Section 403.08601, Florida Statutes, is created  
8 to read:

9 403.08601 Ocean Outfall Water Reuse Program.--

10 The Legislature declares that as funds become available the  
 11 state may assist the local governments and agencies responsible  
 12 for implementing the Ocean Outfall Water Reuse Program pursuant  
 13 to s. 403.086(9). Funds received from other sources provided  
 14 for in law, the General Appropriations Act, from gifts  
 15 designated for implementation of the plan from individuals,  
 16 corporations, or other entities, or federal funds appropriated  
 17 by Congress for implementation of the plan, may be deposited  
 18 into a specially designated account of the Ecosystem Management  
 19 and Restoration Trust Fund created pursuant to s. 403.1651.

20 Section 8. Subsection (1) of section 403.1651,  
21 Florida Statutes, is amended to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.2

22 403.1651 Ecosystem Management and Restoration Trust Fund.—

23 (1) There is created the Ecosystem Management and  
24 Restoration Trust Fund to be administered by the Department of  
25 Environmental Protection for the purposes of:

26 (a) Funding the detailed planning for and implementation  
27 of programs for the management and restoration of ecosystems.

28 (b) Funding the development and implementation of surface  
29 water improvement and management plans and programs under ss.  
30 373.451-373.4595.

31 (c) Funding activities to restore polluted areas of the  
32 state, as defined by the department, to their condition before  
33 pollution occurred or to otherwise enhance pollution control  
34 activities.

35 (d) Funding activities to restore or rehabilitate injured  
36 or destroyed coral reefs.

37 (e) Funding activities by the department to recover moneys  
38 as a result of actions against any person for a violation of  
39 chapter 373.

40 (f) Funding activities authorized for the implementation  
41 of the Ocean Outfall Water Reuse Program implemented in s.  
42 403.086(9).

43

44

45

46

47

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

48

Remove line(s) 38 and insert:

49

for facilities discharging through ocean outfalls; creating s.

50

403.08601, F.S., establishing the Ocean Outfall Water Reuse

51

Program, establishing a funding mechanism, and providing a



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.2

2 | statutory cross reference; amending s. 403.1651, F.S., providing  
53 | a dedicated account within the Ecosystem Management and  
54 | Restoration Trust Fund;

55

56

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2a

Bill No. pcb 18

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Environment & Natural Resources  
 2 Council  
 3 Representative(s) Hasner offered the following:

4  
 5 Amendment to Amendment (2) by Representative Hasner (with  
 6 title amendment)

7 On lines 9,12, and 41 remove:  
 8 Ocean Outfall Water Reuse Program

9  
 10 and insert: Leah Schad Memorial Ocean Outfall Program

11  
12  
13  
14 -----

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

15 Remove line(s) 50-51 and insert:  
 16 403.08601, F.S., establishing the Leah Schad Memorial Ocean  
 17 Outfall Program, establishing a funding mechanism, and providing  
 18 a  
 19  
 20

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. **PCB 08-18**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



1 Council/Committee hearing bill: Environment & Natural Resources  
2 Council  
3 Representative Brandenburg offered the following:

**Amendment**

Remove line 256 and insert:

areas, residential properties, or agricultural crops; aquifer  
recharge;

4  
5  
6  
7  
8  
9  
10  
11