



Agriculture and Natural Resources Policy Committee

Action Packet

**March 25, 2010
2:45 pm - 6:00 pm
102 Reed Hall**

**Larry Cretul
Speaker**

**Trudi Williams
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Agriculture & Natural Resources Policy Committee

Start Date and Time: Thursday, March 25, 2010 02:45 pm

End Date and Time: Thursday, March 25, 2010 06:00 pm

Location: Reed Hall (102 HOB)

Duration: 3.25 hrs

Consideration of the following bill(s):

HB 207 Contamination Notification by Kriseman
CS/HB 831 Nassau County by Military & Local Affairs Policy Committee, Adkins
HB 1285 Cadmium in Children's Products by Thompson, G.
HB 1325 Aquatic Preserves by Schultz
HB 1361 Regulation of Vessels by Steinberg
HB 1559 Recycling by Rehwinkel Vasilinda

Consideration of the following proposed committee bill(s):

PCB ANR 10-13 -- Water Supply
PCB ANR 10-14 -- Drinking Water
PCB ANR 10-15 -- Florida Keys' Area

Consideration of the following proposed committee substitute(s):

PCSMB for HB 1407, HB 1367 & HB 1605 -- Water Management

NOTICE FINALIZED on 03/23/2010 16:21 by Cunningham.Reid

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee
3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

Summary:

Agriculture & Natural Resources Policy Committee

Thursday March 25, 2010 02:45 pm

HB 207	Favorable With Committee Substitute	Yeas: 11 Nays: 0
CS/HB 831	Favorable With Committee Substitute	Yeas: 9 Nays: 0
HB 1285	Favorable With Committee Substitute	Yeas: 11 Nays: 0
HB 1325	Temporarily Deferred	
HB 1361	Temporarily Deferred	
HB 1559	Temporarily Deferred	
PCB ANR 10-13	Temporarily Deferred	
PCB ANR 10-14	Favorable With Amendments	Yeas: 11 Nays: 0
PCB ANR 10-15	Favorable	Yeas: 9 Nays: 0
PCSMB for HB 1407, HB 1367 & HB 1605	Favorable With Amendments	Yeas: 11 Nays: 0

Committee meeting was reported out: Thursday, March 25, 2010 6:32:29PM

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Trudi Williams (Chair)	X		
Leonard Bembry	X		
Debbie Boyd	X		
Mary Brandenburg	X		
Dwight Bullard	X		
Rachel V. Burgin	X		
Steve Crisafulli	X		
Greg Evers	X		
Richard Glorioso	X		
Bill Heller	X		
Paige Kreegel	X		
Debbie Mayfield			X
Jimmy Patronis	X		
Totals:	12	0	1

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee
3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

HB 207 : Contamination Notification

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bemby	X				
Debbie Boyd	X				
Mary Brandenburg	X				
Dwight Bullard	X				
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers	X				
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel			X		
Debbie Mayfield				X	
Jimmy Patronis	X				
Trudi Williams (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

HB 207

Bo Bohannon (Lobbyist) - Information Only

Sr. Vice Pres.- The Fiorentino Group

101 N Monroe St

Tallahassee FL 32301

Phone: 850-222-1959

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

CS/HB 831 : Nassau County

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bembry	X				
Debbie Boyd	X				
Mary Brandenburg	X				
Dwight Bullard			X		
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers			X		
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel	X				
Debbie Mayfield				X	
Jimmy Patronis			X		
Trudi Williams (Chair)	X				
Total Yeas: 9 Total Nays: 0					

Committee meeting was reported out: Thursday, March 25, 2010 6:32:29PM

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

HB 1285 : Cadmium in Children's Products

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bemby	X				
Debbie Boyd	X				
Mary Brandenburg	X				
Dwight Bullard	X				
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers	X				
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel	X				
Debbie Mayfield				X	
Jimmy Patronis			X		
Trudi Williams (Chair)	X				
Total Yeas: 11		Total Nays: 0			

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

HB 1325 : Aquatic Preserves

Temporarily Deferred

Appearances:

HB 1325

Janet Bowman (Lobbyist) - Proponent

The Nature Conservancy

625 N Adyros St

Tallahassee FL 32301

Phone: 222-0199

HB 1325

Jay Liles (Lobbyist) - Proponent

Florida Wildlife Federation

PO Box 6870

Tallahassee FL 32317

Phone: 850-294-5004

HB 1325

Julie Wraithmell (Lobbyist) - Proponent

Wildlife Policy Coord

2507 Callaway Rd Ste 103

Tallahassee FL 32303

Phone: 850-527-0279

Committee meeting was reported out: Thursday, March 25, 2010 6:32:29PM

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

HB 1361 : Regulation of Vessels

Temporarily Deferred

Appearances:

HB 1361

David Childs (Lobbyist) - Opponent
National Marine Manufacturers Assn
119 S Monroe St
Tallahassee FL 32301
Phone: 222-7500

HB 1361

Jerry Sansom (Lobbyist) - Opponent
PO Box 98
Cocoa FL 32923
Phone: 321-777-8130

Committee meeting was reported out: Thursday, March 25, 2010 6:32:29PM

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

HB 1559 : Recycling

Temporarily Deferred

Appearances:

HB 1559

Ron Greenstein (Lobbyist) - Information Only
Executive Director Broward County Resource Recovery
1 North University
Plantation FL 33021
Phone: 954-610-7745

HB 1559

Candice Ericks (Lobbyist) - Opponent
Republic Services
205 S Adams
Tallahassee FL 32303
Phone: 954-648-1204

HB 1559

Keyna Cory (Lobbyist) - Proponent
Associated Industries of Florida
110 E College Ave
Tallahassee FL 32301
Phone: 850-681-1065

HB 1559

Jay Liles (Lobbyist) - Proponent
Florida Wildlife Federation
PO Box 6870
Tallahassee FL 32317
Phone: 850-294-5004

HB 1559

Lane Stephens (Lobbyist) - Proponent
Nestle Waters N. A.
201 S. Monroe St. Suite 301
Tallahassee FL 32301
Phone: 513-0004

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee
3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

PCB ANR 10-13 : Water Supply

Temporarily Deferred

Committee meeting was reported out: Thursday, March 25, 2010 6:32:29PM

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee
3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

PCB ANR 10-14 : Drinking Water

Favorable With Amendments

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bemby	X				
Debbie Boyd	X				
Mary Brandenburg	X				
Dwight Bullard	X				
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers	X				
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel			X		
Debbie Mayfield				X	
Jimmy Patronis	X				
Trudi Williams (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

PCB 14

Cameron Cooper (Lobbyist) (State Employee) - Proponent
 DEP, Legislative Affairs Director
 3900 Commonwealth Blvd
 Tallahassee FL 32399
 Phone: 850-251-3848

PCB 14

Doug Mann (Lobbyist) - Proponent
 FL Section-Am. Water Works Assn
 310 West College Ave
 Tallahassee FL 32301
 Phone: 222-7535

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

PCB ANR 10-15 : Florida Keys' Area

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bemby	X				
Debbie Boyd	X				
Mary Brandenburg	X				
Dwight Bullard			X		
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers			X		
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel	X				
Debbie Mayfield				X	
Jimmy Patronis			X		
Trudi Williams (Chair)	X				
Total Yeas: 9 Total Nays: 0					

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/25/2010 2:45:00PM

Location: Reed Hall (102 HOB)

PCSMB for HB 1407, HB 1367 & HB 1605 : Water Management

HB 1407 laid on table under Rule 7.19; Refer to CS for HB 1407, HB 1367 & HB 1605

HB 1367 laid on table under Rule 7.19; Refer to CS for HB 1407, HB 1367 & HB 1605

HB 1605 laid on table under Rule 7.19; Refer to CS for HB 1407, HB 1367 & HB 1605

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Leonard Bembry	X				
Debbie Boyd	X				
Mary Brandenburg	X				
Dwight Bullard	X				
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers	X				
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel	X				
Debbie Mayfield				X	
Jimmy Patronis			X		
Trudi Williams (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

PCSMB

Ernie Barnett (Lobbyist) (State Employee) - Proponent

SFWMD

3301 Gun Club Rd

West Palm Beach FL

Phone: 561-951-2840

PCSMB

Frank Mathews (Lobbyist) - Proponent

Sugarcane Cooperative

PO Box 6526

Tallahassee FL 32301

Phone: 850-222-7500

PCSMB

Eric Draper (Lobbyist) - Information Only

Audubon

2507 Callaway

Tallahassee FL 32303

Phone: 850-224-7546

Committee meeting was reported out: Thursday, March 25, 2010 6:32:29PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> <input type="checkbox"/> (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: Agriculture & Natural Resources
2 Policy Committee
3 Representative Kriseman offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 376.30702, Florida Statutes, is amended to
8 read:

9 376.30702 Contamination notification.—

10 (1) FINDINGS; INTENT; APPLICABILITY.—The Legislature finds
11 ~~and declares~~ that when contamination is discovered by any person
12 as a result of site rehabilitation activities conducted pursuant
13 to the risk-based corrective action provisions found in s.
14 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or
15 pursuant to an administrative or court order, it is in the
16 public's best interest that potentially affected persons be
17 notified of the existence of such contamination. Therefore,
18 persons discovering such contamination shall notify the
19 department and those identified under this section of the such

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 207 (2010)

Amendment No. 1

20 discovery in accordance with the requirements of this section,
21 ~~and the department shall be responsible for notifying the~~
22 ~~affected public.~~ The Legislature intends that ~~for the provisions~~
23 ~~of this section to~~ govern the notice requirements for early
24 notification of the discovery of contamination.

