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# Natural Resources & Public Lands Subcommittee

January 10, 2018  
12:00 PM – 3:00 PM  
12 HOB

## Meeting Packet

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Natural Resources & Public Lands Subcommittee

**Start Date and Time:** Wednesday, January 10, 2018 12:00 pm  
**End Date and Time:** Wednesday, January 10, 2018 03:00 pm  
**Location:** 12 HOB  
**Duration:** 3.00 hrs

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

HB 915 Vessel Safety Inspection Decals by Henry

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

PCB NRPL 18-01 -- Ratification of a St. Johns River Water Management District Rule Related to the Implementation of the Silver Springs Minimum Flows and Water Levels Prevention Strategy

Presentation by the Department of Environmental Protection on the status of reaching the state's 75% recycling goal by 2020

Presentation by the Department of Environmental Protection on underground storage tank system damage related to corrosion from ethanol and biodiesel fuels report required by chapter 2017-095, Laws of Florida

**NOTICE FINALIZED on 01/08/2018 4:03PM by Herndon.Angela**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 915 Vessel Safety Inspection Decals  
**SPONSOR(S):** Henry  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1132

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Natural Resources & Public Lands Subcommittee		Moore <i>MF</i>	Shugar <i>XAS</i>
2) Government Accountability Committee			

### SUMMARY ANALYSIS

The owner and operator of every vessel on Florida waters must carry, store, maintain, and use safety equipment in accordance with the United States Coast Guard (USCG) safety equipment requirements, unless exempted by the Florida Fish and Wildlife Conservation Commission (FWC). Additionally, all vessels must be equipped with serviceable lights and shapes required under navigation rules.

In general, all vessels are required to have onboard a wearable USCG-approved personal flotation device for each person, which is the appropriate size for the intended wearer, be in serviceable condition, and within easy access. All vessels are also required to carry an efficient sound-producing device (e.g., bell, horn, whistle). Other safety requirements, for instance, the number of fire extinguishers and visual distress signals, vary depending on the length of the vessel.

An operator of a vessel who has demonstrated compliance with safety equipment and use requirements must be issued a safety inspection decal by a law enforcement officer signifying the vessel has met such requirements at the time and location of the inspection. A law enforcement officer may not stop a vessel that properly displays a valid safety inspection decal for the sole purpose of inspecting the vessel for compliance with safety equipment and use requirements, unless there is reasonable suspicion that a violation of such has occurred or is occurring. Currently, the law does not provide for an expiration date of the safety inspection decals.

The bill allows FWC to designate by rule the timeframe for expiration of, and the specific design for, the safety inspection decal. The bill provides that the safety inspection decal may not be valid for more than five years.

The bill may have a minimal negative fiscal impact on FWC because of an increased workload for the rulemaking requirements of the bill and the creation of decals, but this may be handled within existing resources. The bill does not appear to have a fiscal impact on local government or the private sector.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

The owner and operator of every vessel on Florida waters must carry, store, maintain, and use safety equipment in accordance with the United States Coast Guard (USCG) safety equipment requirements, unless exempted by the Florida Fish and Wildlife Conservation Commission (FWC).<sup>1</sup> Additionally, all vessels must be equipped with serviceable lights and shapes required by navigation rules.<sup>2</sup>

##### *Safety Equipment*

All vessels are generally required to have onboard a wearable USCG-approved personal flotation device (PFD) for each person, which is the appropriate size for the intended wearer, be in serviceable condition, and within easy access.<sup>3</sup> More PFDs are required depending on the length of the vessel. For example, a vessel that is 16 feet in length or longer must have at least one USCG-approved Type IV PFD in addition to the total number of PFDs required. In addition, a child under the age of six must wear a USCG-approved Type I, II or III PFD when onboard a vessel under 26 feet in length that is underway.<sup>4</sup> Other safety equipment requirements that vary depending on the length of the vessel include the number of USGC-approved fire extinguishers<sup>5</sup> and visual distress signals.<sup>6</sup> All vessels are also required to carry an efficient sound-producing device (e.g., bell, horn, whistle).<sup>7</sup>

##### *Safety Inspection Decal*

An operator of a vessel who has demonstrated compliance with safety equipment and use requirements must be issued a safety inspection decal by a law enforcement officer signifying the vessel has met such requirements at the time and location of the inspection. The safety inspection decal, if displayed, must be located within six inches of the vessel's registration decal. For nonmotorized vessels that are not required to be registered, the safety inspection decal, if displayed, must be located above the waterline on the forward half of the port side of the vessel.<sup>8</sup> Current law does not provide for an expiration date of the safety inspection decal.

A law enforcement officer may not stop a vessel that properly displays a valid safety inspection decal for the sole purpose of inspecting the vessel for compliance with safety equipment and use requirements, unless there is reasonable suspicion that a violation of such has occurred or is occurring.<sup>9</sup>

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<sup>1</sup> Section 327.50(1)(a), F.S.

<sup>2</sup> Section 327.50(2), F.S.; 33 C.F.R. § 83.20.

<sup>3</sup> 33 C.F.R. § 175.15.

