



Agriculture & Natural Resources Subcommittee

MEETING PACKET

Monday, March 28, 2011

3:00 PM

Reed Hall (102 HOB)

**Dean Cannon
Speaker**

**Steve Crisafulli
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Agriculture & Natural Resources Subcommittee

Start Date and Time: Monday, March 28, 2011 03:00 pm

End Date and Time: Monday, March 28, 2011 06:00 pm

Location: Reed Hall (102 HOB)

Duration: 3.00 hrs

Consideration of the following bill(s):

HB 613 Domestic Wastewater Discharged through Ocean Outfalls by Trujillo

HB 741 Lake Worth Drainage District, Palm Beach County by Berman

HB 1437 Professional Practices Involving Animals by Porter

HB 1479 Land Application of Septage by Coley

Consideration of the following proposed committee bill(s):

PCB ANRS 11-02 -- Timber and Lumber Stamps and Brands

PCB ANRS 11-03 -- Limited Agricultural Associations

PCB ANRS 11-04 -- Forest Development

PCB ANRS 11-05 -- Florida Water Resources Act of 1972

Consideration of the following proposed committee substitute(s):

PCS for HB 173 -- Submerged Lands

NOTICE FINALIZED on 03/24/2011 16:24 by Love.John

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 613 Domestic Wastewater Discharged through Ocean Outfalls

SPONSOR(S): Trujillo

TIED BILLS: IDEN./SIM. **BILLS:** SB 796

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Deslatte JD	Blalock AER
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

In 2008, SB 1302 was passed by the Legislature and signed into law. The intent of the bill was to protect Florida's coastal waters, including coral reefs, by decreasing the amount of nutrients discharged into coastal waters. The bill required that by 2018, existing outfall discharges must meet advanced wastewater treatment and management requirements. By 2025, 60% of the facility flows were to be reused for beneficial purposes. The bill also authorized the Department of Environmental Protection (DEP) to establish enforceable compliance schedules for treatment upgrades and ultimate outfall elimination.

The bill prohibited the new construction or expansion of wastewater ocean outfalls and limits the discharge of wastewater through ocean outfalls to the permitted capacity in effect on July 1, 2008. It required that discharge of domestic wastewater through ocean outfalls meet advanced wastewater treatment and management requirements no later than December 31, 2018. Such requirements are defined to include:

- Meeting the concentration standards in s. 403.086 (4), F.S.; or
- A reduction in baseline loadings of total nitrogen and total phosphorus, equivalent to advanced wastewater treatment requirements in s. 403.086 (4), F.S., or a reduction in cumulative outfall loadings of total nitrogen and total phosphorus occurring between December 31, 2008 and December 31, 2025 which is equivalent to that which would be achieved if the requirements of s. 403.086 (4), F.S., were fully implemented December 31, 2018 and continued through December 31, 2025, as determined by the Department of Environmental Protection (DEP) pursuant to specified criteria, by December 31, 2018.

This bill postpones the date by which domestic wastewater facilities must meet more stringent treatment and management requirements from December 31, 2018, to December 31, 2023, with the exception of cumulative peak flows that do not exceed 10 percent of total annual flows. The bill postpones the date that advanced wastewater treatment and management requirements must be deemed to be met for a facility that has installed a fully functioning reuse system comprising of 100% of the facility's average annual daily flow from December 31, 2018, to December 31, 2023. The bill postpones the date by which each facility that discharges through an ocean outfall must install a functioning reuse system from December 31, 2025, to December 31, 2030.

The bill postpones the date by which utilities can satisfy the reuse requirement by demonstrating that they have a functioning reuse system equivalent to 60% of the total average daily wastewater flows of their entire wastewater system from December of 2025, to December of 2030.

The bill requires a reporting schedule for permit holders to be submitted by July 1, 2018. The bill also requires a report documenting any changes in costs, actions, or financing necessary to eliminate ocean outfall discharge by July 1, 2021.

The bill does not appear to have a fiscal impact on state government. The bill does appear to have a significant positive fiscal impact on local governments by extending the deadline for implementation of upgrading treatment plants and developing alternative disposal options including reuse of reclaimed water. By extending the deadline for reuse requirements, the bill also has a positive fiscal impact on facilities that would not treat or manage peak flows. According to DEP, funding of the treatment plant upgrades would likely be accomplished through the issuance of bonds by the local governments to be paid back by utility revenues generated through rate increases. A five year delay of these upgrades could result in cost savings on wastewater treatment plants through the interest earned on monies put aside in prior years for these upgrades. See the Fiscal Comments Section for more detail.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0613.ANRS.DOCX

DATE: 3/25/2011

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 2008, SB 1302 was passed by the Legislature and signed by the governor. The intent of the bill was to protect Florida's coastal waters, including coral reefs, by decreasing the amount of nutrients discharged into coastal waters.

The bill directed the South Florida Water Management District (SFWMD) to include water resource and water supply development projects that promote the elimination of wastewater ocean outfalls within its regional water supply plan. It also provided that such projects should be given first consideration for state or water management district (WMD) funding assistance. Subject to specified conditions, the SFWMD must require the use of reclaimed water made available by the elimination of the wastewater ocean outfalls as part of their consumptive use permitting process.

The bill prohibited the new construction or expansion of wastewater ocean outfalls and limits the discharge of wastewater through ocean outfalls to the permitted capacity in effect on July 1, 2008. It required that discharge of domestic wastewater through ocean outfalls meet advanced wastewater treatment and management requirements no later than December 31, 2018. Such requirements are defined to include:

- Meeting the standards in s. 403.086 (4), F.S.¹; or
- A reduction in baseline loadings of total nitrogen and total phosphorus, equivalent to advanced wastewater treatment requirements in s. 403.086 (4), F.S., or a reduction in cumulative outfall loadings of total nitrogen and total phosphorus occurring between December 31, 2008 and December 31, 2025 which is equivalent to that which would be achieved if the requirements of s. 403.086 (4), F.S., were fully implemented December 31, 2018 and continued through December 31, 2025, as determined by the Department of Environmental Protection (DEP) pursuant to specified criteria, by December 31, 2018.

Facilities that meet 100 percent reuse for domestic wastewater discharge by December 31, 2018 are exempt from the treatment standards.

The bill also required all facilities that discharge wastewater through ocean outfalls to achieve, at a minimum, 60 percent reuse of the facilities actual annual flow by December 31, 2025, and prohibited discharge through ocean outfalls beyond that date, unless as a backup to the functioning reuse system.

The bill created a reporting schedule for permit holders who discharge domestic wastewater through ocean outfalls. Permit holders are required to detail the plan to meet the requirements of the act and provide a summary of actions accomplished to date. The bill provided a reporting schedule for the DEP to summarize the progress to date, to be submitted to the Legislature.

Effect of Proposed Changes

This bill postpones the date by which domestic wastewater facilities must meet more stringent treatment and management requirements from December 31, 2018, to December 31, 2023, with the exception of cumulative peak flows that do not exceed 10 percent of total annual flows. The bill postpones the date that advanced wastewater treatment and management requirements must be deemed to be met for a facility that has installed a fully functioning reuse system comprising of 100% of

¹ Section 403.086(4), F.S., sets the standards for the following concentrations:

1. Biochemical Oxygen Demand-5mg/l;
2. Suspended Solids-5 mg/l;
3. Total Nitrogen-3 mg/l;
4. Total Phosphorus-1 mg/l.

the facility's average annual daily flow from December 31, 2018, to December 31, 2023. The bill postpones the date by which each facility that discharges through an ocean outfall must install a functioning reuse system from December 31, 2025, to December 31, 2030.

The bill postpones the date by which utilities can also satisfy the reuse requirement by demonstrating that they have a functioning reuse system equivalent to 60% of the total average daily wastewater flows of their entire wastewater system from December of 2025, to December of 2030. A functioning reuse system means an environmentally, economically, and technically feasible system that provides a minimum of 60% of the facility's actual flow on an annual basis for irrigation of public access areas, residential properties, or agricultural crops; aquifer recharge; groundwater recharge; industrial cooling; or other acceptable reuse purposes authorized by the DEP².

The bill requires a reporting schedule for permit holders to be submitted by July 1, 2018. The bill also requires a report documenting any changes in costs, actions, or financing necessary to eliminate ocean outfall discharge by July 1, 2021.

B. SECTION DIRECTORY:

Section 1. Amends s. 403.086, F.S., postponing the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements; providing exceptions and alternatives.

Section 2. Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments

2. Expenditures:

See Fiscal Comments

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

DEP provided the following fiscal comments:

Direct Private Sector Costs:

The five year delay may have an impact on tourism and recreational uses of the coastal environment. The coral reefs off Southeast Florida contribute significantly to the tourist business in South Florida and are estimated to provide more than 61,000 jobs and \$1.9 billion in yearly income for residents of Southeast Florida. There would also be a corresponding delay in providing reclaimed water as an alternative water supply for the region, which could result in the need to develop more expensive alternative water supplies depending on future water supply demands.

² Section 403.086, F.S.

Direct Private Section Benefits:

Any cost savings for the local government utilities would be passed on to individuals or businesses that are served by the utility and would be reflected in the rates charged for such services

D. FISCAL COMMENTS:

DEP provided the following fiscal comments on local governments:

Non-recurring Effects:

The bill includes two provisions with fiscal impacts: A five year delay in meeting the advanced wastewater management and treatment, outfall elimination and reuse requirements, along with a provision that would exclude wastewater treatment plant peak flows from these requirements.

There are significant local government costs for the treatment plant upgrades and development of alternative disposal options including reuse of reclaimed water. To account for these costs utilities will have to increase their utility rates. A five year delay or deferral of these upgrades could result in cost savings to local governments operating the Ocean Outfall wastewater treatment plants through the interest earned on monies put aside in prior years for these upgrades. Monies could be put aside through gradual increases in utility rates over time, and therefore a five year delay could help in such efforts and avoid larger rate increases that would need to occur over a shorter time.

The peak flow exclusion would result in the construction of smaller sized facilities that would not treat or manage these peak flows. The City of Hollywood Utility Department has estimated that exclusion of peak flows from the treatment and reuse requirements would result in a cost savings of \$174 million in capital costs for peak flows of 10% of annual flows, \$162 million in capital costs for peak flows of 5% of annual flows, and \$142 million in capital costs for peak flows of 3% of annual flows. Broward County has estimated that exclusion of peak flows from the treatment and reuse requirements would result in a cost savings of \$620 million in capital costs for peak flows of 10% of annual flows, \$600 million in capital costs for peak flows of 5% of annual flows, and \$560 million in capital costs for peak flows of 3% of annual flows. The Miami Dade Water and Sewer Department estimated cost savings for their Central District wastewater treatment plan of \$243 million in capital costs for peak flows of 5% of annual flows. The cost curves for the three utilities shows the majority of the costs savings occur in the 1-3% peak flow range with significantly diminishing cost savings above 5% or peak flows.