25 (2) INITIAL NOTICE OF CONTAMINATION ~~BEYOND PROPERTY~~
26 ~~BOUNDARIES.~~—

27 (a) If at any time during site rehabilitation conducted
28 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or s.~~
29 376.30701, or an administrative or court order the person
30 responsible for site rehabilitation, the person's authorized
31 agent, or another representative of the person discovers from
32 laboratory analytical results that comply with appropriate
33 quality assurance protocols specified in department rules that
34 contamination as defined in applicable department rules exists
35 in any groundwater, surface water, or soil medium beyond the
36 boundaries of the property at which site rehabilitation was
37 initiated ~~pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81,~~
38 ~~or s. 376.30701,~~ the person responsible for site rehabilitation
39 shall give actual notice as soon as possible, but no later than
40 45 ~~10~~ days after the ~~from such~~ discovery, to the Division of
41 Waste Management at the department's Tallahassee office. The
42 actual notice must ~~shall~~ be provided on a form adopted by
43 department rule and mailed by certified mail, return receipt
44 requested. The person responsible for site rehabilitation shall
45 simultaneously provide by certified mail, return receipt
46 requested, ~~mail~~ a copy of the ~~such~~ notice to the appropriate

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 207 (2010)

Amendment No. 1

47 department district office ~~and~~, county health department, ~~and~~
48 ~~all known lessees and tenants of the source property.~~

49 (b) The notice must ~~shall~~ include the following
50 information:

51 1.~~(a)~~ The location of the property at which site
52 rehabilitation was initiated ~~pursuant to s. 376.3071(5), s.~~
53 ~~376.3078(4), s. 376.81, or s. 376.30701~~ and contact information
54 for the person responsible for site rehabilitation, the person's
55 authorized agent, or another representative of the person.

56 2.~~(b)~~ A listing of all record owners of the any real
57 property, ~~other than the property at which site rehabilitation~~
58 ~~was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s.~~
59 ~~376.81, or s. 376.30701~~, at which contamination has been
60 discovered; the parcel identification number for ~~any such real~~
61 property; and the owner's address listed in the current county
62 property tax office records, ~~and the owner's telephone number.~~
63 ~~The requirements of this paragraph do not apply to the notice to~~
64 ~~known tenants and lessees of the source property.~~

65 3.~~(c)~~ Separate tables for by medium, ~~such as~~ groundwater,
66 soil, and surface water which, ~~or sediment~~, that list sampling
67 locations identified on the vicinity map described in
68 subparagraph 4.; sampling dates; names of contaminants detected
69 above cleanup target levels; their corresponding cleanup target
70 levels; the contaminant concentrations; and whether the cleanup
71 target level is based on health, nuisance, organoleptic, or
72 aesthetic concerns.

73 4.~~(d)~~ A vicinity map that shows each sampling location
74 with corresponding laboratory analytical results described in

Amendment No. 1

75 subparagraph 3. and the date on which the sample was collected
76 and that identifies the property boundaries of the property at
77 which site rehabilitation was initiated pursuant to s.
78 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701 and any
79 the other properties at which contamination has been discovered
80 during such site rehabilitation. If available, a contaminant
81 plume map signed and sealed by a state-licensed professional
82 engineer or geologist may be included with the vicinity map.

83 (3) DEPARTMENT'S NOTICE RESPONSIBILITIES.—

84 (a) Within 15 30 days after receiving the actual notice
85 required under pursuant to subsection (2), or within 30 days of
86 the effective date of this act if the department already
87 possesses information equivalent to that required by the notice,
88 the department shall verify that the person responsible for site
89 rehabilitation has complied with the notice requirements of
90 subsection (2) send a copy of such notice, or an equivalent
91 notification, to all record owners of any real property, other
92 than the property at which site rehabilitation was initiated
93 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s.
94 376.30701, at which contamination has been discovered. If the
95 person responsible for site rehabilitation has not complied with
96 the notice requirements of subsection (2), then the department
97 may pursue enforcement as provided under this chapter and
98 chapter 403.

99 (b) Within 30 days after receiving the actual notice
100 required under subsection (2), the department shall notify the
101 following persons of the contamination for which notice was
102 required pursuant to subsection (2):

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 207 (2010)

Amendment No. 1

103 1. The mayor, the chair of the county commission, or the
104 comparable senior elected official representing the affected
105 area.

106 2. The city manager, the county administrator, or the
107 comparable senior administrative official representing the
108 affected area.

109 3. The state representative and state senator representing
110 the affected area.

111 4. All real property owners, presidents of any condominium
112 associations or sole owners of condominiums, presidents of any
113 cooperative associations or sole owners of cooperatives,
114 lessees, and the tenants of record for:

115 a. Any real property, other than the property at which
116 site rehabilitation was initiated pursuant to s. 376.3071(5), s.
117 376.3078(4), s. 376.81, or s. 376.30701, at which contamination
118 has been discovered;

119 b. Any properties identified within the boundaries of a
120 contaminant plume located on a contaminant plume map provided
121 pursuant to subparagraph (2)(b)4., any properties identified by
122 a state licensed professional engineer or professional geologist
123 through a certified site-specific determination that such
124 contamination is reasonably likely to be present beyond the
125 boundaries of the source property, or any properties within a
126 500-foot radius of each sampling point at which contamination is
127 discovered where a contaminant plume map is not provided, if
128 site rehabilitation was initiated pursuant to s. 376.30701 or an
129 administrative or court order; and

Amendment No. 1

130 c. Any properties identified within the boundaries of a
131 contaminant plume located on a contaminant plume map provided
132 pursuant to subparagraph (2)(b)4., any properties identified by
133 a state licensed professional engineer or professional geologist
134 through a certified site-specific determination that such
135 contamination is reasonably likely to be present beyond the
136 boundaries of the source property, or any properties within a
137 250-foot radius of each sampling point at which contamination is
138 discovered where a contaminant plume map is not provided, if
139 site rehabilitation was initiated pursuant to s. 376.3071(5), s.
140 376.3078(4), or s. 376.81, or at, or in connection with, a
141 permitted solid waste management facility subject to a
142 groundwater monitoring plan.

143 (c) The notice provided to:

144 1. Local government officials described in this subsection
145 shall be mailed by certified mail, return receipt requested.

146 2. Real property owners, presidents of any homeowners'
147 associations, presidents of any condominium associations or sole
148 owners of condominiums, lessees, and tenants of record shall be
149 delivered by certified mail, return receipt requested, first-
150 class mail, hand delivery, or door hanger.

151 (d)1. If the property at which contamination has been
152 discovered is the site of a PreK-12 school as defined in s.
153 1003.01, the department shall mail ~~also send~~ a copy of the
154 notice to the superintendent ~~chair of the school board~~ of the
155 school district in which the property is located and direct the
156 superintendent ~~said school board~~ to provide actual notice within

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 207 (2010)

Amendment No. 1

157 10 days to teachers and parents or guardians of students
158 attending the school during the period of site rehabilitation.

159 2. If the property at which contamination has been
160 discovered is the site of a private PreK-12 school or a child
161 care facility as defined in s. 402.302, the department shall
162 mail a copy of the notice to the governing board, principal, or
163 owner of the school or child care facility and direct the
164 governing board, principal, or owner to provide actual notice
165 within 10 days to teachers and parents or guardians of students
166 or children attending the school or child care facility during
167 the period of site rehabilitation.

168 3. If any property within a 1-mile radius of the sampling
169 point at which contamination has been discovered during site
170 rehabilitation pursuant to s. 376.30701 or an administrative or
171 court order is the site of a PreK-12 school as defined in s.
172 1003.01, the department shall mail a copy of the notice to the
173 superintendent of the school district in which the property is
174 located.

175 4. If any property within a 250-foot radius of the
176 sampling point at which contamination has been discovered during
177 site rehabilitation pursuant to s. 376.3071(5), s. 376.3078(4),
178 or s. 376.81, or at, or in connection with, a permitted solid
179 waste management facility subject to a groundwater monitoring
180 plan, is the site of a school as defined in s. 1003.01, the
181 department shall mail a copy of the notice to the superintendent
182 of the school district in which the property is located.

183 5. If the property at which contamination has been
184 discovered is the site of a public or private college or

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 207 (2010)

Amendment No. 1

185 university, the department shall mail a copy of the notice to
186 the President of such private or public college or university
187 and the chair of board of governors or trustees.

188 6. If any property within a 1-mile radius of the sampling
189 point at which contamination has been discovered during site
190 rehabilitation pursuant to s. 376.30701 or an administrative or
191 court order is the site of a public or private college or
192 university, the department shall mail a copy of the notice to
193 the President of such private or public college or university
194 and the chair of the board of governors or trustees.

195 7. If any property within a 250-foot radius of the
196 sampling point at which contamination has been discovered during
197 site rehabilitation pursuant to s. 376.3071(5), s. 376.3078(4),
198 or s. 376.81 is the site of a public or private college or
199 university, the department shall mail a copy of the notice to
200 the President of such private or public college or university
201 and the chair of the board of governors or trustees.

202 (e) Along with the copy of the notice ~~or its equivalent,~~
203 the department shall include a letter identifying sources of
204 additional information about the contamination and a telephone
205 number to which further inquiries should be directed. The
206 department may collaborate with the Department of Health to
207 develop such sources of information and to establish procedures
208 for responding to public inquiries about health risks associated
209 with contaminated sites.

210 (f) The department shall provide quarterly a list to each
211 United States Representative and both United States Senators of
212 all contaminated sites being rehabilitated pursuant to s.