<sup>4</sup> 33 C.F.R. § 175.15; USCG. *Life Jackets*, [http://www.uscgboating.org/regulations/state-boating-laws-details.php?id=25&title=\[4.9\]Life%20Jackets](http://www.uscgboating.org/regulations/state-boating-laws-details.php?id=25&title=[4.9]Life%20Jackets) (last visited Jan. 8, 2018); s. 327.50(1)(b), F.S., defines "underway."

<sup>5</sup> 46 C.F.R. § 169.567.

<sup>6</sup> 33 C.F.R. § 175.110.

<sup>7</sup> 33 C.F.R. § 83.33.

<sup>8</sup> Section 327.70 (2)(a), F.S.

<sup>9</sup> Section 327.70 (2)(b), F.S.

## Effect of Proposed Changes

The bill allows FWC to designate by rule the timeframe for expiration of, and the specific design for, the safety inspection decal. The bill provides that the safety inspection decal may not be valid for more than five years.

### B. SECTION DIRECTORY:

Section 1. Amends s. 327.70, F.S., providing rulemaking authority.

Section 2. Provides an effective date of July 1, 2018.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

The bill may have a minimal negative fiscal impact on FWC because of an increased workload for the rulemaking requirements of the bill and the creation of decals, but this may be handled within existing resources.

### 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. The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

#### 2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill allows FWC to designate by rule the timeframe for expiration of, and the specific design for, a safety inspection decal, which may not be valid for more than five years.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

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A bill to be entitled

An act relating to vessel safety inspection decals; amending s. 327.70, F.S.; providing rulemaking authority to the Fish and Wildlife Conservation Commission regarding expiration and design of safety inspection decals; specifying standards for such rulemaking; providing a maximum period of validity; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 327.70, Florida Statutes, is amended to read:

327.70 Enforcement of this chapter and chapter 328.—

(2)(a)1. Upon demonstrated compliance with the safety equipment carriage and use requirements of this chapter during a safety inspection initiated by a law enforcement officer, the operator of a vessel shall be issued a safety inspection decal signifying that the vessel is deemed to have met the safety equipment carriage and use requirements of this chapter at the time and location of such inspection. The commission may designate by rule the timeframe for expiration of, and the specific design for, the safety inspection decal. However, a decal may not be valid for more than 5 years and, at minimum, must meet the standards specified in s. 327.70(2)(a).

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



26        2. The safety inspection decal, if displayed, must be  
27 located within 6 inches of the inspected vessel's properly  
28 displayed vessel registration decal. For nonmotorized vessels  
29 that are not required to be registered, the safety inspection  
30 decal, if displayed, must be located above the waterline on the  
31 forward half of the port side of the vessel.

32        Section 2. This act shall take effect July 1, 2018.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB NRPL 18-01 Ratification of a St. Johns River Water Management District Rule Related to the Implementation of the Silver Springs Minimum Flows and Water Levels Prevention Strategy  
**SPONSOR(S):** Natural Resources & Public Lands Subcommittee  
**TIED BILLS:** IDEN./SIM. BILLS: SB 670

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Natural Resources & Public Lands Subcommittee		Moore <i>ML</i>	Shugar <i>YAS</i>

### SUMMARY ANALYSIS

Silver Springs is an Outstanding Florida Spring (OFS) and is required to have a minimum flow and water level (MFL). If the OFS is below or is projected to fall below the MFL within 20 years, then a recovery or prevention strategy is adopted concurrently with the MFL. In June 2017, the St. Johns River Water Management District (SJRWMD) adopted by rule the MFL for Silver Springs. The MFL is being met; however, by 2025, the projected water use demands of the area cannot be met under the established frequent low flow for the OFS.

Accordingly, the SJRWMD concurrently moved to adopt by rule a prevention strategy for the OFS, which includes the development of additional water supplies and other regulatory action to prevent the existing flow or water level from falling below the established MFL. The prevention strategy includes two water supply development projects, the Lower Floridan Aquifer Conversion Project and the Wetland Recharge Park Project, which will reduce potential impacts to Silver Springs. The SJRWMD is required to pay at least 25 percent of the total project cost for each project. The remaining costs would be incurred by water users.

A statement of estimated regulatory costs (SERC) must be prepared if the proposed rule will have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 aggregated within one year after implementation. If the SERC shows that the adverse impact or regulatory costs of the proposed rule exceeds \$1 million in the aggregate within five years after implementation, then the proposed rule must be submitted to the Legislature for ratification.

The SJRWMD's SERC for the proposed consumptive use rule associated with the Silver Springs MFL prevention strategy indicates that the proposed rule will exceed \$1 million aggregated within five years after implementation. Accordingly, the proposed rule was submitted to the Legislature for ratification.

The bill ratifies the SJRWMD's proposed consumptive use rule related to the prevention strategy for Silver Springs, which will be incorporated into the SJRWMD's "Applicant's Handbook, Consumptive Uses of Water" (Handbook). The Handbook is a publication that is adopted by rule pursuant to rule 40C-2.101, Florida Administrative Code (F.A.C.). The bill states that it serves no other purpose and will not be codified in the Florida Statutes. The bill specifies that after becoming law, its enactment and effective dates will be noted in the F.A.C., the Florida Administrative Register, or both, as appropriate.