Recurring Effects:

Any reduction in size of wastewater treatment plant upgrades associated with the peak flow exclusion would have corresponding decreases in long term operation and maintenance of the associated wastewater treatment systems for the local governments.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to domestic wastewater discharged through
 3 ocean outfalls; amending s. 403.086, F.S.; postponing the
 4 dates by which domestic wastewater facilities must meet
 5 more stringent treatment and management requirements;
 6 providing exceptions and alternatives; providing an
 7 effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Paragraphs (b) through (e) of subsection (9) of
 12 section 403.086, Florida Statutes, are amended to read:

13 403.086 Sewage disposal facilities; advanced and secondary
 14 waste treatment.—

15 (9) The Legislature finds that the discharge of domestic
 16 wastewater through ocean outfalls wastes valuable water supplies
 17 that should be reclaimed for beneficial purposes to meet public
 18 and natural systems demands. The Legislature also finds that
 19 discharge of domestic wastewater through ocean outfalls
 20 compromises the coastal environment, quality of life, and local
 21 economies that depend on those resources. The Legislature
 22 declares that more stringent treatment and management
 23 requirements for such domestic wastewater and the subsequent,
 24 timely elimination of ocean outfalls as a primary means of
 25 domestic wastewater discharge are in the public interest.

26 (b) With the exception of cumulative peak flows that do
 27 not exceed 10 percent of total annual flows, the discharge of
 28 domestic wastewater through ocean outfalls must ~~shall~~ meet

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29 advanced wastewater treatment and management requirements by
30 December 31, 2023 ~~no later than December 31, 2018~~. For purposes
31 of this subsection, the term "advanced wastewater treatment and
32 management requirements" means the advanced waste treatment
33 requirements set forth in subsection (4), a reduction in outfall
34 baseline loadings of total nitrogen and total phosphorus which
35 is equivalent to that which would be achieved by the advanced
36 waste treatment requirements in subsection (4), or a reduction
37 in cumulative outfall loadings of total nitrogen and total
38 phosphorus occurring between December 31, 2008, and December 31,
39 2030 ~~2025~~, which is equivalent to that which would be achieved
40 if the advanced waste treatment requirements in subsection (4)
41 were fully implemented beginning December 31, 2023 ~~2018~~, and
42 continued through December 31, 2030 ~~2025~~. The department shall
43 establish the average baseline loadings of total nitrogen and
44 total phosphorus for each outfall using monitoring data
45 available for calendar years 2003 through 2007 and ~~shall~~
46 establish required loading reductions based on this baseline.
47 The baseline loadings and required loading reductions of total
48 nitrogen and total phosphorus shall be expressed as an average
49 annual daily loading value. The advanced wastewater treatment
50 and management requirements of this paragraph shall be deemed to
51 be met for any domestic wastewater facility discharging through
52 an ocean outfall on July 1, 2008, which, by December 31, 2023,
53 ~~has installed no later than December 31, 2018,~~ a fully
54 operational reuse system comprising 100 percent of the
55 facility's annual average daily flow for reuse activities
56 authorized by the department.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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57 (c) Each domestic wastewater facility that discharges
 58 through an ocean outfall on July 1, 2008, must ~~shall~~ install a
 59 functioning reuse system by December 31, 2030 ~~no later than~~
 60 ~~December 31, 2025~~. For purposes of this subsection, a
 61 "functioning reuse system" means an environmentally,
 62 economically, and technically feasible system that provides a
 63 minimum treatment capacity of 60 percent of the facility's
 64 actual flow on an annual basis for irrigation of public access
 65 areas, residential properties, or agricultural crops; aquifer
 66 recharge; groundwater recharge; industrial cooling; or other
 67 acceptable reuse purposes authorized by the department. For
 68 purposes of this subsection, the term "facility's actual flow on
 69 an annual basis" means the annual average flow of domestic
 70 wastewater discharging through the facility's ocean outfall, as
 71 determined by the department, using monitoring data available
 72 for calendar years 2003 through 2007. Flows diverted from
 73 facilities to other facilities that provide 100 percent reuse of
 74 the diverted flows before ~~prior to~~ December 31, 2030 ~~2025~~, shall
 75 be considered to contribute to meeting the 60 percent reuse
 76 requirement. For utilities operating more than one outfall, the
 77 reuse requirement can be met if the combined actual reuse flows
 78 from facilities served by the outfalls is at least 60 percent of
 79 the sum of the total actual flows from the facilities, including
 80 flows diverted to other facilities for 100 percent reuse before
 81 ~~prior to~~ December 31, 2030 ~~2025~~. If, in the event treatment in
 82 addition to the advanced wastewater treatment and management
 83 requirements described in paragraph (b), treatment is needed ~~in~~
 84 ~~order~~ to support a functioning reuse system, such treatment must

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85 ~~shall~~ be fully operational by December 31, 2030 ~~no later than~~
86 ~~December 31, 2025~~. Utilities may also satisfy the reuse
87 requirement by demonstrating that they have a functioning reuse
88 system equivalent to 60 percent of the total average daily
89 wastewater flows of their entire wastewater system by December
90 32, 2030.

91 (d) With the exception of cumulative peak flows that do
92 not exceed 10 percent of total annual flows, the discharge of
93 domestic wastewater through ocean outfalls is prohibited after
94 December 31, 2030 ~~2025~~, except as a backup discharge that is
95 part of a functioning reuse system authorized by the department
96 as provided ~~for~~ in paragraph (c). A backup discharge may occur
97 only during periods of reduced demand for reclaimed water in the
98 reuse system, such as periods of wet weather, and must ~~shall~~
99 comply with the advanced wastewater treatment and management
100 requirements of paragraph (b).

101 (e) The holder of a department permit authorizing the
102 discharge of domestic wastewater through an ocean outfall as of
103 July 1, 2008, shall submit the following to the secretary of the
104 department ~~the following~~:

105 1. A detailed plan to meet the requirements of this
106 subsection, including the ~~an~~ identification of all land
107 acquisition and facilities necessary to provide for reuse of the
108 domestic wastewater; an analysis of the costs to meet the
109 requirements; and a financing plan for meeting the requirements,
110 including identifying any actions necessary to implement the
111 financing plan, such as bond issuance or other borrowing,
112 assessments, rate increases, fees, other charges, or other

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113 financing mechanisms. The plan must ~~shall~~ include a detailed
114 schedule for the completion of all necessary actions and ~~shall~~
115 be accompanied by supporting data and other documentation. The
116 plan must ~~shall~~ be submitted by July 1, 2018 ~~no later than July~~
117 ~~1, 2013~~.

118 2. By July 1, 2021 ~~No later than July 1, 2016~~, an update
119 of the plan required in subparagraph 1. documenting any
120 refinements or changes in the costs, actions, or financing
121 necessary to eliminate the ocean outfall discharge in accordance
122 with this subsection or a written statement that the plan is
123 current and accurate.

124 Section 2. This act shall take effect July 1, 2011.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Agriculture & Natural
2 Resources Subcommittee
3 Representative Trujillo offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Subsection (9) of section 403.086, Florida
8 Statutes, is amended to read:

9 403.086 Sewage disposal facilities; advanced and secondary
10 waste treatment.—

11 (9) The Legislature finds that the discharge of domestic
12 wastewater through ocean outfalls wastes valuable water supplies
13 that should be reclaimed for beneficial purposes to meet public
14 and natural systems demands. The Legislature also finds that
15 discharge of domestic wastewater through ocean outfalls
16 compromises the coastal environment, quality of life, and local
17 economies that depend on those resources. The Legislature
18 declares that more stringent treatment and management
19 requirements for such domestic wastewater and the subsequent,

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20 timely elimination of ocean outfalls as a primary means of
21 domestic wastewater discharge are in the public interest.

22 (a) The construction of new ocean outfalls for domestic
23 wastewater discharge and the expansion of existing ocean
24 outfalls for this purpose, along with associated pumping and
25 piping systems, are prohibited. Each domestic wastewater ocean
26 outfall shall be limited to the discharge capacity specified in
27 the department permit authorizing the outfall in effect on July
28 1, 2008, which discharge capacity shall not be increased.
29 Maintenance of existing, department-authorized domestic
30 wastewater ocean outfalls and associated pumping and piping
31 systems is allowed, subject to the requirements of this section.
32 The department is directed to work with the United States
33 Environmental Protection Agency to ensure that the requirements
34 of this subsection are implemented consistently for all domestic
35 wastewater facilities in Florida which discharge through ocean
36 outfalls.

37 (b) The discharge of domestic wastewater through ocean
38 outfalls must ~~shall~~ meet advanced wastewater treatment and
39 management requirements by December 31, 2023 ~~no later than~~
40 ~~December 31, 2018~~. For purposes of this subsection, the term
41 "advanced wastewater treatment and management requirements"
42 means the advanced waste treatment requirements set forth in
43 subsection (4), a reduction in outfall baseline loadings of
44 total nitrogen and total phosphorus which is equivalent to that
45 which would be achieved by the advanced waste treatment
46 requirements in subsection (4), or a reduction in cumulative
47 outfall loadings of total nitrogen and total phosphorus

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 613 (2011)

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48 occurring between December 31, 2008, and December 31, 2025,
49 which is equivalent to that which would be achieved if the
50 advanced waste treatment requirements in subsection (4) were
51 fully implemented beginning December 31, 2020 ~~2018~~, and
52 continued through December 31, 2025. The department shall
53 establish the average baseline loadings of total nitrogen and
54 total phosphorus for each outfall using monitoring data
55 available for calendar years 2003 through 2007 and ~~shall~~
56 establish required loading reductions based on this baseline.
57 The baseline loadings and required loading reductions of total
58 nitrogen and total phosphorus shall be expressed as an average
59 annual daily loading value. The advanced wastewater treatment
60 and management requirements of this paragraph shall be deemed to
61 be met for any domestic wastewater facility discharging through
62 an ocean outfall on July 1, 2008, which has installed by ~~no~~
63 ~~later than~~ December 31, 2018, a fully operational reuse system
64 comprising 100 percent of the facility's annual average daily
65 flow for reuse activities authorized by the department.

66 (c)1. Each utility that had a permit for a domestic
67 wastewater facility that discharged ~~discharges~~ through an ocean
68 outfall on July 1, 2008, must ~~shall~~ install a functioning reuse
69 system by ~~no later than~~ December 31, 2025. For purposes of this
70 subsection, a "functioning reuse system" means an
71 environmentally, economically, and technically feasible system
72 that provides a minimum of 60 percent of a ~~the~~ facility's
73 baseline actual flow or, for utilities operating more than one
74 facility, 60 percent of the utility's entire wastewater system
75 flow on an annual basis on December 31, 2025. Reuse may be ~~on an~~

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76 ~~annual basis~~ for irrigation of public access areas, residential
77 properties, or agricultural crops; ~~aquifer recharge of the~~
78 Biscayne or Upper Floridan Aquifers; groundwater recharge;
79 industrial cooling; or other acceptable reuse purposes
80 authorized by the department. For purposes of this subsection,
81 the term "baseline flow" ~~"facility's actual flow on an annual~~
82 ~~basis"~~ means the annual average flow of domestic wastewater
83 discharging through the facility's ocean outfall, as determined
84 by the department, using monitoring data available for calendar
85 years 2003 through 2007.