Amendment No. 1

213 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701 that are
214 located within that United States Representative's or United
215 States Senator's legislative district.

216 (4) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.—Within 30
217 days after receiving the notice required under subsection (3),
218 the local government shall mail a copy of the notice to the
219 president of any homeowners' association created pursuant to
220 chapter 720, the president or equivalent representative of any
221 incorporated voluntary homeowners' or neighborhood association,
222 and any other existing voluntary homeowners' or neighborhood
223 associations that are not incorporated, but have registered with
224 the applicable local government pursuant to local governmental
225 requirements that is located within the areas identified in
226 subsections (3)(b)4.a., (3)(b)4.b., or (3)(b)4.c.

227 (5) RECOVERY OF NOTIFICATION COSTS.—The department may
228 recover the costs of postage, materials, and labor associated
229 with notification from the party responsible for the
230 contamination, unless site rehabilitation is eligible for state-
231 funded cleanup pursuant to the risk-based corrective action
232 provisions found in s. 376.3071(5) or s. 376.3078(4), and
233 provided that sufficient funds exist within the trust funds to
234 cover the cost of the notification.

235 (6) ~~(4)~~ RULEMAKING AUTHORITY.—The department shall adopt
236 rules and forms pursuant to ss. 120.536(1) and 120.54 to
237 administer ~~implement~~ the requirements of this section.

238 Section 2. This act shall take effect July 1, 2010.
239
240

Amendment No. 1

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

Remove the entire title and insert:

An act relating to contamination notification; amending s.
376.30702, F.S.; revising contamination notification provisions;
requiring individuals responsible for site rehabilitation to
provide notice of site rehabilitation to specified entities;
revising provisions relating to the content of such notice;
requiring the Department of Environmental Protection to provide
notice of site rehabilitation to specified entities and certain
property owners; requiring the department to verify compliance
with notice requirements; authorizing the department to pursue
enforcement measures for noncompliance with notice requirements;
revising the department's contamination notification
requirements for certain public schools; requiring the
department to provide specified notice to private PreK-12
schools and child care facilities; requiring the department to
provide specified notice to public schools within a specified
area; providing notice requirements, including directives to
extend such notice to certain other persons; requiring the
department to recover notification costs from responsible
parties; providing an effective date.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 831 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	<input 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 checked="" type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Agriculture & Natural Resources
2 Policy Committee
3 Representative(s) Adkins offered the following:

4
5 **Amendment**

6 Remove lines 16-17 and insert:
7 between N30°32'44.890", W-81°33'08.68" and N30°32'40.001", W-16
8 81°32'55.79" to the south shall:

Amendment No.1 to the Strike Amd

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> <input 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: Agriculture & Natural Resources
2 Policy Committee
3 Representative(s) Glorioso offered the following:
4

5 **Amendment to the Strike Amendment** commission and to adopt
6 rules; amending s. 373.086, F.S.; requiring governing boards to
7 obtain legislative authorization for acquisition costs and
8 professional service procurement costs in excess of specified
9 amounts; amending s. 373.089, F.S.; requiring governing boards
10 to review and make available for purchase specified lands;
11 amending s. 373.584, F.S., restricting the issuance of
12 certificates of participation by districts for the purchase of
13 land; amending s. 112.3145, F.S.; providing **by Representative**
14 **Williams (with title amendment)**

15 Remove lines 179-231 and insert:

16 Section 4. Paragraph (e) is added to subsection (6) of
17 section 373.089, Florida Statutes, to read:

18 373.089 Sale or exchange of lands, or interests or rights
19 in lands.—The governing board of the district may sell lands, or

20 Amendment No.1 to the Strike Amd
21 interests or rights in lands, to which the district has acquired
22 title or to which it may hereafter acquire title in the
23 following manner:

24 (6) Any lands the title to which is vested in the
25 governing board of a water management district may be surplusd
26 pursuant to the procedures set forth in this section and s.
27 373.056 and the following:

28 (e) For any lands for which title is vested in the
29 governing board, the governing board shall conduct reviews to
30 determine which lands are no longer needed for conservation and
31 restoration purposes or no longer considered environmentally
32 critical or sensitive and make such lands available for purchase
33 so long as the property can be reentered onto the county ad
34 valorem tax roll.

35
36
37 -----
38 **T I T L E A M E N D M E N T**

39 Remove lines 358-366 and insert:
40 commission and to adopt rules; amending s. 373.089, F.S.;
41 requiring governing boards to review and make available for
42 purchase specified lands; amending s. 112.3145, F.S.; providing

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED ~~X~~ (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: Agriculture & Natural Resources
 2 Policy Committee
 3 Representative Thompson, G. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Cadmium in children's products; limitations on use of cadmium; exceptions; criminal penalties.-

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

(a) "Child" means an individual who is 7 years of age or younger, unless otherwise specified.

(b) "Child care article" means a product designed or intended by the manufacturer to facilitate the sleep, relaxation, or feeding of a child or to help a child with sucking or teething.

(c) "Children's jewelry" means jewelry that is made for, marketed for use by, or sold to a child.

(d) "Consumer" means an actual or prospective purchaser, lessee, or recipient of consumer goods or services.

Amendment No.

20 (e) "Person" has the same meaning as provided in s. 1.01,
21 Florida Statutes.

22 (f) "Toy" means an article designed and made for the
23 amusement of a child and for the child's use during play.

24 (2) A person may not use or apply cadmium in excess of 75
25 parts per million on any surface coating or substrate material
26 on any item of children's jewelry, toy, or child care article,
27 as determined through solubility testing for heavy metals
28 defined in the ASTM International Safety Specification on Toy
29 Safety, ASTM standard F-963, if the product is sold in this
30 state. This section does not apply to the sale of a collectible
31 toy that is not marketed to or intended to be used for play by a
32 child younger than 14 years of age.

33 (3) If a person, who is not an individual consumer,
34 knowingly and intentionally violates subsection (2), that person
35 commits a felony of the third degree, punishable as provided in
36 s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

37 Section 2. This act shall take effect July 1, 2010.

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

41 Remove the entire title and insert:

42 A bill to be entitled
43 An act relating to cadmium in children's products;
44 defining terms; prohibiting a person from using or
45 applying cadmium in excess of a specified amount on
46 any item of children's jewelry, toy, or child care
47 article sold in this state; providing an exception;

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1285 (2010)

Amendment No.

48 providing for a criminal penalty; providing an
49 effective date.

Amendment No.

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 —

Bill TEMPORARILY Deferred

1 Council/Committee hearing bill: Agriculture & Natural Resources
2 Policy Committee

3 Representative Rehwinkel Vasilinda offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 403.7032, Florida Statutes, is amended
8 to read:

9 403.7032 Recycling.—

10 (1) The Legislature finds that the failure or inability to
 11 economically recover material and energy resources from solid
 12 waste results in the unnecessary waste and depletion of our
 13 natural resources. As the state continues to grow, so will the
 14 potential amount of discarded material that must be treated and
 15 disposed of, necessitating the improvement of solid waste
 16 collection and disposal. Therefore, the maximum recycling and
 17 reuse of such resources are considered high-priority goals of
 18 the state.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

19 (2) By the year 2020, the long-term goal for the recycling
20 efforts of state and local governmental entities, private
21 companies and organizations, and the general public is to reduce
22 the amount of recyclable solid waste disposed of in waste
23 management facilities, landfills, or incineration facilities by
24 a statewide average of at least 75 percent. ~~However, any solid~~
25 ~~waste used for the production of renewable energy shall count~~
26 ~~toward the long-term recycling goal as set forth in this~~
27 ~~section.~~

28 (3) All state agencies, K-12 public schools, public
29 institutions of higher learning, community colleges, and state
30 universities must, at a minimum, annually report to the county
31 using the department's designated reporting format all recycled
32 materials from these entities. This includes all buildings that
33 are occupied by municipal, county, or state employees or, if the
34 building is managed by the Department of Management Services,
35 those entities must report their recycling data to the county
36 using the department's designated reporting format. Private
37 businesses, other than certified recovered materials dealers,
38 which have 50 or more employees and generate recyclable
39 materials, such as, but not limited to, paper, metals, glass,
40 plastics, textiles, rubber materials, and mulch, are strongly
41 encouraged to report the amount of recycled materials to the
42 county biennially starting January 1, 2011, using the
43 department's designated reporting format. For reporting
44 purposes, businesses that choose to contract with local entities
45 to remove recyclables from their businesses for recycling may
46 submit appropriate verification to the department and will be

Amendment No.

47 considered as reporting a recycling rate. Private businesses
48 that are not required to report recycling rates are encouraged
49 to participate. Notwithstanding any other provision of state or
50 local law, those private businesses reporting, other than
51 certified recovered materials dealers, according to this
52 subsection shall not be required to comply with any additional
53 recycling reporting requirements regarding their recycling
54 rates. Private businesses in compliance with the reporting
55 requirement and those that voluntarily report shall be given
56 additional preference under the procurement guidelines of s.
57 287.045. Private businesses having 25 employees or more which do
58 not report recycling rates to the department shall have a zero
59 percent recycling rate reported and are not eligible for
60 additional preference under the procurement guidelines of s.
61 287.045.

62 (4)(3) The Department of Environmental Protection shall
63 develop a comprehensive recycling program that is designed to
64 achieve the percentage under subsection (2) and submit the
65 program to the President of the Senate and the Speaker of the
66 House of Representatives by January 1, 2010. The program may not
67 be implemented until approved by the Legislature. The program
68 must be developed in coordination with input from state and
69 local entities, private businesses, and the public. Under the
70 program, recyclable materials shall include, but are not limited
71 to, metals, paper, glass, plastic, textile, rubber materials,
72 and mulch. Components of the program shall include, but are not
73 limited to:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

74 (a) Programs to identify environmentally preferable
75 purchasing practices to encourage the purchase of recycled,
76 durable, and less toxic goods. The Department of Management
77 Services shall modify its procurement system to report on green
78 and recycled products purchased through the system by September
79 30, 2011.