The bill will have a negative fiscal impact on state government, local governments, and the private sector.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Silver Springs is an Outstanding Florida Spring<sup>1</sup> (OFS) located in Marion County, Florida. OFSs are required to have a minimum flow<sup>2</sup> and water level<sup>3</sup> (MFL) adopted by rule by July 1, 2017.<sup>4</sup> A recovery or prevention strategy must be adopted concurrently with the MFL, if the OFS is below or is projected to fall below the MFL within 20 years.<sup>5</sup>

In June 2017, the St. Johns River Water Management District (SJRWMD) adopted by rule the MFL for Silver Springs.<sup>6</sup> The MFL is being met; however, by 2025, the projected water use demands of the area cannot be met under the established frequent low flow for the OFS.<sup>7</sup> Accordingly, the SJRWMD has concurrently moved to adopt by rule a prevention strategy for the OFS, which includes the development of additional water supplies and other regulatory action to prevent the existing flow or water level from falling below the established MFL.<sup>8</sup>

##### *Prevention Strategy*

A prevention strategy must include the development of additional water supplies and regulatory actions to prevent the existing flow or water level from falling below the established MFL. A prevention strategy must include a phased-in approach or a timetable, which will allow for the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses, including development of additional water supplies and implementation of conservation and other efficiency measures concurrent with and, to the maximum extent practical, to offset reductions in permitted withdrawals.<sup>9</sup>

For an OFS, a prevention strategy must also include: a list of all specific projects identified for implementation; a priority listing of each project; the estimated cost and completion date of each project; the source and amount of financial assistance to be made available by the WMD<sup>10</sup> for each project, which may not be less than 25 percent of the total project cost unless a specific funding source(s) is identified which will provide more than 75 percent of the total project cost; an estimate of each project's benefit to the OFS; and an implementation plan designed with a target to achieve the adopted MFL no more than 20 years after the adoption of a prevention strategy.<sup>11</sup>

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<sup>1</sup> An "Outstanding Florida Spring" includes all historic first magnitude springs, including their associated spring runs, as determined by the Department of Environmental Protection using the most recent Florida Geological Survey springs bulletin and the following additional springs, including their associated spring runs: De Leon Springs; Peacock Springs; Poe Springs; Rock Springs; Wekiwa Springs; and Gemini Springs; s. 373.802(4), F.S.

<sup>2</sup> The minimum flow is the limit at which further water withdrawals would be significantly harmful to the water resources or ecology of the area; s. 373.042(1)(a), F.S.

<sup>3</sup> The minimum level is the level of groundwater in an aquifer or the level of a surface waterbody at which further withdrawals will significantly harm the water resources of the area; s. 373.042(1)(b), F.S.

<sup>4</sup> Section 373.042(2)(a), F.S.

<sup>5</sup> Section 373.805(1), F.S.

<sup>6</sup> Rule 40C-8.031(7), F.A.C.: The rule has since been amended and the current reference to the Silver Springs MFL is found in subsection (10).

<sup>7</sup> SJRWMD. *SERC*, [https://www.sjrwmd.com/static/permitting/ruledevelopment/SERC\\_for\\_40C-2.101\\_Silver\\_Springs\\_Strategy\\_Rules.pdf](https://www.sjrwmd.com/static/permitting/ruledevelopment/SERC_for_40C-2.101_Silver_Springs_Strategy_Rules.pdf) (last visited Jan. 8, 2018).

<sup>8</sup> Section 373.0421(2), F.S.; SJRWMD. *Prevention Strategy for the Implementation of Silver Springs Minimum Flows and Levels* (April 2017), [https://www.sjrwmd.com/static/mfls/ssmfl/Silver\\_Prevention\\_Strategy\\_Draft.pdf](https://www.sjrwmd.com/static/mfls/ssmfl/Silver_Prevention_Strategy_Draft.pdf) (last visited Jan. 8, 2018).

<sup>9</sup> Section 373.0421(2), F.S.

<sup>10</sup> The Northwest Florida WMD and the Suwannee River WMD are not required to meet this financial assistance requirement; s. 373.805(4)(d), F.S.

<sup>11</sup> Section 373.805(4)(a)-(f), F.S.

The SJRWMD's prevention strategy includes two water supply development projects, the Lower Floridan Aquifer (LFA) Conversion Project and the Wetland Recharge Park Project, which will reduce potential impacts to Silver Springs. The LFA Conversion Project will convert existing Upper Floridan Aquifer (UFA) wells, which extend a few hundred feet below ground, to LFA wells, which extend more than 1,000 feet below ground. The SJRWMD estimates that the cost of the LFA Conversion Project would range between \$23.82 million to \$44.97 million. The SJRWMD's estimates that the total cost for all prevention strategy projects will be approximately \$14 million. The SJRWMD estimates that its 25 percent portion of the project would be approximately \$1.8 million to \$9.06 million. The remaining costs would be incurred by water users.<sup>12</sup>

#### *Statement of Estimated Regulatory Cost and Legislative Ratification*

Before the adoption of a rule, an agency must prepare a statement of estimated regulatory costs (SERC) if the proposed rule will have an adverse impact on small business<sup>13</sup> or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 aggregated within one year after implementation.<sup>14</sup> If a SERC shows that the adverse impact or regulatory costs of the proposed rule exceeds \$1 million in the aggregate within five years after implementation, then the proposed rule must be submitted to the Legislature for ratification.<sup>15</sup>

The SJRWMD's SERC for the Silver Springs prevention strategy indicates the proposed rule will exceed \$1 million aggregated within five years after implementation. Accordingly, the proposed rule was submitted to the Legislature for ratification.