86 2. Flows diverted from facilities to other facilities that
87 provide 100 percent reuse of the diverted flows before ~~prior to~~
88 December 31, 2025, shall be considered to contribute to meeting
89 the ~~60 percent~~ reuse requirement. For utilities operating more
90 than one outfall, the reuse requirement ~~may~~ ~~can~~ be apportioned
91 between the met if the combined actual reuse flows from
92 facilities served by the outfalls is at least 60 percent of the
93 sum of the total actual flows from the facilities, including
94 flows diverted to other facilities for 100 percent reuse before
95 ~~prior to~~ December 31, 2025. Utilities that shared a common ocean
96 outfall for the discharge of domestic wastewater on July 1,
97 2008, regardless of which utility operates the ocean outfall,
98 are individually responsible for meeting the reuse requirement
99 and may enter into binding agreements to share or transfer such
100 responsibility among the utilities. In the event treatment in
101 addition to the advanced wastewater treatment and management
102 requirements described in paragraph (b) is needed in order to

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103 support a functioning reuse system, such treatment must ~~shall~~ be
104 fully operational by ~~no later than~~ December 31, 2025.

105 (d) The discharge of domestic wastewater through ocean
106 outfalls is prohibited after December 31, 2025, except as a
107 backup discharge that is part of a functioning reuse system or
108 other wastewater management system authorized by the department
109 ~~as provided for in paragraph (c)~~. Except as otherwise provided
110 in this subsection, a backup discharge may occur only during
111 periods of reduced demand for reclaimed water in the reuse
112 system, such as periods of wet weather, or as the result of peak
113 flows from other wastewater management systems and must ~~shall~~
114 comply with the advanced wastewater treatment and management
115 requirements of paragraph (b). Peak flow backup discharges from
116 other wastewater management systems may not cumulatively exceed
117 5 percent of a facility's baseline flow, measured as a 5-year
118 rolling average; are subject to applicable secondary waste
119 treatment and water-quality-based effluent limitations specified
120 in department rules; and, when in compliance with the effluent
121 limitations, are deemed to meet the advanced wastewater
122 treatment requirements of this subsection.

123 (e) The holder of a department permit authorizing the
124 discharge of domestic wastewater through an ocean outfall as of
125 July 1, 2008, shall submit the following to the secretary of the
126 department ~~the following~~:

127 1. A detailed plan to meet the requirements of this
128 subsection, including the identification of the technical,
129 environmental, and economic feasibility of various reuse
130 options; the ~~an~~ identification of all land acquisition and

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131 facilities necessary to provide for reuse of the domestic
132 wastewater; an analysis of the costs to meet the requirements,
133 including the level of treatment necessary to satisfy state
134 water quality requirements and local water quality
135 considerations, and a comparative cost of reuse using flows from
136 ocean outfalls and flows from other domestic wastewater sources;
137 and a financing plan for meeting the requirements, including
138 identifying any actions necessary to implement the financing
139 plan, such as bond issuance or other borrowing, assessments,
140 rate increases, fees, other charges, or other financing
141 mechanisms. The plan must evaluate reuse demand in the context
142 of future regional water supply demands, the availability of
143 traditional water supplies, the need for development of
144 alternative water supplies, the degree to which various reuse
145 options offset potable water supplies, and other factors
146 considered in the South Florida Water Management District's
147 Lower East Coast Regional Water Supply Plan. The plan must ~~shall~~
148 include a detailed schedule for the completion of all necessary
149 actions and ~~shall~~ be accompanied by supporting data and other
150 documentation. The plan must ~~shall~~ be submitted by October 1,
151 2014 ~~no later than July 1, 2013.~~

152 2. By July 1, 2018 ~~No later than July 1, 2016,~~ an update
153 of the plan required in subparagraph 1. documenting any
154 refinements or changes in the costs, actions, or financing
155 necessary to eliminate the ocean outfall discharge in accordance
156 with this subsection or a written statement that the plan is
157 current and accurate.

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158 (f) By December 31, 2009, and by December 31 every 5 years
159 thereafter, the holder of a department permit authorizing the
160 discharge of domestic wastewater through an ocean outfall shall
161 submit to the secretary of the department a report summarizing
162 the actions accomplished to date and the actions remaining and
163 proposed to meet the requirements of this subsection, including
164 progress toward meeting the specific deadlines set forth in
165 paragraphs (b) through (e). The report shall include the
166 detailed schedule for and status of the evaluation of reuse and
167 disposal options, preparation of preliminary design reports,
168 preparation and submittal of permit applications, construction
169 initiation, construction progress milestones, construction
170 completion, initiation of operation, and continuing operation
171 and maintenance.

172 (g) No later than July 1, 2010, and by July 1 every 5
173 years thereafter, the department shall submit a report to the
174 Governor, the President of the Senate, and the Speaker of the
175 House of Representatives on the implementation of this
176 subsection. The report shall summarize progress to date,
177 including the increased amount of reclaimed water provided and
178 potable water offsets achieved, and identify any obstacles to
179 continued progress, including all instances of substantial
180 noncompliance.

181 (h) By February 1, 2012, the department shall submit a
182 report to the Governor and Legislature detailing the results and
183 recommendations from phases 1 through 3 of its ongoing study on
184 reclaimed water use.

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185 (i) The renewal of each permit that authorizes the
186 discharge of domestic wastewater through an ocean outfall as of
187 July 1, 2008, shall be accompanied by an order in accordance
188 with s. 403.088(2)(e) and (f) which establishes an enforceable
189 compliance schedule consistent with the requirements of this
190 subsection.

191 (j) An entity that diverts wastewater flow from a
192 receiving facility that discharges domestic wastewater through
193 an ocean outfall must meet the ~~60 percent~~ reuse requirement of
194 paragraph (c). Reuse by the diverting entity of the diverted
195 flows shall be credited to the diverting entity. The diverted
196 flow shall also be correspondingly deducted from the receiving
197 facility's baseline actual flow on an annual basis from which
198 the required reuse is calculated pursuant to paragraph (c), and
199 the receiving facility's reuse requirement shall be recalculated
200 accordingly.

201

202 The department, the South Florida Water Management District, and
203 the affected utilities must consider the information in the
204 detailed plan under paragraph (e) for the purpose of adjusting,
205 as necessary, the reuse requirements of this subsection. The
206 department shall submit a report to the Legislature by February
207 15, 2015, containing recommendations for any changes necessary
208 to the requirements of this subsection.

209 Section 2. This act shall take effect July 1, 2011.

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T I T L E A M E N D M E N T
Remove the entire title and insert:
A bill to be entitled
An act relating to domestic wastewater discharged through
ocean outfalls; amending s. 403.086, F.S.; postponing the
dates by which domestic wastewater facilities must meet
more stringent treatment and management requirements;
providing exceptions; revising the definition of the term
"functioning reuse system"; changing the term "facility's
actual flow on an annual basis" to "baseline flow";
revising plan requirements for the elimination of ocean
outfalls; authorizing certain utilities to enter into
binding agreements to share or transfer responsibility for
meeting reuse requirements; requiring the Department of
Environmental Protection, the South Florida Water
Management District, and affected utilities to consider
certain information for the purpose of adjusting reuse
requirements; requiring the department to submit a report
to the Legislature; providing an effective date.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 741 Lake Worth Drainage District, Palm Beach County
SPONSOR(S): Berman
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	15 Y, 0 N	Duncan	Hoagland
2) Agriculture & Natural Resources Subcommittee		<i>PC</i> Cunningham	Blalock <i>AKB</i>
3) Finance & Tax Committee			
4) Economic Affairs Committee			

SUMMARY ANALYSIS

The Lake Worth Drainage District (District) is an independent special district created in 1961 for the purpose of reclaiming, draining, and irrigating lands within the District and to provide water control and water supply. The governing body of the District consists of five elected supervisors. The District is comprised of approximately 200 square miles and includes approximately 500 miles of drainage canals, 20 major water control structures and numerous minor structures. These water control structures are used to hold water higher than sea level in order to prevent salt water from encroaching and polluting existing fresh water wells. The District has approximately 100 employees and is supported by an annual non-ad valorem assessment.

The bill expands the powers of the District by granting it the authority to develop, acquire, construct, operate, maintain, and finance water supply sources and facilities, including but not limited to, alternative water supplies as defined by law and subject to all applicable federal, state, and local regulations. The District is also authorized to enter into any contract or interlocal agreement with a local government or a public or private utility in order to carry out its authorized functions related to water supply sources and facilities.

The bill further authorizes the District to borrow money and issue notes and bonds for the development, acquisition, construction, operation, finance, or maintenance of water supply resources or facilities. However, the bill stipulates that the bonds must be secured consistent with the terms of any water supply or finance agreement with public or private entities and the bonds are not payable from any district revenue. All costs associated with the District's water supply sources or facilities are the obligation of the signatories to any water supply or finance agreements other than the District. The District is prohibited from engaging in retail sales of public water supplies or acting as a water utility.

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2011-12 or 2012-2013.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Lake Worth Drainage District (District) is an independent special district and was created in 1961 for the purpose of reclaiming, draining, and irrigating lands within the District and to provide water control and water supply. The District is governed by five elected supervisors elected to three-year terms. The District is comprised of approximately 200 square miles and includes approximately 500 miles of drainage canals, 20 major water control structures and numerous minor structures.¹ These water control structures are used to hold water higher than sea level in order to prevent salt water from encroaching and polluting existing fresh water wells. The District has approximately 100 employees and is supported by an annual non-ad valorem assessment.²

Currently, potable water is supplied to residents of southeast Florida through the use of water wells pulling water from an aquifer that is limited in water and it is anticipated that the aquifer will run out of water in the near future. In response to this need, a Joint Broward and Palm Beach County Water Resources Task Force has been established to seek alternative water supply for the region. The task force includes representatives of public utilities, the South Florida Water Management District, municipalities as well as water control districts such as the Lake Worth Drainage District. One of the regional supply concepts involves the C-51 Reservoir.³ The C-51 Reservoir Project involves the construction of a regional surface water reservoir for the capture and redistribution of stormwater runoff with potential benefits to both Broward and Palm Beach counties and the Lake Worth Drainage District would be integral to the project. However, the District needs to be granted the authority to engage in activities and functions related to water supply resources and facilities.

Effect of the Bill

The bill expands the powers of the District by granting it the authority to develop, acquire, construct, operate, maintain, and finance water supply sources and facilities, including but not limited to, alternative water supplies⁴ as defined by law and subject to all applicable federal, state, and local regulations. The District is also authorized to enter into any contract or interlocal agreement with a local government or a public or private utility in order to carry out its authorized functions related to water supply sources and facilities pursuant to this act.