80 (b) Programs to educate students in grades K-12 in the
81 benefits of, and proper techniques for, recycling.

82 (c) Programs for statewide recognition of successful
83 recycling efforts by schools, businesses, public groups, and
84 private citizens.

85 (d) Programs for municipalities and counties to develop
86 and implement efficient recycling efforts to return valuable
87 materials to productive use, conserve energy, and protect
88 natural resources.

89 (e) Programs by which the department can provide technical
90 assistance to municipalities and counties in support of their
91 recycling efforts.

92 (f) Programs to educate and train the public in proper
93 recycling efforts.

94 (g) Evaluation of how financial assistance can best be
95 provided to municipalities and counties in support of their
96 recycling efforts.

97 (h) Evaluation of why existing waste management and
98 recycling programs in the state have not been better used.

99 (5) The Department of Environmental Protection shall
100 create the Recycling Business Assistance Center by December 1,
101 2010. In carrying out its duties under this subsection, the

Amendment No.

102 Department of Environmental Protection shall consult with state
103 agency personnel appointed to serve as economic development
104 liaisons under s. 288.021 and seek technical assistance from
105 Enterprise Florida, Inc., to ensure the Recycling Business
106 Assistance Center is positioned to succeed. The purpose of the
107 center shall be to serve as the mechanism for coordination among
108 state agencies and the private sector in order to coordinate
109 policy and overall strategic planning for developing new markets
110 and expanding and enhancing existing markets for recyclable
111 materials in this state, other states, and foreign countries.
112 The duties of the center must include, at a minimum:

113 (a) Identifying and developing new markets and expanding
114 and enhancing existing markets for recyclable materials;

115 (b) Pursuing expanded end uses for recycled materials;

116 (c) Targeting materials for concentrated market-
117 development efforts;

118 (d) Developing proposals for new incentives for market
119 development, particularly focusing on targeted materials;

120 (e) Providing guidance on issues such as permitting,
121 finance options for recycling market development, site location,
122 research and development, grant program criteria for recycled
123 materials markets, recycling markets education and information,
124 and minimum content;

125 (f) Coordinating the efforts of various governmental
126 entities having market-development responsibilities in order to
127 optimize supply and demand for recyclable materials;

128 (g) Evaluating source-reduced products as they relate to
129 state procurement policy. The evaluation shall include, but is

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

130 not limited to, the environmental and economic impact of source-
131 reduced product purchases to the state. For the purposes of this
132 paragraph, the term "source-reduced" means any method, process,
133 product, or technology that significantly or substantially
134 reduces the volume or weight of a product while providing, at a
135 minimum, equivalent or generally similar performance and service
136 to and for the users of such materials;

137 (h) Providing evaluation of solid waste management grants,
138 pursuant to s. 403.7095, to reduce the flow of solid waste to
139 disposal facilities and encourage the sustainable recovery of
140 materials from Florida's waste stream;

141 (i) Providing below-market financing for companies that
142 manufacture products from recycled materials or convert
143 recyclable materials into raw materials for use in
144 manufacturing, pursuant to the Florida Recycling Loan Program as
145 administered by the Florida First Capital Finance Corporation;

146 (j) Maintaining a continuously updated online directory,
147 listing the public and private entities that collect, transport,
148 broker, process, or remanufacture recyclable materials in the
149 state;

150 (k) Providing information on the availability and benefits
151 of using recycled materials to private entities and industries
152 in the state;

153 (l) Distributing any materials prepared in implementing
154 this subsection to the public, private entities, industries,
155 governmental entities, or other organizations upon request; and

156 (m) Coordinating with the Agency for Workforce Innovation
157 and its partners to provide job placement and job training

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

158 services to job seekers through the state's workforce services
159 programs.

160 Section 2. Subsection (9) is added to section 288.9015,
161 Florida Statutes, to read:

162 288.9015 Enterprise Florida, Inc.; purpose; duties.—

163 (9) Enterprise Florida, Inc., shall provide technical
164 assistance to the Department of Environmental Protection in the
165 creation of the Recycling Business Assistance Center pursuant to
166 s. 403.7032(5). As the state's primary organization devoted to
167 statewide economic development, Enterprise Florida, Inc., is
168 encouraged to cooperate with the Department of Environmental
169 Protection to ensure that the Recycling Business Assistance
170 Center is positioned to succeed in helping to enhance and expand
171 existing markets for recyclable materials in Florida, other
172 states, and foreign countries.

173 Section 3. Subsection (1) of section 403.7046, Florida
174 Statutes, is amended to read:

175 403.7046 Regulation of recovered materials.—

176 (1) Any person who handles, purchases, receives, recovers,
177 sells, or is an end user of recovered materials shall annually
178 certify to the department on forms provided by the department.
179 The department may by rule exempt from this requirement
180 generators of recovered materials; persons who handle or sell
181 recovered materials as an activity which is incidental to the
182 normal primary business activities of that person; or persons
183 who handle, purchase, receive, recover, sell, or are end users
184 of recovered materials in small quantities as defined by the
185 department. The department shall adopt rules for the

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

186 certification of and reporting by such persons and shall
187 establish criteria for revocation of such certification. ~~Prior~~
188 ~~to the adoption of such rules, the department shall appoint a~~
189 ~~technical advisory committee of no more than nine persons,~~
190 ~~including, at a minimum, representatives of the Florida~~
191 ~~Association of Counties, the Florida League of Cities, the~~
192 ~~Florida Recyclers Association, and the Florida Chapter of the~~
193 ~~National Solid Waste Management Association, to aid in the~~
194 ~~development of such rules.~~ Such rules shall be designed to
195 elicit, at a minimum, the amount and types of recovered
196 materials handled by registrants, and the amount and disposal
197 site, or name of person with whom such disposal was arranged, of
198 any solid waste generated by such facility. By February 1 of
199 each year, registrants shall report all required information to
200 the department and to all counties from which it received
201 materials. Such rules may provide for the department to conduct
202 periodic inspections. The department may charge a fee of up to
203 \$50 for each registration, which shall be deposited into the
204 Solid Waste Management Trust Fund for implementation of the
205 program.

206 Section 4. Subsection (3) of section 403.705, Florida
207 Statutes, is amended to read:

208 403.705 State solid waste management program.—

209 (3) The department shall ~~periodically seek information~~
210 ~~from counties to~~ evaluate and report to the Legislature
211 biennially on the state's success in meeting the solid waste
212 reduction goal as described in s. 403.706(2).

Amendment No.

213 Section 5. Subsections (2), (4), (7), and (21) of section
214 403.706, Florida Statutes, are amended to read:

215 403.706 Local government solid waste responsibilities.—

216 (2) (a) Each county shall implement a recyclable materials
217 recycling program that shall have a goal of recycling solid
218 waste by 40 percent by December 31, 2012, 50 percent by December
219 31, 2014, 60 percent by December 31, 2016, 70 percent by
220 December 31, 2018, and 75 percent by December 31, 2020. Counties
221 and municipalities are encouraged to form cooperative
222 arrangements for implementing recycling programs.

223 (b) In order to assist in attaining the goals provided in
224 this subsection, the Legislature finds that the recycling of
225 construction and demolition debris is in the state's interest.
226 Each county shall implement a program that shall have a goal of
227 reducing construction and demolition debris disposed of in
228 landfills by 40 percent by December 31, 2012, 50 percent by
229 December 31, 2014, 60 percent by December 31, 2016, 70 percent
230 by December 31, 2018, and 75 percent by December 31, 2020.

231 (c) All commercial and multifamily construction projects,
232 including, but not limited to, apartment complexes, which begin
233 construction on or after July 1, 2010, must provide an
234 opportunity for the tenants and owners to recycle, including, if
235 necessary, designated space for the placement of recycle
236 receptacles for the occupants.

237 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,
238 the county, as determined by the department, has not reached the
239 previous year's recycling goal, as provided in this subsection,
240 the department may direct the county to develop a plan to expand

Amendment No.

241 recycling programs to existing commercial and multifamily
242 dwellings, including, but not limited to, apartment complexes.

243 (e) If the state's recycling rate for the 2013 calendar
244 year is below 40 percent, the department shall provide a report
245 to the Legislature. The report may identify those additional
246 programs or statutory changes needed to achieve the goals
247 provided in this subsection. The report must include an
248 evaluation of the costs to the public and private sectors to
249 enact and administer these programs. The report shall be
250 provided no later than 30 days prior to the 2015 Regular Session
251 of the Legislature.

252 (f)-(b) Such programs shall be designed to recover a
253 significant portion of at least four of the following materials
254 from the solid waste stream prior to final disposal at a solid
255 waste disposal facility and to offer these materials for
256 recycling: newspaper, aluminum cans, steel cans, glass, plastic
257 bottles, cardboard, office paper, and yard trash. Local
258 governments which operate permitted waste-to-energy facilities
259 may retrieve ferrous and nonferrous metal as a byproduct of
260 combustion.

261 (g)-(e) Local governments are encouraged to separate all
262 plastics, metal, and all grades of paper for recycling prior to
263 final disposal and are further encouraged to recycle yard trash
264 and other mechanically treated solid waste into compost
265 available for agricultural and other acceptable uses.