#### **Effect of Proposed Changes**

The bill ratifies the SJRWMD's proposed rule implementing the prevention strategy for Silver Springs, which will be incorporated into the SJRWMD's "Applicant's Handbook, Consumptive Uses of Water" (Handbook). The Handbook is a publication that is adopted by rule pursuant to rule 40C-2.101, Florida Administrative Code (F.A.C.).

The bill states that it serves no other purpose and will not be codified in the Florida Statutes. The bill specifies that after becoming law, its enactment and effective dates will be noted in the F.A.C., the Florida Administrative Register, or both, as appropriate. The bill specifies that it does not alter rulemaking authority delegated by prior law, constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under ch. 120, F.S. The bill also specifies that it does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

#### **B. SECTION DIRECTORY:**

Section 1. Ratifies a rule of the St. Johns River Water Management District.

Section 2. Provides an effective date of becoming a law.

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<sup>12</sup> SJRWMD. *SERC*. [https://www.sjrwmd.com/static/permitting/ruledvelopment/SERC\\_for\\_40C-2.101\\_Silver\\_Springs\\_Strategy\\_Rules.pdf](https://www.sjrwmd.com/static/permitting/ruledvelopment/SERC_for_40C-2.101_Silver_Springs_Strategy_Rules.pdf) (last visited Jan. 8, 2018).

<sup>13</sup> Section 288.703(6), F.S., defines "small business."

<sup>14</sup> Sections 120.54(3)(b) and 120.541(1)(b), F.S.

<sup>15</sup> Sections 120.541(2)(a) and (3), F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The SJRWMD's 25 percent share of the estimated cost of the LFA Conversion Project is approximately \$1.8 million to \$9.06 million. The SJRWMD's total cost for all prevention strategy projects will be approximately \$14 million.<sup>16</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The remaining 75 percent of the estimated cost of the LFA Conversion Project is approximately \$5.42 million to \$27.17 million, which will be a cost on water users. Additionally, water users who pump groundwater from the LFA would pay 100 percent of the increased operating costs. Increased operating costs represents the difference to pump water from the UFA, approximately \$19,100 per year, versus the slightly greater cost to pump water from the LFA, approximately \$22,900 per year, and the difference to treat fresh water from the UFA, approximately \$560,000 per year, versus the greater costs to treat brackish water from the LFA, approximately \$4,117,000 per year.<sup>17</sup>

Applicants who request an increase in permitted water use from the UFA beyond their 2024 water demand will incur new costs when applying for a new consumptive use permit (CUP), CUP modification, or CUP renewal. Of the 119 cities and counties within the SJRWMD, approximately 49 percent are small counties<sup>18</sup> or cities.<sup>19</sup> The SJRWMD determined that it was not suitable to exempt small counties or cities from the rule.<sup>20</sup>

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The remaining 75 percent of the estimated cost of the LFA Conversion Project is approximately \$5.42 million to \$27.17 million, which will be a cost on water users. Additionally, water users who pump groundwater from the LFA would pay 100 percent of the increased operating costs. Increased operating costs represents the difference to pump water from the UFA, approximately \$19,100 per year, versus the slightly greater cost to pump water from the LFA, approximately \$22,900 per year, and the difference to treat fresh water from the UFA, approximately \$560,000 per year, versus the greater costs to treat brackish water from the LFA, approximately \$4,117,000 per year.<sup>21</sup>

Applicants who request an increase in permitted water use from the UFA beyond their 2024 water demand will incur new costs when applying for a new CUP, CUP modification, or CUP renewal. The

<sup>16</sup> SJRWMD. *SERC*, [https://www.sjrwmd.com/static/permitting/ruledevelopment/SERC\\_for\\_40C-2.101\\_Silver\\_Springs\\_Strategy\\_Rules.pdf](https://www.sjrwmd.com/static/permitting/ruledevelopment/SERC_for_40C-2.101_Silver_Springs_Strategy_Rules.pdf) (last visited Jan. 8, 2018).

<sup>17</sup> *Id.*

<sup>18</sup> Section 120.52(19), F.S., defines a "small county."

<sup>19</sup> Section 120.52(18), F.S., defines a "small city."

<sup>20</sup> SJRWMD. *SERC*, [https://www.sjrwmd.com/static/permitting/ruledevelopment/SERC\\_for\\_40C-2.101\\_Silver\\_Springs\\_Strategy\\_Rules.pdf](https://www.sjrwmd.com/static/permitting/ruledevelopment/SERC_for_40C-2.101_Silver_Springs_Strategy_Rules.pdf) (last visited Jan. 8, 2018).

<sup>21</sup> *Id.*

SJRWMD determined that it was not suitable to exempt small businesses, which are approximately 84 percent of the permitted water users in the Silver Springs area, from the rule.<sup>22</sup>

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue 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

Not applicable.