The bill further authorizes the District to borrow money and issue notes and bonds for the development, acquisition, construction, operation, finance, or maintenance of water supply resources or facilities. However, the bill stipulates that the bonds must be secured consistent with the terms of any water supply or finance agreement with public or private entities and the bonds are not payable from any district revenue. All costs associated with the District's water supply sources or facilities are the obligation of the signatories to any water supply or finance agreements other than the District. The District is prohibited from engaging in retail sales of public water supplies or acting as a water utility.

¹ Lake Worth Drainage District, History, <http://www.lwdd.net/v2/normal/home.htm> (last visited March 18, 2011).

² Lake Worth Drainage District, Introduction, <http://www.lwdd.net/v2/normal/home.htm> (last visited March 18, 2011).

³ Broward Water Resources Task Force Report, August 2010, at 11, *available at* http://my.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wrtf_final_report_0810.pdf; and Lake Worth Drainage District Newsletter, Winter/Spring 2011.

⁴ "Alternative water supplies" means salt water; brackish surface and groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan. Section 373.019(1), F.S.

B. SECTION DIRECTORY:

Section 1 Amends s. 3 of s.3 of ch. 2009-258, L.O.F. authorizing the Lake Worth Drainage District to develop, operate, and finance water supply resources and facilities; and to borrow money and issue notes and bonds for the development, operation and financing of such water supply resources and facilities.

Section 2 Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 16, 2011

WHERE? Palm Beach Post West Palm Beach, Palm Beach County, FL

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2011-12 or 2012-2013.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A.

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1 A bill to be entitled
 2 An act relating to the Lake Worth Drainage District, Palm
 3 Beach County; amending chapter 2009-258, Laws of Florida;
 4 authorizing the district to develop and operate water
 5 supply sources and facilities and to enter into interlocal
 6 agreements with local governments and public and private
 7 utilities for such purpose; providing for issuance of
 8 notes and bonds; prohibiting the district from engaging in
 9 retail water sales; providing an effective date.

10

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

12

13 Section 1. Section 3 of section 3 of chapter 2009-258,
 14 Laws of Florida, is amended to read:

15 Section 3. Powers of district.—

16 (1) The district shall have the power to sue and be sued
 17 by its name in any court of law or in equity; to make contracts;
 18 to adopt and use a corporate seal and to alter the same at
 19 pleasure; to acquire by purchase, gift, or condemnation real and
 20 personal property, either or both, within or without the
 21 district, and to convey and dispose of such real and personal
 22 property, either or both, as may be necessary or convenient to
 23 carry out the purposes, or any of the purposes, of this act and
 24 chapter 298, Florida Statutes; to construct, operate, renovate,
 25 and maintain canals, ditches, drains, levees, and other works
 26 for drainage and irrigation purposes; to acquire, purchase,
 27 operate, and maintain pumps, plants, and pumping systems for
 28 drainage and irrigation purposes; to construct, operate, and

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29 maintain all types of irrigation works, machinery, and plants;
 30 to construct, improve, and maintain roadways and roads necessary
 31 and convenient for the exercise of the powers and duties, or any
 32 of the powers or duties, of the district or the supervisors
 33 thereof; to borrow money and issue negotiable or other bonds of
 34 the district as hereinafter provided; to borrow money from time
 35 to time and issue negotiable or other notes of the district
 36 therefor, bearing interest at a rate not exceeding the maximum
 37 rate allowed by general law for public bodies, agencies, and
 38 political subdivisions as provided in section 215.84, Florida
 39 Statutes, in anticipation of collection of taxes, levies, and
 40 assessments or revenues of the district, and to pledge or
 41 hypothecate such taxes, levies, assessments, and revenues to
 42 secure such bonds, notes, or obligations, and to sell, discount,
 43 negotiate, and dispose of the same; and to exercise all other
 44 powers necessary, convenient, or proper in connection with any
 45 of the powers or duties of the district stated in this act. The
 46 powers and duties of the district shall be exercised by and
 47 through a board of supervisors, which shall have the authority
 48 to employ engineers, attorneys, agents, employees, and
 49 representatives as the board may from time to time determine,
 50 and to fix their compensation and duties.

51 (2) The district is further authorized and empowered to
 52 develop, acquire, construct, operate, maintain, and finance
 53 water supply sources and facilities, including, but not limited
 54 to, sources defined pursuant to section 373.019(1), Florida
 55 Statutes, subject to all applicable federal, state, and local
 56 laws and regulations. The district may also enter into any

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57 | contract or interlocal agreement with a local government or a
58 | public or private utility related to the aforementioned power.

59 | (3) The district may borrow money and issue notes and
60 | bonds for the development, acquisition, construction, operation,
61 | finance, or maintenance of water supply sources or facilities.
62 | However, any notes or bonds shall be secured pursuant to the
63 | terms of any water supply or finance agreement with public or
64 | private entities. Such notes or bonds shall not be payable from
65 | any district revenue. All costs of the development, acquisition,
66 | construction, operation, finance, or maintenance of water supply
67 | sources or facilities shall be the obligation of the signatories
68 | to any water supply or finance agreements other than the
69 | district.

70 | (4) The district may not engage in retail sales of public
71 | water supplies or otherwise act as a water utility.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1437 Professional Practices Involving Animals

SPONSOR(S): Porter

TIED BILLS: None **IDEN./SIM. BILLS:** SB 1586

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		RC Cunningham	Blalock AFB
2) Economic Affairs Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Current law¹ regulates various professions, such as veterinarians, and requires those seeking to practice those professions in the state to obtain a license. However, a professional of another state, territory, or nation is exempt from the licensure requirement if that person:

- Holds an active license to practice that profession in another jurisdiction;
- Engages in the active practice of that profession outside the state; and
- Is employed or designated in that professional capacity by a sports entity visiting the state for a specific event.

The professional's practice is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals involved in that sporting event. However, such professionals do not have practice privileges in any licensed health care facility or veterinary facility without that facility's approval.

The bill removes the licensing exemption for out-of-state and foreign veterinarians associated with a sports entity or sporting event and requires them to be licensed in Florida in order to practice on animals at a sporting event taking place in the state.

This bill appears to have an indeterminate positive fiscal impact on state government revenues. The bill requires out-of-state and foreign veterinarians to purchase a Florida veterinary license in order to practice veterinary medicine in Florida. Licenses cost \$265 for a biennial license and \$255 for a limited service permit.

¹ Chapter 455 and 456, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 455, F.S., provides the general powers of the Division of Business and Professional Regulation (DBPR) and sets forth the procedural and administrative frame-work for all of the professional boards housed under the DBPR.

The DBPR is the state agency responsible for the licensing of veterinarians, while the Board of Veterinary Medicine (board)² within the DBPR is responsible for adopting rules to establish fees and implement the provisions of ch. 474, F.S.

For a person to be licensed as a veterinarian he or she must apply to the DBPR to take a licensure examination. The DBPR must license each applicant who the board certifies has:

- Completed the application form and remitted an examination fee set by the board;³
- Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education or graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates;
- Successfully completed the examination provided by the department for this purpose, or an examination determined by the board to be equivalent; and
- Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the board.⁴

An applicant may be eligible for temporary licensure if certain requirements are met. In order for the board to certify an applicant to the DBPR for issuance of a temporary license to practice veterinary medicine, an applicant must demonstrate to the board that the applicant:

- Has filed an application for temporary licensure identifying the name and address of the owner of the animals to be treated, the type of animals to be treated and their injury or disease, the location the treatment is to be performed, and the names, addresses, and titles of all persons entering the state with the applicant to perform the treatment; or
- Has filed an application and is responding to an emergency for the treatment of animals of multiple owners;
- Has paid the temporary licensure fee;
- Holds an active license to practice veterinary medicine in another state of the United States and that any license to practice veterinary medicine that the person has ever held has never been revoked, suspended or otherwise acted against by the licensing authority;
- Is neither the subject of any pending prosecution nor has ever been convicted of any offense which is related to the practice of veterinary medicine; and
- Satisfies the qualifications for licensure by endorsement.⁵

² The board consists of seven members, who are appointed by the Governor, and are subject to confirmation by the Senate. Five members of the board must be licensed veterinarians and two members of the board must be laypersons who are not and have never been veterinarians or members of any closely related profession or occupation. Section 474.204, F.S.

³ For applicants taking the Laws and Rules examination that is not conducted by a professional testing service, the examination fee is \$165.00, payable to the DBPR. For applicants taking the Laws and Rules examination that is conducted by a professional testing service, the examination fee is \$151.50 payable to the DBPR plus \$13.50 payable to the testing service. Rule 61G18-12.002, F.A.C. The applicant for licensure must also pay an initial licensure fee of \$200, if the person is licensed in the first 12 months of the biennium, or \$100, if the person is licensed in the second 12 months of the biennium. Rule 61G18-12.007, F.A.C.

⁴ Section 474.207, F.S.

A temporary license is valid for a period of 30 days from its issuance. A temporary license does not cover more than the treatment of the animals of the owner identified in the application. Upon expiration of the license, a new license is required.⁶

An applicant may also be eligible for licensure by endorsement if specific requirements are met. The DBPR must issue a license by endorsement to any applicant who, upon applying to the DBPR and remitting the requisite fee,⁷ demonstrates to the board that she or he:

- Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in Florida; and
- Either holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the requirements for licensure in the issuing state, district, or territory are equivalent to or more stringent than the requirements of ch. 474, F.S.; or
- Meets the application and examination requirements under Florida law and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the DBPR.⁸

Sections 455.2185 and 456.023, F.S., provide that a professional of another state, territory, or nation is exempt from the licensure requirement if that person:

- Holds an active license to practice that profession in another jurisdiction;
- Engages in the active practice of that profession outside the state; and
- Is employed or designated in that professional capacity by a sports entity visiting the state for a specific event.

The professional's practice is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals involved in that sporting event. However, such professionals do not have practice privileges in any licensed health care facility or veterinary facility without that facility's approval.

According to the Florida Veterinary Medical Association, unlicensed veterinarians are taking advantage of the current law by working at major sporting events and practicing for multiple owners, whether out of state or Florida-based. News reports indicate that in 2009, an Argentine veterinarian in Florida gave a vitamin supplement to the Venezuelan polo team's horses called biodyl (which is banned in the U.S.) to speed the recovery of the horses between polo matches. All 21 of the horses that received the supplement died.⁹

Effect of Proposed Changes

The bill removes the licensing exemption for out-of-state and foreign veterinarians associated with a sports entity or sporting event and requires them to be licensed in Florida in order to practice on animals at a sporting event taking place in the state.

The bill requires out-of-state and foreign veterinarians to purchase a Florida veterinary license in order to practice veterinary medicine in Florida. Licenses cost \$265 for a biennial license and \$255 for a limited service permit.

⁵ Rule 61G18-25.001, F.A.C.

⁶ 61G18-25.001 F.A.C.

⁷ The fee for licensure by endorsement is \$500. Rule 61G18-12.011, F.A.C.

⁸ Section 474.217, F.S.

⁹ <http://www.dressage-news.com/?p=714>, and <http://www.deseretnews.com/article/705299766/Polo-team-vet-grief-stricken-over-horse-deaths.html>

B. SECTION DIRECTORY:

Section 1: Amends s. 455.2185, F.S., relating to exemptions for certain out-of-state or foreign professionals.

Section 2: Amends s. 456.023, F.S., relating to exemptions for certain out-of-state or foreign professionals.

Section 3: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill has an indeterminate positive fiscal impact on the state government revenues. This bill requires out-of-state and foreign veterinarians to purchase a Florida veterinary license in order to practice veterinary medicine in Florida. Licenses cost \$265 for a biennial license and \$255 for a limited service permit.¹⁰

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will require veterinarians that are currently exempt from the licensing requirement to obtain a Florida license to practice at sporting events in the state and to pay for the cost of obtaining each license.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

¹⁰ http://www.myfloridalicense.com/dbpr/pro/vetm/documents/vet_faqs.pdf

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to professional practices involving
 3 animals; amending ss. 455.2185 and 456.023, F.S.; deleting
 4 provisions authorizing certain out-of-state and foreign
 5 professionals to engage in professional practices
 6 involving animals at certain sporting events; deleting
 7 provisions authorizing such professionals to have practice
 8 privileges in licensed veterinary and health care
 9 facilities; providing an effective date.

10

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

12

13 Section 1. Subsection (2) of section 455.2185, Florida
 14 Statutes, is amended to read:

15 455.2185 Exemption for certain out-of-state or foreign
 16 professionals; limited practice permitted.--

17 (2) A professional's practice under this section is
 18 limited to the members, coaches, and staff of the team for which
 19 that professional is employed or designated ~~and to any animals~~
 20 ~~used if the sporting event for which that professional is~~
 21 ~~employed or designated involves animals. A professional~~
 22 ~~practicing under authority of this section shall not have~~
 23 ~~practice privileges in any licensed veterinary facility without~~
 24 ~~the approval of that facility.~~

25 Section 2. Subsection (2) of section 456.023, Florida
 26 Statutes, is amended to read:

27 456.023 Exemption for certain out-of-state or foreign
 28 professionals; limited practice permitted.--

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29 (2) A professional's practice under this section is
30 limited to the members, coaches, and staff of the team for which
31 that professional is employed or designated ~~and to any animals~~
32 ~~used if the sporting event for which that professional is~~
33 ~~employed or designated involves animals.~~ A professional
34 practicing under authority of this section does ~~shall~~ not have
35 practice privileges in any licensed health care facility ~~or~~
36 ~~veterinary facility without the approval of that facility.~~

37 Section 3. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1479 Land Application of Septage

SPONSOR(S): Coley

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Deslatte <i>JD</i>	Blalock <i>AFB</i>
2) State Affairs Committee			

SUMMARY ANALYSIS

During the 2010 session, SB 550 was passed by the Legislature and signed into law by the Governor. The bill contained a number of provisions relating to onsite sewage treatment and disposal systems. The bill created a statewide septic tank evaluation program and required the Department of Health (DOH) to undertake rulemaking and implement the first phase of the evaluation program by January 1, 2011, with full statewide implementation by January 1, 2016. During the 2010 special session, the Legislature extended the implementation date to July 1, 2011. The bill also prohibited the land application of septage from onsite sewage treatment and disposal systems by January 1, 2016. In addition, the bill required that the DOH, in consultation with the Department of Environmental Protection (DEP), provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems by February 1, 2011.

The bill repeals the prohibition on the land application of septage from septic tank pumpouts that goes into effect on January 1, 2016, and the requirement that DOH provide a report recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems by February 1, 2011.

The bill has a positive fiscal impact on the DOH. The DOH currently has 92 land application sites permitted, with an annual fee of \$200 per site. Total revenue to the DOH for permitting these sites is \$18,400. Repealing the ban on land application of septage would allow the DOH to continue its current permitting program for these sites. The bill does not have a fiscal impact on local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

During the 2010 session, SB 550 was passed by the Legislature and signed into law by the Governor. The bill contained a number of provisions relating to onsite sewage treatment and disposal systems. The bill created a statewide septic tank evaluation program and required the Department of Health (DOH) to undertake rulemaking and implement the first phase of the evaluation program by January 1, 2011, with full statewide implementation by January 1, 2016. During the 2010 special session, the Legislature extended the implementation date to July 1, 2011. The bill also prohibited the land application of septage from onsite sewage treatment and disposal systems by January 1, 2016. In addition, the bill required that the DOH, in consultation with the Department of Environmental Protection (DEP), provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems by February 1, 2011.

Effect of Proposed Changes

The bill repeals the prohibition on the land application of septage from septic tank pumpouts that goes into effect on January 1, 2016, and the requirement that DOH provide a report recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems by February 1, 2011.

B. SECTION DIRECTORY:

Section 1. Amends s. 381.0065, F.S., terminating the future imposition of the prohibition of the land application of septage from onsite sewage treatment and disposal systems.

Section 2. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill appears to have a positive fiscal impact on state government revenues (See Fiscal Comments Section).

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

According to the DOH analysis, land application of septage provides an additional alternative for disposal. With the termination of the ban on land application of septage, septic tank pumpers/septage haulers can continue business as usual. Without the termination of the ban on land application of septage, these businesses would, over the next five years, have had to find approved municipal wastewater treatment plants or biosolids receiving facilities that accept septage at a typically higher cost than land application due to driving distance and fees for disposal.

D. FISCAL COMMENTS:

According to the DOH analysis, repeal of the termination on land application of septage allows the DOH to continue its current permitting program for these sites. DOH currently has 92 land application sites permitted, with an annual fee of \$200 per site. Total revenue to the DOH for permitting these sites is \$18,400.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to the land application of septage;
 3 amending s. 381.0065, F.S.; terminating the future
 4 imposition of the prohibition of the land application of
 5 septage from onsite sewage treatment and disposal systems;
 6 providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsection (7) of section 381.0065, Florida
 11 Statutes, is amended to read:

12 381.0065 Onsite sewage treatment and disposal systems;
 13 regulation.-

14 ~~(7) LAND APPLICATION OF SEPTAGE PROHIBITED. Effective~~
 15 ~~January 1, 2016, the land application of septage from onsite~~
 16 ~~sewage treatment and disposal systems is prohibited. By February~~
 17 ~~1, 2011, the department, in consultation with the Department of~~
 18 ~~Environmental Protection, shall provide a report to the~~
 19 ~~Governor, the President of the Senate, and the Speaker of the~~
 20 ~~House of Representatives, recommending alternative methods to~~
 21 ~~establish enhanced treatment levels for the land application of~~
 22 ~~septage from onsite sewage and disposal systems. The report~~
 23 ~~shall include, but is not limited to, a schedule for the~~
 24 ~~reduction in land application, appropriate treatment levels,~~
 25 ~~alternative methods for treatment and disposal, enhanced~~
 26 ~~application site permitting requirements including any~~
 27 ~~requirements for nutrient management plans, and the range of~~
 28 ~~costs to local governments, affected businesses, and individuals~~

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29 | ~~for alternative treatment and disposal methods. The report shall~~
30 | ~~also include any recommendations for legislation or rule~~
31 | ~~authority needed to reduce land application of septage.~~

32 | Section 2. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANRS 11-02 Timber and lumber stamps and brands
SPONSOR(S): Agriculture & Natural Resources Subcommittee
TIED BILLS: None IDEN./SIM. BILLS: None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Agriculture & Natural Resources Subcommittee		<i>JC</i> Cunningham	Blalock <i>AFB</i>

SUMMARY ANALYSIS

Current Florida law regulates the use of timber and lumber brands and stamps to:

- Permit any person involved in the timber and lumber business to adopt a brand or stamp of their design to identify their saw logs;
- Permit a person to make a declaration of an adopted brand or stamp to authorized officers and clerks of the court in any county where their logs may be owned or in their possession;
- Enable any person to prevent the use of their brand or stamp by others in any county where their brand has been recorded;
- Provide that any log found in a county with a record of its brand or stamp, is deemed the property of the brand or stamp owner;
- Clarify that if two or more identical or substantially identical brands or stamps are recorded in the same county, only the first recorded brand or stamp is legal;
- Provide that tampering with legally recorded brands or stamps and fraudulently marking or stamping lumber with the intent to claim it as their own or to prevent identification by the actual owner is considered larceny; and
- Provide that any unlawful use of a recorded brand or stamp is classified as a misdemeanor of the second degree.¹

The practice of using timber and lumber brands or stamps is no longer used by the industry. Therefore, the bill repeals these provisions from statute.

The bill does not appear to have a fiscal impact on state or local governments.

¹ S. 775.082, F.S. or 775.083, F.S., punishable by not more than 60 days imprisonment and not more than a \$500 fine.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 536, F.S., regulates the use of timber and lumber brands and stamps.

Section 536.13, F.S., permits a person involved in the timber and lumber business to adopt a brand or stamp of their design to identify their saw logs.

Section 536.14, F.S., permits a person to make a declaration of an adopted brand or stamp to authorized officers and clerks of the court in any county where their logs may be owned or in their possession.

Section 536.15, F.S., enables any person to prevent the use of their brand or stamp by others in any county where their brand has been recorded.

Section 536.16, F.S., provides that any log found in a county with a record of its brand or stamp, is deemed the property of the brand or stamp owner.

Section 536.17, F.S., clarifies that if two or more identical or substantially identical brands or stamps are recorded in the same county, only the first recorded brand or stamp is legal.

Section 536.18, F.S., provides that tampering with legally recorded brands or stamps and fraudulently marking or stamping lumber with the intent to claim it as their own or to prevent identification by the actual owner is considered larceny.

Section 536.19, F.S., provides that any unlawful use of a recorded brand or stamp is classified as a misdemeanor of the second degree.²

Effect of Proposed Changes

The practice of using timber and lumber brands or stamps is no longer used by the timber industry. Therefore, the bill is repealing ch. 536, F.S.

B. SECTION DIRECTORY:

Section 1: Repeals sections 536.13, 536.14, 536.15, 536.16, 536.17, 536.18, and 536.19, F.S.