266 ~~(d) By July 1, 2010, each county shall develop and~~
267 ~~implement a plan to achieve a goal to compost organic materials~~
268 ~~that would otherwise be disposed of in a landfill. The goal~~

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

269 ~~shall provide that up to 10 percent and no less than 5 percent~~
270 ~~of organic material would be composted within the county and the~~
271 ~~municipalities within its boundaries. The department may reduce~~
272 ~~or modify the compost goal if the county demonstrates to the~~
273 ~~department that achievement of the goal would be impractical~~
274 ~~given the county's unique demographic, urban density, or~~
275 ~~inability to separate normally compostable material from the~~
276 ~~solid waste stream. The composting plan is encouraged to address~~
277 ~~partnership with the private sector.~~

278 (h) ~~(e)~~ Each county is encouraged to consider plans for
279 composting or mulching organic materials that would otherwise be
280 disposed of in a landfill. The composting or mulching plans are
281 encouraged to address partnership with the private sector.

282 (4) (a) A county's solid waste management and recycling
283 programs shall be designed to provide for sufficient reduction
284 of the amount of solid waste generated within the county and the
285 municipalities within its boundaries in order to meet goals for
286 the reduction of municipal solid waste prior to the final
287 disposal or the incineration of such waste at a solid waste
288 disposal facility. The goals shall provide, at a minimum, that
289 the amount of municipal solid waste that would be disposed of
290 within the county and the municipalities within its boundaries
291 is designed to meet the requirements of subsection (2) ~~is~~
292 ~~reduced by at least 30 percent.~~

293 (b) A county may receive credit for one-half of the goal
294 for waste reduction from the use of yard trash, or other clean
295 wood waste or paper waste, in innovative programs including, but
296 not limited to, programs that produce alternative clean-burning

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

297 fuels such as ethanol or that provide for the conversion of yard
298 trash or other clean wood waste or paper waste to clean-burning
299 fuel for the production of energy for use at facilities other
300 than a waste-to-energy facility as defined in s. 403.7061. The
301 provisions of this paragraph apply only if a county can
302 demonstrate that:

303 1. The county has implemented a yard trash mulching or
304 composting program, and

305 2. As part of the program, compost and mulch made from
306 yard trash is available to the general public and in use at
307 county-owned or maintained and municipally owned or maintained
308 facilities in the county and state agencies operating in the
309 county as required by this section.

310 (c) Solid waste used for the production of renewable
311 energy shall count toward the long-term recycling goal as set
312 forth in this section, provided the county in which a waste-to-
313 energy facility is located has implemented and maintains a
314 program that is designed to recycle at least 50 percent of
315 municipal solid waste by means other than gasification or
316 combustion. The duty to implement and maintain such recycling
317 program does not apply to counties where debt service payment is
318 pledged along with net revenues derived from the operation of
319 the waste-to-energy facility.

320 (d)(e) A county with a population of 100,000 or less may
321 provide its residents with the opportunity to recycle in lieu of
322 achieving the goal set forth in this section ~~paragraph (a)~~. For
323 the purposes of this section subsection, the "opportunity to
324 recycle" means that the county:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

325 1.a. Provides a system for separating and collecting
326 recyclable materials prior to disposal that is located at a
327 solid waste management facility or solid waste disposal area; or

328 b. Provides a system of places within the county for
329 collection of source-separated recyclable materials.

330 2. Provides a public education and promotion program that
331 is conducted to inform its residents of the opportunity to
332 recycle, encourages source separation of recyclable materials,
333 and promotes the benefits of reducing, reusing, recycling, and
334 composting materials.

335 (7) In order to assess the progress in meeting the goal
336 established in subsection (2) ~~(4)~~, each county shall, by April 1
337 ~~November~~ each year, provide information to the department
338 regarding its annual solid waste management program and
339 recycling activities. The information by the county must, at a
340 minimum, include:

341 (a) The amount of municipal solid waste disposed of at
342 solid waste disposal facilities, by type of waste such as yard
343 trash, white goods, clean debris, tires, and unseparated solid
344 waste;

345 (b) The amount and type of materials from the municipal
346 solid waste stream that were recycled; and

347 (c) The percentage of the population participating in
348 various types of recycling activities instituted.

349 (d) Beginning with the data for the 2012 calendar year,
350 the department shall annually, by July 1, post on its website
351 the recycling rates of each county for the prior calendar year.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

352 (21) Local governments are authorized to enact ordinances
353 that require and direct all residential properties, multifamily
354 dwellings, and apartment complexes and industrial, commercial,
355 and institutional establishments as defined by the local
356 government to establish programs for the separation of
357 recyclable materials designated by the local government, which
358 recyclable materials are specifically intended for purposes of
359 recycling and for which a market exists, and to provide for
360 their collection. Such ordinances may include, but are not
361 limited to, provisions that prohibit any person from knowingly
362 disposing of recyclable materials designated by the local
363 government and that ensure the collection of recovered materials
364 as necessary to protect public health and safety.

365 Section 6. Subsection (1) of section 403.7145, Florida
366 Statutes, is amended, and subsections (3) and (4) are added to
367 that section, to read:

368 403.7145 Recycling.—

369 (1) The Capitol and the House and Senate office buildings
370 constitute the Capitol recycling area. The Florida House of
371 Representatives, the Florida Senate, and the Office of the
372 Governor, the Secretary of State, and each Cabinet officer who
373 heads a department that occupies office space in the Capitol,
374 shall institute a recycling program for their respective offices
375 in the House and Senate office buildings and the Capitol.
376 Provisions shall be made to collect and sell wastepaper and
377 empty ~~aluminum~~ beverage containers ~~cans~~ generated by employee
378 activities in these offices. The collection and sale of such
379 materials shall be reported to Leon County using the

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

380 department's designated reporting format and coordinated with
381 Department of Management Services recycling activities to
382 maximize the efficiency and economy of this program. The
383 Governor, the Speaker of the House of Representatives, the
384 President of the Senate, the Secretary of State, and the Cabinet
385 officers may authorize the use of proceeds from recyclable
386 material sales for employee benefits and other purposes, in
387 order to provide incentives to their respective employees for
388 participation in the recycling program. Such proceeds may also
389 be used to offset any costs of the recycling program. As a
390 demonstration of leading by example, the Capitol Building's
391 recycling rates shall be posted on the website of the Department
392 of Management Services and shall include the details of the
393 recycling rates for each Department of Management Services pool
394 facility. The Department of Environmental Protection shall post
395 recycling rates of each state-owned facility reported to the
396 Department of Management Services.

397 (3) Prior to awarding any grants pursuant to s. 403.7095,
398 the department shall develop and contract for an innovative
399 recycling pilot project for the Capitol recycling area. Such
400 project shall be designed to collect recyclable materials and
401 create a more sustainable recycling system. Components of the
402 project shall be designed to increase convenience, incentivize
403 and measure participation, reduce material volume, and assist in
404 achieving the recycling goals enumerated in s. 403.706.

405 (4) Each public airport operating in this state shall, to
406 the greatest extent practicable, collect aluminum beverage cans
407 and recyclable plastic and glass from the airlines and other

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

408 entities doing business at the airport and offer such materials
409 for recycling. Each airport may retain and use any proceeds
410 received from the sale of these materials for recycling to
411 offset the costs associated with collecting and recycling such
412 materials. Airport administration offices, airport vendors, and
413 airlines are encouraged to coordinate the collection of
414 recyclable waste to the greatest extent practicable. The
415 provisions of this subsection are not intended to interfere with
416 any already established recycling activity.

417 Section 7. Subsection (9) of section 403.707, Florida
418 Statutes, is amended, and subsection (15) is added to that
419 section, to read:

420 403.707 Permits.—

421 (9) The department shall establish a separate category for
422 solid waste management facilities that accept only construction
423 and demolition debris for disposal or recycling. The department
424 shall establish a reasonable schedule for existing facilities to
425 comply with this section to avoid undue hardship to such
426 facilities. However, a permitted solid waste disposal unit that
427 receives a significant amount of waste prior to the compliance
428 deadline established in this schedule shall not be required to
429 be retrofitted with liners or leachate control systems.

430 (a) The department shall establish reasonable
431 construction, operation, monitoring, recordkeeping, financial
432 assurance, and closure requirements for such facilities. The
433 department shall take into account the nature of the waste
434 accepted at various facilities when establishing these
435 requirements, and may impose less stringent requirements,

Amendment No.

436 including a system of general permits or registration
437 requirements, for facilities that accept only a segregated waste
438 stream which is expected to pose a minimal risk to the
439 environment and public health, such as clean debris. The
440 Legislature recognizes that incidental amounts of other types of
441 solid waste are commonly generated at construction or demolition
442 projects. In any enforcement action taken pursuant to this
443 section, the department shall consider the difficulty of
444 removing these incidental amounts from the waste stream.

445 (b) The department shall ~~not~~ require liners and leachate
446 collection systems at individual disposal units constructed
447 after July 1, 2010 ~~facilities unless it demonstrates, based upon~~
448 ~~the types of waste received, the methods for controlling types~~
449 ~~of waste disposed of, the proximity of groundwater and surface~~
450 ~~water, and the results of the hydrogeological and geotechnical~~
451 ~~investigations, that the facility is reasonably expected to~~
452 ~~result in violations of groundwater standards and criteria~~
453 ~~otherwise.~~

454 (c) The owner or operator shall provide financial
455 assurance for closing of the facility in accordance with the
456 requirements of s. 403.7125. The financial assurance shall cover
457 the cost of closing the facility and 5 years of long-term care
458 after closing, unless the department determines, based upon
459 hydrogeologic conditions, the types of wastes received, or the
460 groundwater monitoring results, that a different long-term care
461 period is appropriate. However, unless the owner or operator of
462 the facility is a local government, the escrow account described

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

463 in s. 403.7125(2) may not be used as a financial assurance
464 mechanism.