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<sup>22</sup> *Id.*

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A bill to be entitled  
 An act relating to ratification of a St. Johns River  
 Water Management District rule; ratifying a specific  
 rule relating to implementation of the water  
 management district's prevention strategy to address  
 the Silver Springs minimum flows and water levels, for  
 the sole and exclusive purpose of satisfying any  
 condition on effectiveness pursuant to s. 120.541(3),  
 F.S., which requires ratification of any rule meeting  
 any specified thresholds for likely adverse impact or  
 increase in regulatory costs; providing an effective  
 date.

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

Section 1. (1) The following rule is ratified for the  
 sole and exclusive purpose of satisfying any condition on the  
 effectiveness imposed under s. 120.541(3), Florida Statutes:  
 Rule 40C-2.101, Florida Administrative Code, titled  
 "Publications Incorporated by Reference" as filed for adoption  
 with the Department of State pursuant to the certification  
 package dated August 1, 2017.  
(2) This act serves no other purpose and shall not be  
 codified in the Florida Statutes. After this act becomes law,  
 its enactment and effective dates shall be noted in the Florida



26 Administrative Code, the Florida Administrative Register, or  
27 both, as appropriate. This act does not alter rulemaking  
28 authority delegated by prior law, does not constitute  
29 legislative preemption of or exception to any provision of law  
30 governing adoption or enforcement of the rule cited, and is  
31 intended to preserve the status of any cited rule as a rule  
32 under chapter 120, Florida Statutes. This act does not cure any  
33 rulemaking defect or preempt any challenge based on a lack of  
34 authority or a violation of the legal requirements governing the  
35 adoption of any rule cited.

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





**Florida Department of Environmental Protection**

# **Florida and the 2020 75% Recycling Goal**

**Natural Resources and Public Lands  
Subcommittee  
January 10, 2018**



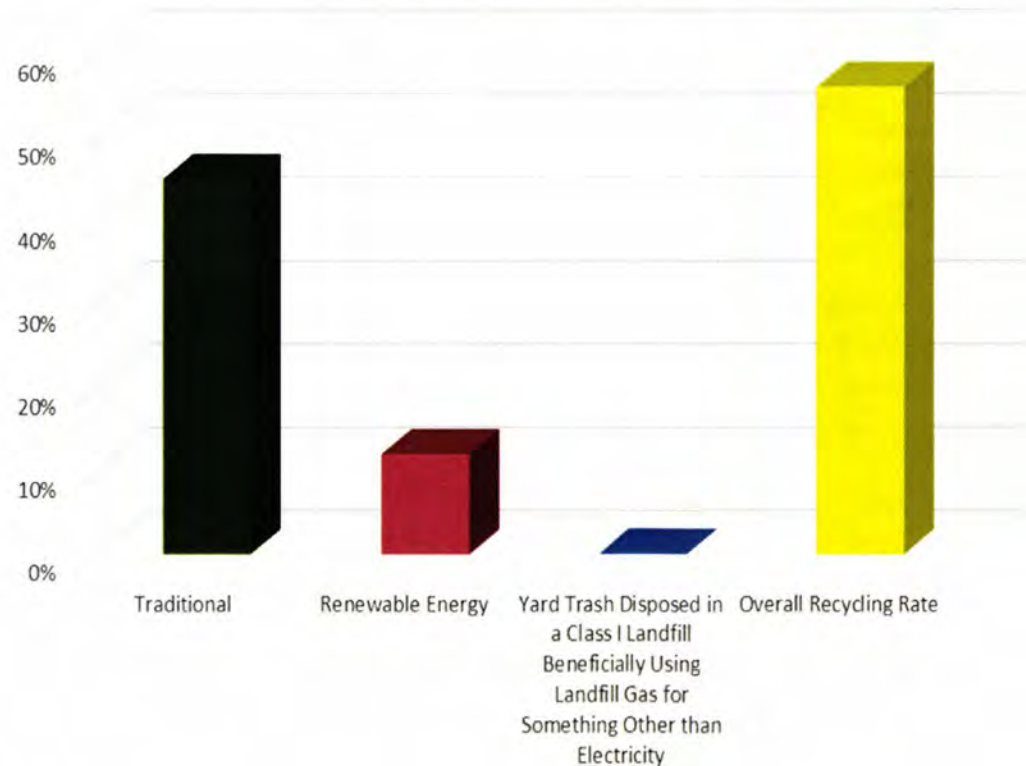


# Progress Towards the Goal

- The statewide **overall recycling rate, which includes renewable energy\* recycling credits, increased from 54% (2015) to 56% (2016)**
  - The Legislature set an interim milestone recycling goal of 60% for calendar year 2016
- The statewide **traditional recycling rate, which excludes renewable energy recycling credits, increased from 42% (2015) to 44% (2016)**

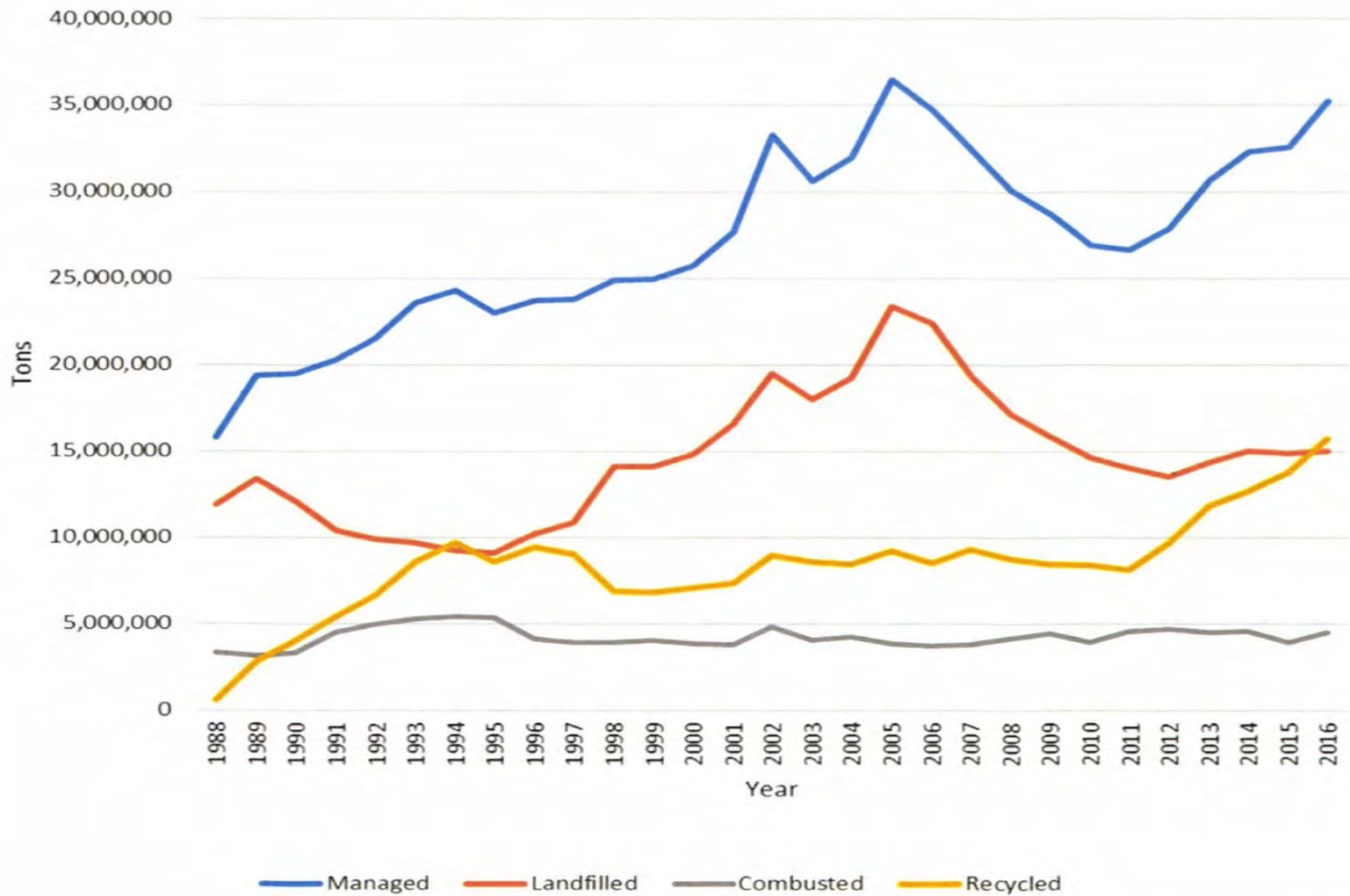
\*Electricity produced from MSW or landfill gas

Florida's 2016 Recycling Rate





# Solid Waste Management in FL (1988-2016)



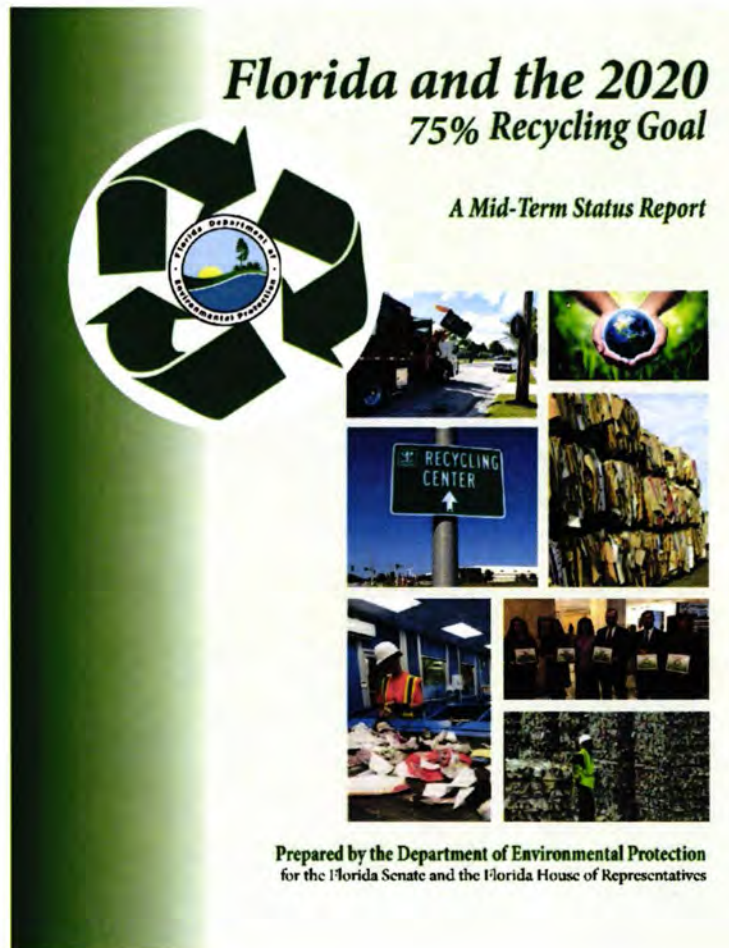


# Development of the Recycling Report

- DEP received stakeholder input from:
  - Waste and Recycling Businesses
  - Non-Governmental Organizations
  - Colleges and Universities
  - Local Governments
  - Citizens
- DEP has hosted or participated in more than 30 statewide meetings, webinars and conference calls over the last two years



# Results



- The report looks at options and recommendations provided by recycling industry stakeholders
  - Summary of Options
    - Single stream
    - Markets
    - C&D Recycling
    - Organics Recycling
    - Commercial Recycling
    - Education
    - Sustainable Materials Management



# DEP Efforts



- “Rethink. Reset. Recycle.” education campaign in partnership with material recycling facilities across the state to address the need to educate residents on how to reduce contamination in single stream curbside recycling.
- Evaluating the implications of shifting from a weight-based recycling goal to sustainable materials management processes.
- Researching the concept of moving from a weight-based recycling goal of 75% by 2020, to market specific goals such as a food diversion goal or an organics recycling goal.
- Engaging Florida’s state universities and the Florida Department of Education to review potential K-12 curriculum programs emphasizing waste reduction and recycling practices.
- Continuing to work with state agencies to identify recycling/cost saving measures specific to their operations. For example, exploring opportunities to reduce and recycle food waste within the Florida Department of Corrections or expanding the use of recycled glass as an aggregate replacement in Florida Department of Transportation projects.
- Collaborating with the Hinkley Center for Solid and Hazardous Waste Management to analyze the ongoing recycling of materials to determine areas where assistance is in greatest need.
- Providing counties not achieving the 2016 interim recycling goal with assistance in analyzing, planning and executing opportunities to increase recycling.





# Summary of Options

Categories of Options	Statutory Changes				Additional Programs
	Statutory Changes	Policy Changes	Regulatory	Local Level Decisions	
<b>Single Stream Recycling</b>					
Create a Recycling Equipment Grants Program	X				X
Create a Recycling Education Grants Program	X				X
DEO to increase recycling market development	X				X
Research Projects (Glass)					X
<b>Markets</b>					
Identify specific goals/milestones for recycling market development in the state's economic development agencies	X				
Implement program to increase procurement in state/local government and colleges & universities				X	X
Fund new technology grant or loan programs for targeted materials	X				X
Partner with AST to establish a state term contract for end of life management of electronics		X			
Expand resources of RBAC to bring new recycling industries to FL	X	X			
Offer tax incentives for recycling businesses to relocate to FL	X				X
Engage with state personnel appointed to serve as economic development liaisons (section 288.021, F.S.)		X			
<b>C&amp;D Debris Recycling</b>					
Require registration of concrete processors	X		X		
Implement a statewide landfill ban for specific materials.	X		X		



# Summary of Options

Categories of Options	Statutory Changes				Additional Programs
	Statutory Changes	Policy Changes	Regulatory	Local Level Decisions	
Remove "economically feasible" language from Section, 403.707(9)(g), F.S.	X		X		
Mandate C&D debris processing	X		X	X	
Create sales tax exemption for purchasing recycled C&D materials	X				X
Extend sales tax exemptions (section 403.715, F.S.) to the private sector for resource recovery equipment	X		X		
Create a disposal surcharge/rebate program.	X			X	
<b>Organics Recycling</b>					
DACs could prepare a biennial report to DEP identifying compost markets (section 403.714(2), F.S.)	X				
All state agencies and local governments and their contractors could provide DEP with an annual report detailing the amount of compost procured	X			X	
Provide funding for DACs and DOT to fulfill the statutory requirement in section 403.714(4), F.S.	X				X
Replace the term "compost" or "composted" with "recycled organic(s)" in sections 403.714(2), (3) and (4), F.S.	X				
Create legislation to protect food donor liability and standardize labeling	X				



# Summary of Options

Categories of Options	Statutory Changes				Additional Programs
	Statutory Changes	Policy Changes	Regulatory	Local Level Decisions	
Provide tax incentives, such as tax deductions or credits, for farms and businesses that make food donations	X				X
Provide economic incentives, such as low interest loans, tax deductions or credits, for composting equipment to expand composting infrastructure and increase composting capacity	X				X
Create an Organics Diversion Grants Program	X				X
Provide funding for FORCE to become more than a clearinghouse website for organics diversion and recycling		X			X
Provide funding to the Florida Department of Health (DOH), in consultation with DEP for the development of a statewide education and outreach campaign on food donation and liability to be promoted by health inspectors when working with restaurants and hotels throughout Florida.	X				X
Provide funding or grants to county extension offices or local governments to develop and provide a community composting training program	X			X	X
Provide funding for DEP, in cooperation with Florida Universities, for the development of a K-12 Composting Curriculum emphasizing the implementation of composting from cafeteria scraps (School Cafeteria Discards Assessment Project - <a href="#">SCrAP Program</a> ), Sharing Table and producing less food waste by implementing waste reduction and recycling practices	X			X	X



# Summary of Options

Categories of Options	Statutory Changes				Additional Programs
	Statutory Changes	Policy Changes	Regulatory	Local Level Decisions	
Require the DEO and Enterprise Florida, in cooperation with DEP, to support recycling market development and offer incentives for corporations using recycled material, such as compost, in the products that are being sold in Florida	X				X
Research and evaluate the environmental and financial efficacy of the collection of organics at the curbside for recycling		X			X
Research the requirement to use organic compost in Brownfield Remediation/Redevelopment, new construction, landscaping, spring watersheds or other sensitive ecosystems		X			X
Evaluate and determine the composting capacity and collection and processing infrastructure needed in order to expand the composting markets in Florida		X			X
Research the idea of moving from a mass based recycling goal of 75% by 2020 to a markets specific goal, such as a food diversion goal or an organics recycling goal		X			X
Evaluate the effectiveness of mandatory recycling or a ban on disposal of commercial organic wastes by businesses and institutions that dispose of a large amount (to be determined) of organic waste		X			X



# Summary of Options

Categories of Options	Statutory Changes				Additional Programs
	Statutory Changes	Policy Changes	Regulatory	Local Level Decisions	
<b>Commercial Recycling</b>					
Mandate commercial recycling	X			X	
Create a Recycling Equipment Grants Program that allows local governments to purchase infrastructure for initiation or expansion of commercial recycling efforts	X				X
<b>Education and Outreach</b>					
Create a Recycling Education Grants Program that supports the continued efforts of local governments to enhance education about recycling and contamination to their residents	X				X
<b>Additional Programs and Statutory Changes</b>					
Amend Section 403.706(2)(a), F.S., to also apply the recycling goal to cities with a population greater than 50,000.	X				
Shift from a weight based recycling goal towards a sustainable materials management focus.	X				



# Sustainable Materials Management (SMM)

- SMM is a systematic approach to using and reusing materials more productively over their life cycles.
- For the State to reach the weight-based 75% recycling goal would implement a multi-strategy approach to capture and recycle a larger portion of the waste stream, which would likely involve funding and statutory mandates.
- A shift toward sustainable materials management would refocus the goal to reduce the life cycle environmental impacts of materials.
- SMM provides a goal that is focused on the environmental attributes that are most important to protecting Florida's environment, society and economy.



# Conclusions

- Recycling in Florida has changed vastly over the last 10 years. Many of the challenges have occurred due to changes in collection, shifts in the recycling markets and new and lighter weight packaging.
- Florida's 2016 recycling rate was 56%, which falls short of the 2016 interim recycling goal of 60%.
- Florida recycling industry has been successful in continuing to raise the recycling rate since the inception of the current goal in 2012.
- There is a developing consensus in other states and at the federal level that suggest using a weight-based goal may not result in efficient or effective recycling; rather, incorporation of source reduction and sustainable materials management concepts into a comprehensive statewide recycling program may be needed.







# **Florida Department of Environmental Protection**

## **Underground Storage Tank Systems Industry Survey on Damage Related to Corrosion from Ethanol and Biodiesel Fuels**

**Natural Resources and Public Lands  
Subcommittee  
January 10, 2018**





# Ethanol Study

- Chapter 2017-095 Laws of Florida directed the Department to evaluate the potential for using the Inland Protection Trust Fund to respond to the damage or potential damage to underground storage tank systems (USTs) caused by ethanol or biodiesel.



# Corrosion Survey

- Under contract to the Department, the University of Florida's Department of Environmental Engineering Sciences and the Hinkley Center for Solid and Hazardous Waste conducted surveys of all UST Owners and licensed contractors:
  - 548 Pollutant Storage System Contractors license holders were surveyed and nine responded (or less than 2%)
  - 3,553 owners were surveyed, 281 owners responded (or 7 %)



# Owner Survey Results

- Of the responding 281 tank owners, 36% reported corrosion damage to petroleum storage equipment. These respondents represented 90% of the tanks owned by survey respondents.
- Owners reported spending between \$830 to \$3,800 per tank for corrosion repairs over the last five years.
- Extrapolating to all regulated tanks over the same period represents total expenditures of \$18 to \$83 million, or \$3.6 to \$16.6 million annually.



# Contractor Survey Results

- Contractors estimated that annual maintenance costs related to corrosion range from \$700 to \$2,000 per tank.
- With approximately 22,000 USTs, the cost of maintenance is estimated to range from \$15.4 to \$44 million annually.



# Known Discharges

Since 2009:

- 1,123 discharges from USTs have been reported to the department.
- Of these, 28 incidents (or 2.5 %) were attributed to corrosion.
- Corrosion related discharges are less than one percent of total tank discharges.



# Conclusions

- Concurrent with the estimated capital costs, described in previous slides, would be administrative costs of creating and maintaining a program.
- Additional statutory direction would also be needed on issues such as:
  - Program eligibility;
  - Interaction of the program with currently required insurance and financial assurance instruments;
  - Impact to programs currently funded by the IPTF; and
  - Determination of allowable costs.



# Questions

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