Section 2: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

² S. 775.082, F.S. or 775.083, F.S., punishable by not more than 60 days imprisonment and not more than a \$500 fine.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to timber and lumber; repealing s. 536.13,
 3 F.S., relating to stamp or brand for logs.; repealing s.
 4 536.14, F.S., relating to brands to be recorded by clerk
 5 of circuit court.; repealing s. 536.15, F.S., relating to
 6 may prevent use by others.; repealing s. 536.16, F.S.,
 7 relating to prima facie evidence of ownership.; repealing
 8 s. 536.17, F.S., relating to where two or more brands the
 9 same.; repealing s. 536.18, F.S., relating to defacing the
 10 mark or brand of lumber and timber.; repealing s. 536.19,
 11 F.S., relating to unlawful use of recorded log brand or
 12 stamp.; providing an effective date.

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

15
 16 Section 1. Sections 536.13, 536.14, 536.15, 536.16,
 17 536.17, 536.18, and 536.19, F.S., are repealed.

18 Section 2. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANRS 11-03 Limited Agricultural Associations

SPONSOR(S): Agriculture & Natural Resources Subcommittee

TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Agriculture & Natural Resources Subcommittee		Kaiser <i>[Signature]</i>	Blalock <i>[Signature]</i>

SUMMARY ANALYSIS

Limited agricultural associations (LAA) were created in the early 1940's as a way to promote and encourage more efficient and progressive agriculture, as well as to enable agricultural producers in the state to benefit from a collective effort without the expense and technical involvements typical of corporate structure. Today, many agricultural producers rely on state and national associations, such as the Beef Checkoff Program, to provide technical expertise, as well as marketing assistance.

The bill repeals current law establishing a LAA. It does not appear that LAA's are used any longer in the state and, therefore, these statutes are obsolete.

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Limited agricultural associations (LAA) were created in the early 1940's as a way to promote and encourage more efficient and progressive agriculture, as well as to enable agricultural producers in the state to benefit from a collective effort without the expense and technical involvements typical of corporate structure.

Current law allows for any three or more persons engaged in agricultural pursuits to form a LAA. The LAA may adopt bylaws to provide for membership in the LAA. No member may be held personally liable for any claims against or indebtedness and obligations of the LAA.

The articles of association must be subscribed by the original members and acknowledged by one of the original members before an officer of the state authorized to take acknowledgements and administer oaths. Two copies of the articles of association, together with a certificate of the Department of State stating that there is no other LLA within the state having the same name, is required to be filed with the clerk of the circuit court in the county where the principal place of business of the association is to be located. The proposed articles of association must be endorsed and approved by the circuit judge. Upon endorsement by the circuit judge, the articles of association must be recorded by the clerk of the circuit court. The clerk of the circuit court must then transmit a copy of the articles of association to the Department of State for filing. The Department of State and the clerk of the court are entitled to a fee of \$5.25 for services rendered in connection with the formation of the LAA.

The articles of association must set forth:

- The name of the LAA and the location of the principal place of business.
- The purpose for which the LAA is formed.
- The term of existence for the LAA.
- Which officers will conduct the business of the LAA, as well as the names of the officers who will conduct the business until their successors are eligible to serve.¹
- The number, to be not less than three, of the LAA's managing committee members.²
- The fact that the members may not be held personally liable for any claims against or indebtedness and obligations of the LAA.

The name of the proposed LAA must be different from that of any other LLA in the state and must include the words "Limited Agricultural Association" or the letters "LAA" to distinguish it from a natural person, firm, co-partnership or corporation.

Each LAA must adopt bylaws within 30 days after organization. The bylaws must provide for such matters as the acceptance of memberships, the issuance of certificates of membership, the fixing of the voting and participation rights of the owners of such certificates, the assignability of such certificates, the election of a managing committee and the determination of its powers, the time and place of meetings of the LAA and the election, powers, and duties of its officers.

A LAA may be dissolved upon the presentation by its members of a petition for dissolution to the circuit judge in the county where the principal place of business of the association is located. The judge may make all orders necessary to the preservation of the rights of the members and creditors and the conclusion of the affairs of the LAA. The notice of hearing of the petition for dissolution must be given by the judge as he/she deems appropriate.

¹ Officers must be members of the LAA.

² Managing committee members must be members of the LAA.

Effect of Proposed Changes

The bill repeals the Limited Agricultural Association (LAA) law. It does not appear that LAA's are used any longer in the state and, therefore, these statutes are obsolete.

B. SECTION DIRECTORY:

Section 1: Repeals ss. 604.09, relating to the purpose of a limited agricultural association; repealing s. 604.10, F.S.; relating to the powers and membership of a limited agricultural association; repealing s. 604.11, F.S.; relating to the formation and fees of a limited agricultural association; repealing s. 604.12, F.S.; relating to the articles of association and name of a limited agricultural association; repealing s. 604.13, F.S.; relating to the bylaws of a limited agricultural association; and, repealing s. 604.14, F.S.; relating to the dissolution of a limited agricultural association.

Section 2: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county of municipal governments.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

BILL

ORIGINAL

YEAR

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A bill to be entitled
 An act relating to limited agriculture association;
 repealing s. 604.09, F.S.; relating to the purpose of a
 limited agricultural association; repealing s. 604.10,
 F.S.; relating to the powers and membership of a limited
 agricultural association; repealing s. 604.11, F.S.;
 relating to the formation and fees of a limited
 agricultural association; repealing s. 604.12, F.S.;
 relating to the articles of association and name of a
 limited agricultural association; repealing s. 604.13,
 F.S.; relating to the bylaws of a limited agricultural
 association; repealing s. 604.14, F.S.; relating to the
 dissolution of a limited agricultural association;
 providing an effective date.

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

Section 1. Sections 604.09, 604.10, 604.11, 604.12,
604.13, and 604.14, Florida Statutes, are repealed.

Section 2. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANRS 11-04 Forest Development
SPONSOR(S): Agriculture & Natural Resources Subcommittee
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Agriculture & Natural Resources Subcommittee		<i>CC</i> Cunningham	Blalock <i>AFB</i>

SUMMARY ANALYSIS

Currently, Florida law¹ authorizes local governments and school districts to establish forest lands they own or to acquire new forest lands to:

- Encourage counties, cities, towns, and school districts to utilize their available lands for productive forest purposes;
- Encourage reduction of taxes by producing income from the use of such land;
- Encourage development by having desirable recreational features in forests; and
- Encourage forestry education by establishing permanent forests for use of vocational agriculture departments, schools, and Boy and Girl Scout troops.

Counties, cities, towns, or school districts desiring to create a community forest are required to appoint a forestry committee to make recommendations to the governing board (the county, city, town or school district) regarding the management of the forest. All management of the community forest must adhere to the direction of the Division of Forestry (Division) in accordance with the practice and principles of scientific forestry for the benefit of the entity.

According to the division, this program is no longer being implemented and similar coordinating provisions are included in chapters 589 and 253, F.S. In addition, local governments under their home rule authority can accomplish the provisions of chapter 591, F.S. Therefore, the bill is repealing the chapter of law pertaining to community forests.

This bill does not appear to have a fiscal impact on state or local governments.

¹ Chapter 591, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 591, F.S., authorizes local governments and school districts to establish forest lands they own or to acquire new forest lands.

Section 591.15, F.S., provides for the title "Florida Community Forest Law."

Section 591.16, F.S., provides that the purposes of this law are:

- To encourage counties, cities, towns, and school districts to utilize their available lands for productive forest purposes;
- To encourage reduction of taxes by producing income from use of such land;
- To encourage development by having desirable recreational features in forests; and
- To encourage forestry education by establishing permanent forests for use of vocational agriculture departments, schools, and Boy and Girl Scout troops.

Section 591.17, F.S., defines the terminology pertaining to chapter 591, F.S.

Section 591.18, F.S., empowers counties, cities, towns, or school districts to manage land available to the entity under the direction of the Division of Forestry (division) in accordance with the practice and principles of scientific forestry for the benefit of the entity.

Section 591.19, F.S., empowers counties, cities, towns, and school districts that have lands approved by the division, to transfer title of fee simple lands, not in other public use, to any county, city, town, or school district.

Section 591.20, F.S., requires counties, cities, towns, and school districts desiring to establish community forests, to appoint a forestry committee.

Section 591.21, F.S., provides that the duties of the forestry committee are:

- To advise the governing board in acquiring, developing, managing, making contracts, making agreements, issuing permits, potential hiring, rules, and regulations pertaining to the forest; and
- To ask for open competitive bids for any sale in excess of \$100 and to purchase from the lowest and best bidder and anything over \$500 should be advertised in one issue each of two consecutive weeks in a county newspaper of general circulation and the highest and best bid should be accepted.

Section 591.22, F.S., permits counties, cities, towns, or school districts that have appointed forestry committees to appropriate money from available funds to the committee. It also requires the committee to prepare a budget each year and to make recommendations to the governing board pertaining to the forest.

Section 591.23, F.S., requires revenues from the forest to be credited to the general fund of counties, cities, towns, or school districts or as required by agreements with youth organizations.

Section 591.24, F.S., requires the forestry committee to provide fiscal year reports to the governing board of counties, cities, towns, or school districts and audited by the regular auditor of such entity.

Section 591.25, F.S., requires that lands acquired under these provisions be protected from wildfire, maintained as a permanent public forest, and that the timber is managed with methods approved by the division.

Effect of Proposed Changes

According to the division, the community forest program is no longer being implemented, and similar coordinating provisions are included in chapters 589 and 253, F.S. In addition, local governments under their home rule authority can accomplish the provisions of chapter 591, F.S. Therefore, the bill is repealing the chapter 591, F.S., pertaining to community forests.

B. SECTION DIRECTORY:

Section 1: Repeals sections 591.15, 591.16, 591.17, 591.18, 591.19, 591.20, 591.21, 591.22, 591.23, 591.24, 591.25, and 591.26, F.S.

Section 2: Provides an effective date of July 1, 2001.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

BILL

ORIGINAL

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A bill to be entitled
 An act relating to forest development; repealing ch. 591,
 F.S.; relating to the establishment and management of
 community forests by political subdivisions and school
 districts, the appointment of forestry committees, the use
 of revenues from such forests, and the sale of such
 forests; providing an effective date.

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

Section 1. Chapter 591, Florida Statutes, consisting of
sections 591.15, 591.16, 591.17, 591.18, 591.19, 591.20, 591.21,
591.22, 591.23, 591.24, 591.25, and 591.26, is repealed.

Section 2. This act shall take effect July 1, 2011.

11-05

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANRS 11-05 The Florida Water Resources Act of 1972

SPONSOR(S): Agriculture & Natural Resources Subcommittee

TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Agriculture & Natural Resources Subcommittee		Deslatte JD	Blalock AFB

SUMMARY ANALYSIS

The Florida Water Resources Act of 1972¹ addresses various policies pertaining to water resources, water supply planning and management, water quality, and the permitting of activities that impact water resources in the state. The Department of Environmental Protection (DEP) and water management districts (WMDs) implement these policies by:

- Establishing state and regional water supply plans;
- Permitting the consumptive use of water;
- Establishing minimum flows and levels;
- Establishing alternative water supplies;
- Permitting the construction or alteration of any stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, including dredging, filling, and construction activities in, on, and over wetlands and other surface waters; and
- Enforcing water quality standards.

Currently, two statutes provide that the provisions of ch. 373, F.S., must be liberally construed in order to effectively carry out its purposes.

The bill repeals one of these statutes.

The bill does not appear to have a fiscal impact on state or local governments.

¹ Chapter 373, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Florida Water Resources Act of 1972² addresses various policies pertaining to water resources, water supply planning and management, water quality, and the permitting of activities that impact water resources in the state. The Department of Environmental Protection (DEP) and water management districts (WMDs) implement these policies by:

- Establishing state and regional water supply plans;
- Permitting the consumptive use of water;
- Establishing minimum flows and levels;
- Establishing alternative water supplies;
- Permitting the construction or alteration of any stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, including dredging, filling, and construction activities in, on, and over wetlands and other surface waters; and
- Enforcing water quality standards.

Currently, ss. 373.616 and 373.6161, F.S., provide that ch. 373, F.S., must be liberally construed in order to effectively carry out its purposes.

Effect of Proposed Changes

The bill repeals s. 373.616, F.S. because the language is duplicative to s. 373.6161, F.S.

B. SECTION DIRECTORY:

Section 1. Repeals s. 373.616, F.S., relating to the liberal interpretation of ch. 373, F.S.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

² Chapter 373, F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

BILL

ORIGINAL

YEAR

1 A bill to be entitled
2 An act relating to the Florida Water Resources Act of
3 1972; repealing s. 373.616, F.S.; relating to the liberal
4 interpretation of ch. 373, F.S.; providing an effective
5 date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Section 373.616, Florida Statutes, is repealed.

10 Section 2. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 173 Submerged Lands
SPONSOR(S): Agriculture & Natural Resources Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Agriculture & Natural Resources Subcommittee		Maurer JHM	Blalock AFB

SUMMARY ANALYSIS

The Board of Trustees of the Internal Improvement Fund (board) is responsible for the administration and disposition of the state's sovereign submerged lands, which includes the authority to adopt regulations pertaining to anchoring, mooring, or otherwise attaching to the bottom and the establishment of anchorages. Waterfront landowners must receive the board's authorization to build docks and related structures on sovereign submerged lands. The Department of Environmental Protection (DEP) is required by law to perform all staff functions on behalf of the board.

The board has promulgated detailed rules regulating the design of docks and related structures, determining whether a lease is required, and setting the amount of fees a lessee must pay to the board. The DEP determines whether a lease is required for a person to build a dock or related structure on sovereign submerged lands based on a number of factors including:

- Location within or outside of an aquatic preserve
- Area of sovereign submerged land preempted
- Number of wet slips or the number of boats the structure is designed to moor
- Whether the dock is for a single-family residence or a multi-unit dwelling
- Whether the dock generates revenue
- Whether the dock is "private residential" or "commercial, industrial and other revenue generating/income related"

A property owner who is required to obtain a lease to build a dock or related structure must follow the lease terms and pay applicable fees. Currently, the standard term lease term is five years, and sites under lease must be inspected once every five years. Annual lease fees for standard term leases are calculated through a formula based on either annual income, square footage, or a minimum annual fee. Extended term leases are available, under limited conditions, for up to 25 years. Annual lease fees for extended term leases are calculated through the same formula that applies to standard lease fees, with a multiplier for the term in years.

This bill provides statutory lease requirements for private residential docks and related structures on sovereign submerged lands. Specifically, the bill:

- Extends the maximum term for an initial lease and for successive renewal to 10 years from five years and requires inspection by the DEP at least once every 10 years instead of every five years
- Requires leases to disclose all applicable lease fees as established by the board
- Exempts multi-family docks and structures that require a lease from paying a fee on minimal amounts of sovereignty submerged lands that are leased to reflect the same size-based exemption currently in place for single-family docks
- Clarifies that lessees whose upland property qualifies for a homestead exemption are not required to pay a lease fee on revenue derived from the transfer of fee simple or beneficial ownership
- Specifies that the board and the DEP are not prohibited from imposing additional application fees, regulatory permitting fees, or other lease requirements as otherwise authorized by law.

According to the DEP's analysis, this bill is expected to have a negative physical impact of approximately \$1 million on state government through the reduction of lease fees paid. See *Fiscal Impacts* section.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Introduction

Upon statehood, Florida gained title to all sovereign submerged lands¹ within its boundaries, to be held in trust for the public.² The Board of Trustees of the Internal Improvement Fund (board) is responsible for the acquisition, administration, management, control, supervision, conservation, protection, and disposition of such lands.³ The Florida Constitution requires the sale of such lands to be authorized by law, but only when in the public interest, and private use of portions of such lands may be authorized by law, but only when not contrary to the public interest.⁴ When disposing of sovereign submerged lands, the board is required to “ensure maximum benefit and use.”⁵ The board has the authority to adopt regulations pertaining to anchoring, mooring, or otherwise attaching to the bottom and the establishment of anchorages on sovereign submerged lands.⁶

Florida recognizes “riparian rights” for landowners with waterfront property bordering on navigable waters.⁷ These rights include ingress, egress, boating, bathing, fishing, and others as defined by law.⁸ Riparian landowners must obtain the board’s authorization for installation and maintenance of docks, piers, and boat ramps on sovereign submerged land.⁹ Under the board’s rules, “dock” generally means a fixed or floating structure, including moorings and access walkways, used for the purpose of mooring and accessing vessels.¹⁰ Authorization may be in the form of consent by rule,¹¹ letter of consent,¹² or lease.¹³ All leases authorizing activities on sovereign submerged lands must include provisions for lease fee adjustments and annual payments.¹⁴

PCS HB 173 creates s. 253.0347, F.S., relating to leases of sovereignty submerged lands for private residential single-family docks or piers, private residential multi-family docks or piers, and private residential multi-slip docks located in and outside of an aquatic preserve. For these types of leases, the bill impacts (1) lease duration, (2) lease fee applicability and calculation, and (3) site inspection.

For ease of reading, “private residential single-family or multi-family dock” is used in this analysis to refer to private residential single-family docks or piers, private residential multi-family docks or piers, and private residential multi-slip docks.¹⁵

¹ In Florida, “submerged lands” are “publicly owned lands below the ordinary high-water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state.” Section 253.03(8)(b), F.S.

² *Broward v. Marbry*, 50 So. 826, 829-30 (Fla. 1909).

³ Section 253.03(1), F.S. (2010).

⁴ FLA. CONST. art. X, s. 11.

⁵ Section 253.03(7)(a), F.S.

⁶ Section 253.03(7)(b), F.S.

⁷ Section 253.141(1), F.S. These rights are appurtenant to and inseparable from the riparian land; the rights inure to the property owner, but the rights are not proprietary in nature. *Id.*

⁸ Section 253.141(1), F.S.

⁹ 18-21.005(1)(d), F.A.C. (2010).

¹⁰ See 18-20.003(19), F.A.C.; 18-21.003(20), F.A.C.

¹¹ 18-21.005(1)(b), F.A.C.

¹² 18-21.005(1)(c), F.A.C.

¹³ 18-21.005(1)(d), F.A.C.

¹⁴ 18-21.008(1)(b)(2), F.A.C.

¹⁵ For definitions of these terms as used in the board’s rules, see 18-20.003(44), F.A.C. (“private residential single-family dock”); 18-20.003(45) (“private residential multi-slip dock”), 18-21.003(47), F.A.C. (“private residential multi-family dock or pier”); 18-21.003(48), F.A.C. (“private residential single-family dock or pier”).

Duration of Leases

Present Situation

Currently, the duration of a standard lease is five years.¹⁶ Extended term leases with durations up to 25 years are also available under limited circumstances if approved by the board.¹⁷ According to the DEP, the vast majority of residential leases are standard leases with a duration of five years.

Effects of Proposed Bill

The bill establishes a 10-year maximum duration for initial sovereignty submerged land leases for private residential single-family or multi-family docks. Upon agreement of the parties and compliance with all applicable laws and rules, such leases may be renewed for successive terms of up to 10 years. In effect, this 10-year maximum allows for leases of both shorter and longer duration than currently provided for by rule; however, the DEP does not anticipate granting leases for fewer than 10 years.

Lease Fees and Calculation

Present Situation

The board has promulgated extensive and detailed rules regulating the design of docks and related structures. Multiple factors jointly determine which docks on sovereign submerged land require a lease, and subsequently when lease fees apply, including:

- Location within or outside of an aquatic preserve¹⁸
- Area of sovereign submerged land preempted¹⁹
- Number of wet slips or the number of boats the structure is designed to moor
- Whether the dock is for a single-family residence or a multi-unit dwelling
- Whether the dock generates revenue
- Whether the dock is "private residential"²⁰ or "commercial, industrial and other revenue generating/income related"²¹

The following currently require a lease and lease fees:

- All revenue-generating docks²²
- Outside of an aquatic preserve:
 - Single-family docks that preempt an area of more than 10 square feet for each foot of shoreline
 - Multi-family docks that preempt an area of more than 10 square feet for each foot of shoreline and include more than two wet slips
- Within an aquatic preserve, other than the Boca Ciega Bay or Pinellas County aquatic preserves:

¹⁶ 18-21.008(1), F.A.C.

¹⁷ 18-21.008(2)(a), F.A.C. Extended term leases are available where the use of sovereignty submerged lands has an expected life or amortization period equal to or greater than the requested lease term and where the applicant demonstrates the following: that the facility or activity provides access to public waters and sovereignty submerged lands for the general public on a first-come, first-served basis; that the facility is constructed, operated, or maintained by the government, or funded by government secured bonds with a term greater than or equal to the requested lease term; or that an extended term is necessary to satisfy unique operational constraints. *Id.*

¹⁸ Aquatic preserves are areas specifically designated by the legislature as having exceptional biological, aesthetic, or scientific value. See s. 258.37, F.S. (2010).

¹⁹ Relevant area is determined by a ratio of the area of sovereign submerged land preempted by the dock to the total linear feet of shoreline a riparian landowner holds on the affected water body (i.e., sovereign submerged land area in square feet : feet of shoreline owned). See 18-21.008(4)(a), (b), F.A.C. However, the board may allow exceptions to regulation based on this ratio in certain circumstances when the dock is consistent with the public interest. See 18-21.008(4)(b), F.A.C.

²⁰ These generally include docks used for private, recreational or leisure purposes. See 18-20.003(44), (45), F.A.C.

²¹ "Commercial, industrial and other revenue generating/income related docks" means docking facilities for any activity which produces income, through rental or any other means, or which serves as an accessory facility to other rental, commercial or industrial operations. It includes, but is not limited to, docking for: marinas, restaurants, hotels, motels, commercial fishing, shipping, boat or ship construction, repair, and sales. 18-20.003(16), F.A.C.

²² 18-21.005(1)(d)(5), F.A.C.

- Single-family docks that preempt an area of more than 10 square feet for each foot of shoreline²³
- Multi-slip²⁴ docks that include two or fewer wet slips and preempt an area of more than 10 square feet for each foot of shoreline²⁵
- Multi-slip docks that include three or more wet slips and exceed both the design criteria for single-family docks and preempt an area of more than 10 square feet for each foot of shoreline²⁶
- Within the Boca Ciega Bay or Pinellas County aquatic preserves:²⁷
 - Single-family docks that preempt an area of more than 10 square feet for each foot of shoreline²⁸
 - Multi-slip docks that preempt an area of more than 10 square feet for each foot of shoreline or include more than two wet slips²⁹

Lease fees for both standard and extended term leases are calculated through a fee formula, with adjustments for applicable discounts, surcharges, and other payments.³⁰ The annual lease fee for a standard lease is based on either 6% of the annual income, the base fee, or the minimum annual fee, whichever is greatest.³¹ The base fee is approximately 15¢ per square foot per year.³² The minimum annual fee is approximately \$460, adjusted annual based on the Consumer Price Index.³³ Private residential multi-family docks that include 10 or more wet slips developed in conjunction with upland property may be subject to a one-time premium when a lease is initiated, calculated at three times the base fee.³⁴ The extended term lease formula includes a multiplier for the number of years of the lease term.³⁵

In most cases, when upland property and the associated sovereign submerged land leased are transferred from an initial property developer to a subsequent resident, 6% of annual income will be the lease fee applicable.³⁶ In addition, when a resident sells (i.e., transfers fee simple or beneficial ownership) a unit in a private residential multi-family development, such as a condominium, and the unit has an associated wet slip, 6% of the revenue associate with the wet slip derived would again be the basis of the annual lease fee.

Effects of Proposed Bill

The bill requires lease contracts for sovereignty submerged lands for private residential single-family or multi-family docks to disclose the lease fees as established by the board.

The bill also extends the same financial benefit that currently exists for private residential single-family docks – exclusion from lease fees for a preempted area of 10 square feet or less for each linear foot of

²³ 18-21.005(1)(c)(2), F.A.C.

²⁴ The term "private residential multi-slip dock" refers to docks and related structures for multi-unit residential dwellings in aquatic preserves, whereas the term "private residential multi-family dock" addresses similar structures outside of aquatic preserves. 18-20.003(45), F.A.C.; 18-21.003(48), F.A.C..

²⁵ 18-20.004(5)(c)(1), F.A.C.

²⁶ *Id.*

²⁷ Boca Ciega Bay and Pinellas County aquatic preserves are in highly developed and urban areas. As such, certain regulatory differences exist for the building and maintenance of docks and other structures in these aquatic preserves.

²⁸ See 18-21.005(1)(c)(2), F.A.C.; 18-21.005(1)(d)(1.), F.A.C.

²⁹ Whereas in most aquatic preserves multi-slip docks that preempt an area more than 10 square feet for each foot of shoreline are effectively prohibited, in the Boca Ciega Bay and Pinellas County aquatic preserves multi-slip docks may preempt an area of more than 10 square feet for each foot of shoreline and less than 30 square feet for each foot of shoreline, with a lease from the board. 18-20.019(7)(a), F.A.C.

³⁰ 18-21.011(1)(a), F.A.C.

³¹ *Id.*

³² 18-21.011(1)(b)(1), F.A.C.

³³ 18-21.011(1)(b)(4), F.A.C.

³⁴ 18-21.011(1)(c), F.A.C.

³⁵ 18-21.011(1)(a), F.A.C.

³⁶ In these cases, 6% of the annual income would be the greatest among the potential formulas for calculating lease fees. See *id.*

shoreline – to private residential multi-family docks. This benefit is extended only to private residential multi-family dwellings that include no more than one wet slip for each approved upland residential unit. As such, lessees of sovereign submerged land for private residential multi-family docks that include no more than one wet slip for each approved upland residential unit are not required to pay lease fees on a preempted area of 10 square feet or less for each linear foot of shoreline. However, those private residential multi-family docks that include no more than one wet slip for each approved upland residential unit but do preempt an area of more than 10 square feet for each linear foot of shoreline (exceeding the ratio under which private residential single-family docks receive the exemption from lease fees) are subject to lease fees only on the preempted area of sovereign submerged land that exceeds 10 square feet for each linear foot of shoreline.

In addition, the bill establishes that lessees whose upland property qualifies for a homestead exemption at the time of any transfer of fee simple or beneficial ownership of the property are not required to pay a lease fee on revenue derived from the wet slip, dock, or pier. Thus, the fee of 6% of revenue associated with the wet slip, dock, or pier from such a sale would be payable as a lease fee only upon the first transfer from a non-resident developer or subsequent sale by a person who is not eligible for a homestead exemption pursuant to s. 196.031, F.S.

The bill also codifies current board rules regarding income generated through leased sovereign submerged lands. A lessee of sovereignty submerged lands for a private residential single-family or multi-family dock must pay a lease fee on any income derived from a wet slip, dock, or pier, as determined by the board. Lastly, the board and the DEP are not prohibited from imposing additional application fees, regulatory permitting fees, or other lease requirements as authorized by law.

Site Inspection

Present Situation

According to board rule, the DEP or water management district staff must inspect a leased site at least once every five years to determine compliance with the terms and conditions of the lease.³⁷

Effects of Proposed Bill

The bill requires the DEP to inspect sites under lease for private residential single-family or multi-family docks at least once every 10 years. Although the bill does not include authority for the water management districts to conduct inspections, currently the water management districts perform only regulatory reviews of lease applications and do not conduct proprietary reviews, including inspections.

B. SECTION DIRECTORY:

Section 1: Creates s. 253.0347, F.S., specifying the maximum initial terms for leases of leases of sovereignty submerged lands for private residential single-family docks or piers, private residential multi-family docks or piers, and private residential multi-slip dock; requiring lease contracts to specify lease fees; adding an exemption for lease fees below a certain threshold for certain multi-family and multi-slip leases; eliminating lease fees on revenue generated through transfer of fee simple or beneficial ownership if property is entitled to a homestead exemption pursuant to s. 196.031, F.S.; requiring the payment of lease fees upon income generated from sovereign submerged land leases; requiring inspections at least every 10 years.

Section 2: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

³⁷ 18-21.008(1)(b)(4), F.A.C.

This bill appears to have a negative fiscal impact on state government revenues. (See *Fiscal Comments* section).

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill would have an undetermined positive impact on the private sector, based on reduced lease fees under exemptions created.

D. FISCAL COMMENTS:

Based upon FY 2009-2010 statistics, the DEP estimates the following reduction in lease fee revenue:

- \$620,000 (estimated revenues lost on base fees, based on an estimation of: linear feet of affected shoreline x 10 square feet preempted area x \$0.156623 per square foot)
- \$360,000 (estimated revenues lost based on reporting of 6% of revenues).

Based on these figures, collection of submerged land lease fees will be reduced by approximately \$1 million. However, the DEP notes that, among leases for which lease fees are calculated based on the 6% of income formula, the number of the properties under homestead exemption is unknown, so the negative fiscal impact may be less than or greater than \$1 million.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The board and the DEP are not prohibited from imposing additional application fees, regulatory permitting fees, or other lease requirements as otherwise authorized by law.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Current bill language for lease duration specifies that the maximum initial term of a lease of sovereignty submerged lands for private residential single-family docks or piers, private residential multi-family docks or piers, and private residential multi-slip docks is 10 years. This conflicts with the 25-year maximum for extended term leases. Adding the qualifier "standard" on line 16 before "lease" would revise the subsection to apply only to standard term leases and remove the conflict with extended term leases.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to leases of sovereignty submerged lands;
 3 creating s. 253.0347, F.S.; establishing lease duration;
 4 providing for lease fees; requiring inspection of
 5 facilities; clarifying agency authority; providing an
 6 effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Section 253.0347, Florida Statutes, is created to
 11 read:

12 253.0347 Leases of sovereignty submerged lands for private
 13 residential single-family docks or piers, private residential
 14 multi-family docks or piers, and private residential multi-slip
 15 docks.—

16 (1) The maximum initial term of a lease of sovereignty
 17 submerged lands for a private residential single-family dock or
 18 pier, private residential multi-family dock or pier, or private
 19 residential multi-slip dock is 10 years. A lease is renewable
 20 for successive terms of up to 10 years if the parties agree and
 21 the lessee complies with all terms of the lease and all
 22 applicable laws and rules.

23 (2)(a) A lease contract for sovereignty submerged lands
 24 for a private residential single-family dock or pier, private
 25 residential multi-family dock or pier, or private residential
 26 multi-slip dock must specify the amount of lease fees as
 27 established by the Board of Trustees of the Internal Improvement
 28 Trust Fund.

BILL

ORIGINAL

YEAR

29 (b) If private residential multi-family docks or piers,
 30 private residential multi-slip docks, and other structures
 31 pertaining to the same upland parcel include a total of no more
 32 than one wet slip for each approved upland residential unit, the
 33 lessee is not required to pay a lease fee on a preempted area of
 34 10 square feet or less of sovereignty submerged lands for each
 35 linear foot of shoreline in which the lessee has a sufficient
 36 upland interest as determined by the Board of Trustees of the
 37 Internal Improvement Trust Fund.

38 (c) A lessee of sovereignty submerged lands for a private
 39 residential single-family dock or pier, private residential
 40 multi-family dock or pier, or private residential multi-slip
 41 dock is not required to pay a lease fee on revenue derived from
 42 the transfer of fee simple or beneficial ownership of private
 43 residential property that, at the time of transfer, is entitled
 44 to a homestead exemption pursuant to s. 196.031.

45 (d) A lessee of sovereignty submerged lands for a private
 46 residential single-family dock or pier, private residential
 47 multi-family dock or pier, or private residential multi-slip
 48 dock must pay a lease fee, in an amount determined by the Board
 49 of Trustees of the Internal Improvement Trust Fund, on any
 50 income derived from a wet slip, dock, or pier in the preempted
 51 area under lease.

52 (3) At least once every ten years, each private
 53 residential single-family dock or pier, private residential
 54 multi-family dock or pier, private residential multi-slip dock,
 55 or other private residential structure under lease shall be

BILL

ORIGINAL

YEAR

56 | inspected by the Department of Environmental Protection to
 57 | determine compliance with the terms and conditions of the lease.

58 | (4) This section does not prohibit the Board of Trustees
 59 | of the Internal Improvement Trust Fund or the Department of
 60 | Environmental Protection from imposing additional application
 61 | fees, regulatory permitting fees, or other lease requirements as
 62 | otherwise authorized by law.

63 | Section 2. This act shall take effect July 1, 2011.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2011)

Amendment No.

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Agriculture & Natural
2 Resources Subcommittee
3 Representative(s) Frishe offered the following:

4
5 **Amendment**

6 Remove line 16 and insert:

7 (1) The maximum initial term of a standard lease of
8 sovereignty