465 (d) The department shall establish training requirements
466 for operators of facilities, and shall work with the State
467 University System or other providers to assure that adequate
468 training courses are available. The department shall also assist
469 the Florida Home Builders Association in establishing a
470 component of its continuing education program to address proper
471 handling of construction and demolition debris, including best
472 management practices for reducing contamination of the
473 construction and demolition debris waste stream.

474 (e) The issuance of a permit under this subsection does
475 not obviate the need to comply with all applicable zoning and
476 land use regulations.

477 (f) A permit is not required under this section for the
478 disposal of construction and demolition debris on the property
479 where it is generated, but such property must be covered,
480 graded, and vegetated as necessary when disposal is complete.

481 (g) By January 1, 2012, all construction and demolition
482 debris must be processed prior to disposal at a permitted
483 materials recovery facility or at a permitted disposal facility.
484 The facility must be designed and operated to separate and offer
485 for recycling at least 60 percent of the material accepted and
486 must have a long-term plan to separate at least 75 percent of
487 the material accepted by December 31, 2020. This paragraph does
488 not apply to any materials that have been source separated and
489 offered for recycling. It is the policy of the Legislature to
490 encourage facilities to recycle. The department shall establish

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

491 ~~criteria and guidelines that encourage recycling where practical~~
492 ~~and provide for the use of recycled materials in a manner that~~
493 ~~protects the public health and the environment. Facilities are~~
494 ~~authorized to recycle, provided such activities do not conflict~~
495 ~~with such criteria and guidelines.~~

496 (h) The department shall ensure that the requirements of
497 this section are applied and interpreted consistently throughout
498 the state. In accordance with s. 20.255, the Division of Waste
499 Management shall direct the district offices and bureaus on
500 matters relating to the interpretation and applicability of this
501 section.

502 (i) The department shall provide notice of receipt of a
503 permit application for the initial construction of a
504 construction and demolition debris disposal facility to the
505 local governments having jurisdiction where the facility is to
506 be located.

507 (j) The Legislature recognizes that recycling, waste
508 reduction, and resource recovery are important aspects of an
509 integrated solid waste management program and as such are
510 necessary to protect the public health and the environment. If
511 necessary to promote such an integrated program, the county may
512 determine, after providing notice and an opportunity for a
513 hearing prior to April 30, 2008, that some or all of the
514 material described in s. 403.703(6)(b) shall be excluded from
515 the definition of "construction and demolition debris" in s.
516 403.703(6) within the jurisdiction of such county. The county
517 may make such a determination only if it finds that, prior to
518 June 1, 2007, the county has established an adequate method for

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

519 the use or recycling of such wood material at an existing or
520 proposed solid waste management facility that is permitted or
521 authorized by the department on June 1, 2007. The county is not
522 required to hold a hearing if the county represents that it
523 previously has held a hearing for such purpose, or if the county
524 represents that it previously has held a public meeting or
525 hearing that authorized such method for the use or recycling of
526 trash or other nonputrescible waste materials and that such
527 materials include those materials described in s. 403.703(6)(b).
528 The county shall provide written notice of its determination to
529 the department by no later than April 30, 2008; thereafter, the
530 materials described in s. 403.703(6) shall be excluded from the
531 definition of "construction and demolition debris" in s.
532 403.703(6) within the jurisdiction of such county. The county
533 may withdraw or revoke its determination at any time by
534 providing written notice to the department.

535 (k) Brazilian pepper and other invasive exotic plant
536 species as designated by the department resulting from
537 eradication projects may be processed at permitted construction
538 and demolition debris recycling facilities or disposed of at
539 permitted construction and demolition debris disposal facilities
540 or Class III facilities. The department may adopt rules to
541 implement this paragraph.

542 (15) The department must, at a minimum, conduct at least
543 one unannounced inspection, on an annual basis, of each waste-
544 to-energy facility for the purposes of determining compliance
545 with permit conditions.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

546 Section 8. Subsection (5) of section 403.7049, Florida
547 Statutes, is amended to read:

548 403.7049 Determination of full cost for solid waste
549 management; local solid waste management fees.—

550 (5) In order to assist in achieving the municipal solid
551 waste reduction goal and the recycling provisions of s.
552 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns
553 or operates a solid waste management facility is hereby
554 authorized to charge solid waste disposal fees which may vary
555 based on a number of factors, including, but not limited to, the
556 amount, characteristics, and form of recyclable materials
557 present in the solid waste that is brought to the county's or
558 the municipality's facility for processing or disposal.

559 Section 9. Paragraph (c) of subsection (2) of section
560 403.705, Florida Statutes, is amended to read:

561 403.705 State solid waste management program.—

562 (2) The state solid waste management program shall
563 include, at a minimum:

564 (c) Planning guidelines and technical assistance to
565 counties and municipalities to aid in meeting the municipal
566 solid waste reduction goals established in s. 403.706(2) ~~s.~~
567 ~~403.706(4)~~.

568 Section 10. Paragraph (c) of subsection (3) of section
569 403.7061, Florida Statutes, is amended to read:

570 403.7061 Requirements for review of new waste-to-energy
571 facility capacity by the Department of Environmental
572 Protection.—

Amendment No.

573 (3) An applicant must provide reasonable assurance that
574 the construction of a new waste-to-energy facility or the
575 expansion of an existing waste-to-energy facility will comply
576 with the following criteria:

577 (c) The county in which the facility is located has
578 implemented and maintains a solid waste management and recycling
579 program that is designed to achieve the waste reduction goal set
580 forth in s. 403.706(2) ~~s. 403.706(4)~~. For the purposes of this
581 section, the provisions of s. 403.706(2) ~~s. 403.706(4)(e)~~ for
582 counties having populations of 100,000 or fewer do not apply.

583 Section 11. Section 288.1185, Florida Statutes, is
584 repealed.

585 Section 12. This act shall take effect July 1, 2010.

586
587
588

589 -----

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

591 Remove the entire title and insert:

592 A bill to be entitled
593 An act relating to environmental protection; amending s.
594 403.7032, F.S.; requiring all public entities to report
595 recycling data to the county using the format designated by the
596 Department of Environmental Protection; requiring that certain
597 private entities report the disposal of recyclable materials;
598 requiring that businesses reporting such data be given
599 preference under certain procurement guidelines; requiring the
600 Department of Management Services to report on green and

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

601 recycled products purchased through its procurement system;
602 directing the Department of Environmental Protection to create
603 the Recycling Business Assistance Center; providing requirements
604 for the center; amending s. 288.9015, F.S.; requiring Enterprise
605 Florida, Inc., to provide technical assistance to the Department
606 of Environmental Protection in the creation of the Recycling
607 Business Assistance Center; amending s. 403.7046, F.S.; deleting
608 a requirement that the Department of Environmental Protection
609 appoint a technical advisory committee; clarifying reporting
610 requirements; amending s. 403.705, F.S.; requiring that the
611 department report biennially to the Legislature on the state's
612 success in meeting solid waste reduction goals; amending s.
613 403.706, F.S.; requiring counties to meet specific recycling
614 benchmarks; requiring the recycling of materials for new
615 commercial and multifamily projects; providing authority for the
616 Department of Environmental Protection to require a plan under
617 certain conditions; requiring a report to the Legislature by the
618 Department of Environmental Protection if recycling benchmarks
619 are not met; eliminating a requirement that counties develop
620 composting goals; clarifying the conditions under which waste to
621 energy may be used as an option for meeting the recycling
622 benchmarks; providing exceptions; providing deadlines for the
623 reporting of recycling data; amending s. 403.7145, F.S.;
624 revising recycling requirements for state buildings; providing
625 for a pilot project; requiring each public airport in the state
626 to collect aluminum beverage cans and recyclable plastic and
627 glass from its place of business, or from the entities doing
628 business at the airport, and to offer such materials for

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1559 (2010)

Amendment No.

629 recycling; amending s. 403.707, F.S.; requiring liners for new
630 construction and demolition debris landfills; establishing
631 recycling rates for source-separation activities; requiring
632 inspections for waste-to-energy facilities; amending ss.
633 403.7049, 403.705, and 403.7061, F.S.; conforming cross-
634 references; repealing s. 288.1185, F.S., relating to the
635 Recycling Markets Advisory Committee; providing an effective
636 date.

Amendment No. 1

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 _____

*Bill
Temporarily
Deferred*

1 Council/Committee hearing PCB: Agriculture & Natural Resources
2 Policy Committee
3 Representative(s) Williams offered the following:

4
5 **Amendment 1**

6 Remove lines 79-80 and insert:

7 stormwater, ~~and~~ aquifer storage and recovery and the recovery
8 and storage of surficial groundwater, stormwater, and reclaimed
9 water. Reuse of potable

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB ANR 10-14 (2010)

Amendment No. 1

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 PCB: Agriculture & Natural Resources
2 Policy Committee
3 Representative(s) Williams offered the following:

4

5 **Amendment**

6 Remove line 87 and insert:

7 403.8533, subject to annual appropriation by the legislature.

Amendment No. 2

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 PCB: Agriculture & Natural Resources
2 Policy Committee
3 Representative(s) Williams offered the following:

4
5 **Amendment**

6 Remove lines 193-196 and insert:
7 any funds borrowed. The department shall administer the loans
8 so that amounts

Amendment No. 3

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 PCB: Agriculture & Natural Resources
2 Policy Committee
3 Representative(s) Williams offered the following:

4
5 **Amendment**

6 Remove lines 308-312 and insert:
7 this section and applicable federal authorities. ~~The department~~
8 ~~shall administer all programs operated from funds secured~~
9 ~~through the activities of the Florida Water Pollution Control~~
10 ~~Financing Corporation under s. 403.1837, to fulfill the purposes~~
11 ~~of this section.~~

Amendment No. 1

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: Agriculture & Natural Resources
2 Policy Committee

3 Representative(s) Williams offered the following:

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

6 Remove everything after the resolving clause and insert:

7 Section 1. Subsections (1) through (7) of section

8 373.0693, Florida Statutes, are amended to read:

9 373.0693 Basins; basin boards.—

10 (1) (a) Any areas within a district may be designated by
11 the district governing board as subdistricts or basins. The
12 designations of such basins shall be made by resolution of the
13 district governing board ~~by resolutions thereof~~. The district
14 governing board ~~of the district~~ may change the boundaries of
15 such basins, or create new basins, by resolution.

16 (2) Each basin shall be under the control of a basin board
17 ~~which shall be composed of at least not less than~~ three members,
18 including one or more representatives ~~but shall include one~~
19 ~~representative~~ from each of the counties included in the basin.

Amendment No. 1

20 (3) Except for a member of the district governing board
21 serving on a basin board pursuant to subsection (6), each member
22 of a ~~the various~~ basin ~~board boards~~ shall ~~be appointed~~ ~~serve~~ for
23 ~~a period of~~ 3 years or until a successor is appointed, but not
24 more than 180 days after the end of the term., ~~except that~~ The
25 ~~board~~ membership of each new basin ~~board~~ shall be divided into
26 three groups as equally as possible, with members in such groups
27 to be appointed for 1, 2, and 3 years, respectively. Each basin
28 board shall choose a vice chair and a secretary to serve for a
29 ~~period of~~ 1 year. The term of office of a basin board member
30 shall ~~be construed to~~ commence on March 2 preceding the date of
31 appointment and ~~to~~ terminate March 1 of the year of the end of a
32 term or ~~may continue~~ until a successor is appointed, but not
33 more than 180 days after the end of the expired term. A member
34 of the district governing board serving on a basin board
35 pursuant to subsection (6) shall serve for a period commensurate
36 with his or her term on the governing board.

37 (4) Except for a member of the district governing board
38 serving on a basin board pursuant to subsection (6), members of
39 a basin ~~board boards~~ shall be appointed by the Governor, subject
40 to confirmation by the Senate at the next regular session of the
41 Legislature; and the refusal or failure of the Senate to confirm
42 an appointment shall create a vacancy in the office to which the
43 appointment was made.

44 (5) Basin board members shall serve without ~~receive no~~
45 compensation ~~for services as such;~~ but are entitled to
46 reimbursement for per diem and travel expenses as provided in s.
47 112.061, while officially on work for the district, they shall

Amendment No. 1

48 ~~receive their actual travel expenses between their respective~~
49 ~~places of residence and the place where official district~~
50 ~~business is conducted, subsistence, lodging, and other expenses~~
51 ~~in the amount actually incurred. These expenses may not exceed~~
52 ~~the statutory amount allowed state officers and employees. This~~
53 subsection applies retroactively to the effective date of the
54 creation of each of the five separate water management
55 districts.

56 (6) (a) Notwithstanding any other provision of the
57 ~~provisions of any other general or special law to the contrary,~~
58 a member of the district governing board of the district
59 residing in the basin or, if no member resides in the basin, a
60 member of the district governing board designated by the chair
61 of the district governing board shall be a voting member of the
62 basin board and counted for purposes of establishing a quorum.

63 (b) A governing board member shall serve as the chair of
64 the basin board. If more than one governing board member is
65 designated to a basin board, each shall rotate as co-chair of
66 the basin board. The chair or co-chair shall preside at all
67 meetings of the basin board, except that the vice chair may
68 preside in the his or her absence of the chair and co-chair. The
69 chair shall be the liaison officer of the district in all
70 affairs in the basin and shall be kept informed of all such
71 affairs.

72 (c) If a vacancy occurs on a basin board, a quorum of the
73 total remaining members of the basin board may continue to
74 transact official business until a successor is appointed.

Amendment No. 1

75 (d) ~~(b)~~ Basin boards within the Southwest Florida Water
76 Management District shall meet regularly as determined by a
77 majority vote of the basin board members. Subject to notice
78 requirements of chapter 120, special meetings, both emergency
79 and nonemergency, may be called ~~either~~ by the chair or the
80 elected vice chair ~~of the basin board~~ or upon request of two
81 basin board members. The district staff shall include on the
82 agenda of any basin board meeting any item for discussion or
83 action requested by a member of that basin board. The district
84 staff shall notify any basin board, as well as their respective
85 counties, of any vacancies occurring in the district governing
86 board or their respective basin boards.

87 (7) ~~At 11:59 p.m. on December 31, 1976, the Manasota~~
88 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
89 ~~Management District, which is annexed to the Southwest Florida~~
90 ~~Water Management District by change of its boundaries pursuant~~
91 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~
92 ~~subdistrict or basin of the Southwest Florida Water Management~~
93 ~~District, subject to the same provisions as the other basins in~~
94 ~~such district. Such subdistrict shall be designated initially as~~
95 ~~the Manasota Basin. The members of the governing board of the~~
96 ~~Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water~~
97 ~~Management District shall become members of the governing board~~
98 ~~of the Manasota Basin of the Southwest Florida Water Management~~
99 ~~District. Notwithstanding other provisions in this section,~~
100 beginning on July 1, 2010 ~~2001~~, the membership of the Manasota
101 Basin Board shall be comprised of two members from Manatee
102 County, ~~and~~ two members from Sarasota County, and a member of

Amendment No. 1

103 the district governing board designated by the chair of the
104 district governing board pursuant to subsection (6). Matters
105 relating to tie votes shall be resolved pursuant to subsection
106 (6) by the chair designated by the governing board to vote in
107 case of a tie vote.

108 Section 2. Paragraph (d) is added to subsection (1) of
109 section 373.171, Florida Statutes, to read:

110 373.171 Rules.—

111 (5) Cooperative funding programs are not subject to the
112 rulemaking requirements of chapter 120. However, any portion of
113 an approved program which affects the substantial interests of a
114 party shall be subject to s. 120.569.

115 Section 3. Section 373.0725, Florida Statutes, is created
116 to read:

117 373.0725 Water management district governing board
118 nominating commission.—

119 (1)(a) Members of each water management district governing
120 board shall be nominated for appointment by a commission
121 composed of 9 members.

122 (b) Commission members shall submit to the Governor three
123 recommended nominees for each district governing board position.
124 Nominees must reside in the territorial jurisdiction of the
125 governing board to which the commission will recommend
126 appointments and must have significant experience in one or more
127 of the following areas: agriculture, the development industry,
128 local government, government-owned or privately owned water
129 utilities, law, civil engineering, environmental science,
130 hydrology, accounting, finance, or landscape professional.

Amendment No. 1

131 (c) The Governor shall select appointees from the list of
132 nominees recommended for a position.

133 (2) A current or former governing board member may not be
134 a member of the governing board nominating commission. A member
135 of the governing board nominating commission may hold public
136 office. A member of the governing board nominating commission is
137 not eligible for appointment, during his or her term of office
138 and for a period of 2 years thereafter, to any board for which
139 the commission has the authority to make nominations. All acts
140 of the governing board nominating commission must be made with a
141 concurrence of a majority of its members.

142 (3) Members shall be appointed to the governing board
143 nominating commission in the following manner:

144 (a) The Governor shall appoint three members for terms
145 ending July 1, 2014.

146 (b) The President of the Senate shall appoint three
147 members for terms ending July 1, 2013.

148 (c) The Speaker of the House of Representatives shall
149 appoint three members for terms ending July 1, 2012.

150
151 Every subsequent appointment, except the appointment of a member
152 of the Senate and of the House of Representatives and an
153 appointment to fill a vacant, unexpired term, shall be for 4
154 years. Each expired term or vacancy shall be filled by
155 appointment in the same manner as the member whose position is
156 being filled.

157 (4) In making appointments, the Governor, the President of
158 the Senate, and the Speaker of the House of Representatives

Amendment No. 1

159 shall seek to ensure that, to the extent possible, the
160 membership of the governing board nominating commission reflects
161 the racial, ethnic, and gender diversity of the state and shall
162 also consider the adequacy of representation of each geographic
163 region within the state.

164 (5) A member of the governing board nominating commission
165 may be suspended for cause by the person who appointed him or
166 her.

167 (6) The governing board nominating commission shall
168 recommend appointments to the governing board of a water
169 management district pursuant to s. 373.073. A quorum of the
170 commission is necessary to take any action or transact any
171 business. For purposes of this section, a majority of the
172 commission members shall constitute a quorum. However, if a
173 vacancy occurs, a majority of the total remaining commission
174 members shall constitute a quorum.

175 (7) The Executive Office of the Governor shall provide all
176 administrative support for the governing board nominating
177 commission and shall adopt rules necessary to administer this
178 section.

179 Section 4. Subsection (4) is added to section 373.086,
180 Florida Statutes, to read:

181 373.086 Providing for district works.-

182 (4) The governing board must obtain specific legislative
183 authorization for any acquisition costs in excess of \$50 million
184 and for any professional service procurement costs in excess of
185 \$5 million.

Amendment No. 1

186 Section 5. Paragraph (e) is added to subsection (6) of
187 section 373.089, Florida Statutes, to read:

188 373.089 Sale or exchange of lands, or interests or rights
189 in lands.—The governing board of the district may sell lands, or
190 interests or rights in lands, to which the district has acquired
191 title or to which it may hereafter acquire title in the
192 following manner:

193 (6) Any lands the title to which is vested in the
194 governing board of a water management district may be surplusd
195 pursuant to the procedures set forth in this section and s.
196 373.056 and the following:

197 (e) For any lands for which title is vested in the
198 governing board, the governing board shall conduct reviews to
199 determine which lands are no longer needed for conservation and
200 restoration purposes or no longer considered environmentally
201 critical or sensitive and make such lands available for purchase
202 so long as the property can be reentered onto the county ad
203 valorem tax roll.

204 Section 6. Subsection (2) of section 373.584, Florida
205 Statutes, is amended to read:

206 (2) Revenues derived by the district from the Water
207 Management Lands Trust Fund as provided in s. 373.59 or any
208 other revenues of the district may be pledged to the payment of
209 such revenue bonds; however, the ad valorem taxing powers of the
210 district may not be pledged to the payment of such revenue bonds
211 without prior compliance with the requirements of the State
212 Constitution as to the affirmative vote of the electors of the
213 district and with the requirements of s. 373.563, and bonds

Amendment No. 1

214 payable from the Water Management Lands Trust Fund shall be
215 issued solely for the purposes set forth in s. 373.59. Revenue
216 bonds and notes shall be, and shall be deemed to be, for all
217 purposes, negotiable instruments, subject only to the provisions
218 of the revenue bonds and notes for registration. Except as
219 otherwise provided in this section, theThe powers and authority
220 of districts to issue revenue bonds, including, but not limited
221 to, bonds to finance a stormwater management system as defined
222 by s. 373.403, and to enter into contracts incidental thereto,
223 and to do all things necessary and desirable in connection with
224 the issuance of revenue bonds, shall be coextensive with the
225 powers and authority of municipalities to issue bonds under
226 state law. The provisions of this section constitute ~~full and~~
227 ~~complete~~ authority for the issuance of revenue bonds and shall
228 be liberally construed to effectuate its purpose. However,
229 notwithstanding any provision of this section or any other law,
230 districts shall not have the power or authority to issue
231 certificates of participation to fund the acquisition of land.

232 Section 7. Paragraph (c) of subsection (1) of section
233 112.3145, Florida Statutes, is amended to read:

234 112.3145 Disclosure of financial interests and clients
235 represented before agencies.—

236 (1) For purposes of this section, unless the context
237 otherwise requires, the term:

238 (c) "State officer" means:

239 1. Any elected public officer, excluding those elected to
240 the United States Senate and House of Representatives, not
241 covered elsewhere in this part and any person who is appointed

Amendment No. 1

242 to fill a vacancy for an unexpired term in such an elective
243 office.

244 2. An appointed member of each board, commission,
245 authority, or council having statewide jurisdiction, excluding a
246 member of an advisory body.

247 3. A member of the Board of Governors of the State
248 University System or a state university board of trustees, the
249 Chancellor and Vice Chancellors of the State University System,
250 and the president of a state university.

251 4. A member of the judicial nominating commission for any
252 district court of appeal or any judicial circuit.

253 5. A member of the water management district governing
254 board nominating commission.

255 Section 8. Section 373.228, Florida Statutes is amended to
256 read:

257 373.228 Landscape irrigation ~~design~~.—

258 (2) The Legislature finds that landscape irrigation
259 comprises a significant portion of water use and that current
260 typical landscape irrigation systems, and Florida-friendly
261 landscaping designs, and landscape irrigation restrictions offer
262 significant potential water conservation benefits.

263 (3) It is the intent of the Legislature to improve
264 landscape irrigation water use efficiency by ensuring that
265 landscape irrigation systems meet or exceed minimum design
266 criteria, and that, pursuant to s. 373.609, the landscape
267 irrigation restrictions of a water management district may be
268 implemented by ordinance of applicable local governments.

Amendment No. 1

269 (4) The water management districts shall work with the
270 Florida Nursery, Growers and Landscape Association, the Florida
271 Native Plant Society, the Florida Chapter of the American
272 Society of Landscape Architects, the Florida Irrigation Society,
273 the Department of Agriculture and Consumer Services, the
274 Institute of Food and Agricultural Sciences, the Department of
275 Environmental Protection, the Department of Transportation, the
276 Florida League of Cities, the Florida Association of Counties,
277 and the Florida Association of Community Developers to develop
278 landscape irrigation and Florida-friendly landscaping design
279 standards for new construction which incorporate a landscape
280 irrigation system and develop scientifically based model
281 guidelines for urban, commercial, and residential landscape
282 irrigation, including drip irrigation, for plants, trees, sod,
283 and other landscaping. The standards ~~shall~~ must be based on the
284 irrigation code defined in the Florida Building Code, Plumbing
285 Volume, Appendix F. Local governments shall use the standards
286 and guidelines when developing landscape irrigation and Florida-
287 friendly landscaping ordinances. By January 1, 2011, the
288 agencies and entities specified in this subsection shall review
289 the standards and guidelines to determine whether new research
290 findings require a change or modification of the standards and
291 guidelines.

292 (5) Local governments may adopt ordinances that implement
293 landscape irrigation restrictions as set forth in water
294 management district rules or orders. In evaluating water use
295 applications from public water suppliers, water management
296 districts shall consider whether the applicable local government

Amendment No. 1

297 has adopted an ordinance implementing such landscape irrigation
298 restrictions and has adopted ordinances for landscaping and
299 irrigation systems consistent with the Florida-friendly
300 landscaping provisions of s. 373.185.

301 Section 9. Subsection (9) is added to section 373.246,
302 Florida Statutes, to read:

303 (9) Local governments are authorized to adopt ordinances
304 that implement water shortage and emergency orders under this
305 section and s. 373.175.

306 Section 10. Section 298.66, Florida Statutes, is amended
307 to read:

308 298.66 Obstruction of drainage canals, etc., prohibited;
309 damages; penalties.—No person may willfully, or otherwise,
310 obstruct any public canal, drain, ditch or watercourse or damage
311 or destroy any public drainage works constructed in any
312 district.

313 (1) Any person who shall willfully obstruct any public
314 canal, drain, ditch or watercourse or shall damage or destroy
315 any public drainage works constructed ~~by~~ in any district, shall
316 be liable to any person injured thereby for the full amount of
317 the injury occasioned to any land or crops or other property by
318 reason of such misconduct, and shall be liable to the district
319 constructing the said work for double the cost of removing such
320 obstruction or repairing such damage.

321 (2) Whoever shall willfully or otherwise obstruct any
322 public canal, drain, ditch, or watercourse, or impede or
323 obstruct the flow of water therein, or shall damage or destroy
324 any drainage works constructed ~~by~~ in any district shall be

Amendment No. 1

325 guilty of a felony of the third degree, punishable as provided
326 in s. 775.082, s. 775.083, or s. 775.084.

327 Section 11. This act shall take effect July 1, 2010.

328

329

330

331

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

333 Remove the entire title and insert:

334 A bill to be entitled

335 An act relating to water management; amending s. 373.0693,
336 F.S.; revising provisions relating to the membership of
337 basin boards; specifying the terms of service for basin
338 board members designated by district governing board
339 chairs; providing that basin board members designated by
340 district governing board chairs are voting members and
341 counted for quorum purposes; providing for designated
342 district governing board members to serve as basin board
343 chairs and co-chairs; authorizing basin boards to transact
344 official business under certain conditions; revising
345 provisions relating to the membership of the Manasota
346 Basin board; providing for the designation of a member of
347 the district governing board to serve on the basin board;
348 amending s. 373.171, F.S.; exempting cooperative funding
349 programs from certain rulemaking requirements; creating s.
350 373.0725, F.S.; establishing a water management district
351 governing board nominating commission; providing criteria
352 for governing board member nominees; providing for the

COUNCIL/COMMITTEE AMENDMENT

PCS 1367, 1407, 1605 (2010)

Amendment No. 1

353 appointment of commission members by the Governor, the
354 President of the Senate, and the Speaker of the House of
355 Representatives; providing for terms and duties of
356 commission members; requiring the Executive Office of the
357 Governor to provide administrative support to the
358 commission and to adopt rules; amending s. 373.086, F.S.;
359 requiring governing boards to obtain legislative
360 authorization for acquisition costs and professional
361 service procurement costs in excess of specified amounts;
362 amending s. 373.089, F.S.; requiring governing boards to
363 review and make available for purchase specified lands;
364 amending s. 373.584, F.S., restricting the issuance of
365 certificates of participation by districts for the
366 purchase of land; amending s. 112.3145, F.S.; providing
367 that members of the water management district governing
368 board nominating commission are state officers for
369 purposes of financial disclosure requirements; amending s.
370 373.228, F.S., clarifying local government authority to
371 implement water management district landscape irrigation
372 restrictions; amending s. 373.246, F.S., authorizing local
373 governments to adopt ordinances that implement water
374 management district water shortage and emergency orders
375 during drought conditions; amending s. 298.66, F.S.,
376 clarifying prohibitions against obstructing public canals;
377 providing an effective date.

378

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 831 (2010)

Subst Amendment No. 1

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: Agriculture & Natural Resources
2 Policy Committee
3 Representative(s) Adkins offered the following:
4

5 **Substitute Amendment**

6 Remove lines 16-17 and insert:
7 between N30°32'44.890", W-81°33'08.68" and N30°32'40.001", W-
8 81°32'55.79" to the south shall: