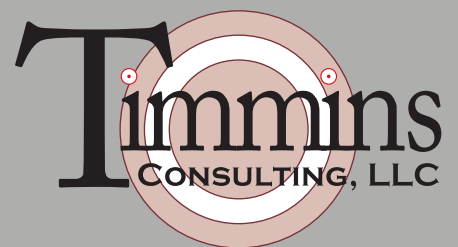


WEEK 4 REPORT

// 2016 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA
FEBRUARY 1 - 5, 2016



// WEEK 4 (FEB 1 - 5)**CONTENTS****SB 552 // HB 7005**

Environmental Resources

SB 746 // HB 427

Vessel Registration

SB 644 // HB 863

Boating Safety

SB 1168 // HB 989Implementation of Water
& Land Use Conservation
Amendment**SB 1260 // HB 1051**

Recreational Boating Zones

HB 161

Boating Under the Influence

SB 1506 // HB 1273

Manatees

SB 1300 // HB 7025

At-risk Vessels

The fourth week is complete and many of the boating related issues are moving through the process. The 2016 Legislative Session has an unprecedented number of boating related bills filed.

The “Anchoring” bills, HB 1051 and SB 1260, are still alive. Of interest this past week, House Bill 1051 had a committee reference removed and now only has one committee stop left: House State Affairs. The sponsor of the bill is the House State Affairs Chairman Matt Caldwell. The State Affairs Committee had not released its agenda as of the writing of this report. It is likely this bill could be heard on Thursday in the House State Affairs Committee. The Senate Bill has yet to be heard in its first committee of reference. Senate Bill 1260 by Senator Wilton Simpson is still alive and has three committee references. The bill is not on the Senate Environmental and Conservation Committee agenda during week five, but could be on the agenda in week six.

As for “Derelict Vessel” legislation, House Bill 7025 is ready to be heard on the House floor. Senate Bill 1300 by Senator Dean has two more committee stops. The next is the Senate Appropriations Subcommittee for General Government. As of the writing of this report, the agenda had not been released. Stay tuned, as this bill could be heard this week.

HB 703 and Senate Bill 1454 relating to Vessels is an interesting bill that has started moving through the process. House Bill 703 passed the House Highway and Waterway Safety Subcommittee 10-3 this week with a strike everything amendment. The bill only has one more committee stop before it is ready for the House floor. The Senate companion, Senate Bill 1454, is scheduled to be heard this week in the Senate Environmental Preservation and Conservation Committee on February 9th.

The “Manatee” legislation had its first hearing this week in the House Agriculture and Natural Resource Subcommittee. The bill passed unanimously. The next stop is the House Agriculture and Natural Resources Appropriations Subcommittee. The bill is not on the agenda for the Subcommittee this week. The Senate companion, SB 1506, has three committees of references and has not been heard in the first committee. The bill is not on the Senate Environmental Preservation and Conservation Committee this week.

Finally, The House for Representatives and the Senate are scheduled to hear their respective budgets on the floor this week. Stay tuned as the budget conference process begins.

Again, we thank you for your time and consideration.

In the following pages are just a few of the bills we have highlighted for your information.



Margaret M. Timmins
President
Timmins Consulting, LLC

// BUDGET

House Budget Highlights:

1758 SPECIAL CATEGORIES
BOAT RAMP MAINTENANCE CATEGORY
FROM GENERAL REVENUE FUND 750,000
FROM FEDERAL GRANTS TRUST FUND 431,250
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 181,878
FROM STATE GAME TRUST FUND 143,750
From the funds in Specific Appropriation 1758,
\$750,000 in nonrecurring funds from the General
Revenue Fund is allocated as follows:
Lauderdale Lakes Water Pollutant Reduction Boat
Ramp System. 250,000
Niceville Public Landing and Bayou Restoration
Access Facility 500,000

1762 SPECIAL CATEGORIES
BOATING AND WATERWAYS ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 1,926,025

1762A SPECIAL CATEGORIES
BOATING AND WATERWAYS GRANTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 50,000

1762B SPECIAL CATEGORIES
DERELICT VESSEL REMOVAL PROGRAM
FROM GENERAL REVENUE FUND 1,500,000

1766 SPECIAL CATEGORIES
BOATING SAFETY EDUCATION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 850,650

1767 FIXED CAPITAL OUTLAY
BOATING INFRASTRUCTURE
FROM FEDERAL GRANTS TRUST FUND 3,900,000

1768 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES -
FIXED CAPITAL OUTLAY FLORIDA BOATING IMPROVEMENT
PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 592,600
FROM STATE GAME TRUST FUND 1,250,000

Senate Budget Highlights:

1758 SPECIAL CATEGORIES
BOAT RAMP MAINTENANCE CATEGORY
FROM FEDERAL GRANTS TRUST FUND 431,250
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 111,878
FROM STATE GAME TRUST FUND 143,750

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1767 FIXED CAPITAL OUTLAY BOATING INFRASTRUCTURE
FROM FEDERAL GRANTS TRUST FUND 3,900,000

1768 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES -
FIXED CAPITAL OUTLAY FLORIDA BOATING IMPROVEMENT
PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 592,600
FROM STATE GAME TRUST FUND 1,250,000

// ENVIRONMENTAL RESOURCES

Senate Bill 552 // Sen. Charlie Dean // Referred to: Environmental Preservation and Conservation; Appropriations

House Bill 7005 // State Affairs Committee // Referred to: Agriculture & Natural Resources Appropriations Subcommittee

CS/CS/Senate Bill 552 and CS/House Bill 7005 comprise the primary water policy legislation for 2016, and are identical. This week, SB 552 was passed by the Senate and the House, and has been sent to the Governor for his veto or approval. Specifically, SB 552:

- Creates the Florida Springs and Aquifer Protection Act to provide for the protection and restoration of Outstanding Florida Springs (OFSs);
- Codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection programs for the Central Florida Water Initiative;
- Updates and restructures the Northern Everglades and Estuaries Protection Program (NEEPP) to reflect and build upon the Department of Environmental Protection's (DEP) completion of basin management action plans (BMAPs) for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary, and the Department of Agriculture and Consumer Services' (DACS) implementation of best management practices (BMPs);
- Modifies water supply and resource planning and processes to make them more stringent;
- Requires the Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands;
- Requires the DEP to publish an online, publicly accessible database of conservation lands on which public access is compatible with conservation and recreation purposes;
- Requires the DEP to conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies as well as regulatory information about each waterbody;
- Creates a pilot program for alternative water supply in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation; and
- Revises certain considerations for water resource permits

Senate Bill 552 passed the Environmental Preservation & Conservation Committee on Nov. 4th by a vote of 9-0, and passed the Appropriations Committee on Nov. 19th by a vote of 15-0. It passed the Senate on January 13th by a vote of 37-0, and it passed the House on January 14th.

House Bill 7005 passed the Agriculture & Natural Resources Appropriations Subcommittee on Nov. 18th by a vote of 11-1. HB 7005 was laid on the table in lieu of SB 552 on the House floor.

Upcoming Consideration/Most Recent Action: SB 552ER Approved by Governor (signed into law), Chapter No. 2016-1

// VESSEL REGISTRATION

Senate Bill 746 // Sen. Joe Negron // Referred to: Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

House Bill 427 // Rep. Mary Lynn Magar // Referred to: Highway & Waterway Safety Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee

Senate Bill 746 reduces state vessel registration fees for recreational vessels equipped with an Emergency Position Indicating Radio Beacon or whose owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. Annual base vessel registration fees are reduced by a minimum of \$2.55 and a maximum of \$48.60, depending on the length of the vessel. The bill appropriates \$5 million in recurring funds from the General Revenue Fund to the Department of Highway Safety and Motor Vehicles for the 2016-2017 fiscal year to offset the reduction in the base vessel registration fees.

Upcoming Consideration: (Jan 13) Favorable by Appropriations Subcommittee on Transportation, Tourism, and Economic Development; 9 Yeas, 0 Nays

The bill reduces state vessel registration fees for recreational vessels equipped with an Emergency Position-Indicating Radio Beacon, or for a recreational vessel where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and who owns more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels.

As provided in the bill, an Emergency Position-Indicating Radio Beacon means a device installed on the vessel being registered that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

A Personal Locator Beacon means a device designed to be carried by an individual that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

Most Recent Action: (Jan 13) Favorable with CS by Highway & Waterway Safety Subcommittee; 11 Yeas, 0 Nays

// BOATING SAFETY

Senate Bill 644 // Sen. Jeremy Ring // Referred to: Environmental Preservation and Conservation; Commerce and Tourism; Rules

House Bill 863 // Rep. Richard Stark // Referred to: Criminal Justice Subcommittee; Highway & Waterway Safety Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Economic Affairs Committee

SB 644 increases the age requirement for operating a personal watercraft on the waters of the state from 14 years of age to 16 years of age. The bill revises the requirements for boating safety identification cards by removing an exemption for a person who is accompanied in the vessel by a person who is otherwise exempt from the boating safety identification card requirements or who holds a valid identification card, is 18 years of age or older, and is attendant to the operation of the vessel and responsible for the vessel's safe operation.

Last Action: Temporarily Postponed by Environmental Preservation and Conservation

House Bill 863 provides requirements for operation of recreational vessels by persons younger than specified age; revises minimum age to operate personal watercraft; removes exemption from photographic identification & boating safety identification card requirement for person accompanied in vessel by another person who meets certain criteria.

Last Action: Referred to Criminal Justice Subcommittee; Highway & Waterway Safety Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Economic Affairs Committee

// IMPLEMENTATION OF WATER & LAND USE CONSERVATION CONSTITUTIONAL AMENDMENT 1 (2014 BALLOT)

Senate Bill 1168 // Sen. Joe Negron // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

House Bill 989 // Rep. Gayle Harrell // Referred to: Agriculture & Natural Resources Appropriations Subcommittee; Appropriations Committee

Senate Bill 1168 - Implementation of the Water and Land Conservation Constitutional Amendment; Requiring a minimum specified percentage of funds within the Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; providing a preference in the use of funds to certain projects that reduce harmful discharges to the St. Lucie Estuary and the Caloosahatchee Estuary, etc.

SB 1168 Last Action: On Committee agenda - Environmental Preservation and Conservation, 02/09/16, 1:30 pm

House Bill 989 - In 2014, the voters of the state of Florida approved an amendment to the Florida Constitution to create Article X, Section 28, which requires that 33 percent of documentary stamp taxes collected be deposited into the Land Acquisition Trust Fund (LATF) and prohibits funds from the LATF from being used for a purpose not specified in the constitution. In 2015, chapter 2015-229, Laws of Florida, became law and amended the relevant statutes to comply with this constitutional requirement. The bill amended section 375.041, F.S., related to the Land Acquisition Trust Fund to require that funds be used for certain debt service obligations and to require that \$32 million be distributed to the South Florida Water Management District for the Long-Term Plan. The section further provides that any remaining moneys in the Land Acquisition Trust Fund that are not distributed as provided above may be appropriated from time to time for the purposes set forth in s. 28, Art. X of the State Constitution.

HB 989 amends s. 375.041, F.S. to provide for the distribution of funds deposited into the Land Acquisition Trust Fund. Of the funds remaining after the payment of certain debt service obligations, the Legislature will be required to appropriate a minimum of the lesser of 25 percent or \$200 million for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), including the Central Everglades Planning Project subject to congressional authorization, the Long-Term Plan, and the Northern Everglades and Estuaries Protection Program.

The bill requires that from these funds, \$32 million will be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District (SFWMD) for the Long-Term Plan. After deducting the \$32 million, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million will be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering and construction of the CERP.

The bill requires the Department of Environmental Protection (DEP) and the SFWMD to give

preference to projects that reduce harmful discharges from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner.

The House proposed Fiscal Year 2016-2017 General Appropriations Act provides \$32 million for the LongTerm Plan, \$100 million for the CERP and \$66 million for the Northern Everglades and Estuaries Protection Program.

HB 989 Last Action: On Committee agenda - Appropriations Committee, 02/09/16, 3:00 pm

// RECREATIONAL BOATING ZONES

Senate Bill 1260 // Sen. Wilton Simpson // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy

House Bill 1051 // Rep. Matt Caldwell // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Senate Bill 1260 - prohibiting overnight anchoring or mooring of vessels in specified recreational boating zones, etc.

Last Action: Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy

HB 1051 - The public may use sovereignty submerged lands for navigation, commerce, fishing, bathing, and other public purposes. These rights are designed to promote the general welfare and are subject to lawful regulation by the state. The public's right to navigation entitles the public to the reasonable use of navigable waters for legitimate purposes of travel or transportation, boating or sailing for pleasure, carrying persons or property gratuitously for hire, and for uses which are consistent with other uses enjoyed in common. Anchoring is a right incidental to the public's right of navigation, which must be balanced against other public purposes. As such, the right to anchor or moor must not unreasonably obstruct others' navigation rights and does not include the right to anchor indefinitely in a manner that impairs a riparian owner's use and enjoyment of their property.

Riparian owners are entitled to the same rights to use sovereignty submerged lands as the public, but also hold riparian rights, such as the right to access the water, the right to reasonably use the water, the right to accretion and reliction, and the right to an unobstructed view of the water. Riparian rights are necessary for the use and enjoyment of the upland property, but may not be

exercised as to injure others in their lawful rights.

The bill creates s. 327.4107, F.S., providing for the anchoring or mooring of vessels in recreational boating zones. The bill prohibits a person from anchoring or mooring a vessel from one-half hour after sunset to one-half hour before sunrise in the following recreational boating zones:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County.
- Sunset Lake in Miami-Dade County.
- The sections of Biscayne Bay in Miami-Dade County lying between:
 - Rivo Alto Island and Di Lido Island;
 - San Marino Island and San Marco Island; and
 - San Marco Island and Biscayne Island.
- Crab Island in Choctawhatchee Bay at the East Pass in Okaloosa County.

The bill provides certain exceptions to the prohibition on anchoring in recreational boating zones and enforcement procedures. The bill also provides for the issuance of a uniform boating citation with tiered penalties and authorizes the removal and impoundment of a vessel for violating the prohibition on anchoring in a recreational boating zone in certain circumstances.

Last Action: Favorable with CS by Agriculture & Natural Resources Subcommittee; 12 Yeas, 0 Nays

// DRIVING OR BOATING UNDER THE INFLUENCE

House Bill 161 // Rep. Dave Kerner // Referred to: Highway & Waterway Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

House Bill 161 designates act “Naomi Pomerance Victim Safety Act”; provides that person with specified amount of delta 9-tetrahydrocannabinol per milliliter of blood commits offense of driving under influence or boating under influence.

Last Action: Referred to Highway & Waterway Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

// MANATEES

Senate Bill 1506 // Sen. Jeff Brandes // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

House Bill 1273 // Rep. Larry Ahern // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Senate Bill 1506 - Exempting, until a specified date, certain revenue deposited in the Save the Manatee Trust Fund from a service charge assessed against state trust funds; requiring the Fish and Wildlife Conservation Commission to contract with an independent, qualified party to conduct a manatee speed zone effectiveness study, etc.

Last Action: Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

House Bill 1273 - Manatees are listed as an endangered species under the Endangered Species Act. Florida's Manatee Sanctuary Act (Act) declares the state to be a refuge and sanctuary for the manatee. The Act provides that the Florida Fish and Wildlife Conservation Commission (FWC) must adopt rules regulating the operation and speed of motorboat traffic where there are manatee sightings based upon best available scientific information and allows local governments to adopt ordinances regulating the same within its jurisdiction if approved by FWC. FWC has established manatee protection rules restricting the speed and operation of vessels where necessary to protect manatees from harassment and harmful collisions with vessels. FWC also conducts aerial distribution and synoptic surveys to acquire information on manatee distribution, abundance, and use of habitat. The Save the Manatee Trust Fund (STMTF) is administered by FWC and its funds are used for a yearly impartial scientific benchmark census of the manatee population in the state and programs to protect and enhance the recovery of the manatee and other species of marine mammals.

The bill:

- Requires FWC to contract with an independent, qualified party to conduct a study evaluating the effectiveness of manatee speed zones including if, and to what extent, risks to manatees are reduced by these zones and to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2019, detailing the findings of the study;
- Requires FWC to conduct a statewide manatee distribution and abundance survey and that a report be filed with the Legislature by July 1, 2020.

extent that funding is not available from other sources; and

- Exempts the STMTF from a service charge assessed against state trust funds until July 1, 2026.

The bill may have a negative fiscal impact on the state by exempting the STMTF from the requirement to contribute to the General Revenue Fund.

Last Action: Favorable by Agriculture & Natural Resources Subcommittee; 12 Yeas, 0 Nays

// AT-RISK VESSELS

Senate Bill 1300 // Sen. Charlie Dean // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Fiscal Policy

House Bill 7025 // Highway & Waterway Safety Subcommittee & Rep. Holly Raschein // Referred to: Agriculture & Natural Resources Appropriations Subcommittee; Economic Affairs Committee

Senate Bill 1300 addresses vessels that may become derelict. The bill:

- Makes it unlawful for a vessel owner to anchor on, moor on, or occupy the waters of the state when that vessel is at risk of becoming derelict;
- Provides conditions under which a vessel may be considered at risk of becoming derelict;
- Provides civil penalties for vessel owners whose vessels are determined to be at risk of becoming derelict;
- Provides an exemption for vessels that are moored to a private dock or wet slip with the consent of the owner for the purpose of being repaired; and
- Provides that violations may be enforced by a uniform boating citation mailed to the registered owner of the vessel.

Last Action: Favorable by Environmental Preservation and Conservation; 7 Yeas, 0 Nays

House Bill 7025 - Under current law, the Fish and Wildlife Conservation Commission (FWCC) does not have the authority to require vessel owners to maintain their vessels or otherwise

regulate the condition of vessels that occupy the waters of the state, unless the vessel is a hazard to navigation, discharges contaminants, is derelict (wrecked, junked, or substantially dismantled), or is in violation of other vessel safety laws. Additionally, a vessel owner has no duty to maintain their vessel, and can allow a vessel occupying waters of the state to deteriorate until it reaches a derelict condition. Once a vessel is deemed derelict FWCC can remove or relocate the vessel, but it can become much more difficult and expensive once a vessel has deteriorated to the point that it meets the definition of a derelict vessel.

The bill provides the following regulations for vessels that are at risk of becoming derelict on the waters of this state:

- Prohibits a vessel that is at risk of becoming derelict to anchor on, moor on, or occupy the waters of this state.
- Authorizes an officer of the FWCC or law enforcement agency to determine that a vessel is at risk of becoming a derelict vessel if any of the following conditions exist:
 - The vessel is taking on or has taken on water without an effective means to dewater.
 - Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time.
 - The vessel has broken loose or is in danger of breaking loose from its anchor.
 - The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunk or partially sunk.
- Provides that a person who anchors or moors a vessel that is at risk of becoming derelict on the waters of this state or allows such a vessel to occupy the waters of this state commits a noncriminal infraction in which civil penalties may be assessed.
- Provides that a civil penalty for a violation of a vessel that is at risk of becoming derelict is in addition to other penalties provided by law.
- Provides that the bill would not apply to a vessel that is moored to a private dock or wet slip with the consent of the owner for the purpose of receiving repairs.
- Provides that a uniform boating citation may be mailed to the registered owner of an unattended vessel that is at risk of becoming derelict, which is anchored, aground, or moored on the waters of this state.
- Provides the following civil penalties for a violation of vessel laws relating to a vessel that is at risk of becoming derelict on waters of this state:
 - For a first offense, \$50;
 - For a second offense occurring 30 days or more after a first offense, \$100;
 - For a third or subsequent offense occurring 30 days or more after a previous offense, \$250.

The bill may have an indeterminate positive fiscal impact on state and local government revenues by establishing a new noncriminal infraction relating to vessels at risk of becoming derelict on waters of this state, and may have a negative impact on the private sector resulting from the assessment of these new civil penalties.

Last Action: Favorable by Economic Affairs Committee; 14 Yeas, 0 Nays; Placed on House Calendar, on 2nd Reading

APPENDIX

// IMPLEMENTATION OF WATER & LAND USE CONSERVATION AMENDMENT

SB 1168 (as filed)
HB 989 (as filed) + Staff Analysis

// MANATEES

HB 1273 (as filed) + Staff Analysis

// CURRENT BILL TRACKING LIST

1 A bill to be entitled
2 An act relating to implementation of the water and
3 land conservation constitutional amendment; amending
4 s. 375.041, F.S.; requiring a minimum specified
5 percentage of funds within the Land Acquisition Trust
6 Fund to be appropriated for Everglades restoration
7 projects; providing a preference in the use of funds
8 to certain projects that reduce harmful discharges to
9 the St. Lucie Estuary and the Caloosahatchee Estuary;
10 providing an effective date.

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

13
14 Section 1. Subsection (3) of section 375.041, Florida
15 Statutes, is amended to read:

16 375.041 Land Acquisition Trust Fund.—

17 (3) Funds distributed into the Land Acquisition Trust Fund
18 pursuant to s. 201.15 shall be applied:

19 (a) First, to pay debt service or to fund debt service
20 reserve funds, rebate obligations, or other amounts payable with
21 respect to Florida Forever bonds issued under s. 215.618; and
22 pay debt service, provide reserves, and pay rebate obligations
23 and other amounts due with respect to Everglades restoration
24 bonds issued under s. 215.619; and

25 (b) Of the funds remaining after the payments required
26 under paragraph (a) but before funds may be appropriated or
27 dedicated for other uses, a minimum of the lesser of 25 percent
28 or \$200 million shall be appropriated annually for Everglades
29 projects that implement the Comprehensive Everglades Restoration
30 Plan as set forth in s. 373.470, including the Central
31 Everglades Planning Project subject to congressional
32 authorization; the Long-Term Plan as defined in s. 373.4592(2);

33 and the Northern Everglades and Estuaries Protection Program as
34 set forth in s. 373.4595. From these funds, \$32 million shall be
35 distributed each fiscal year through the 2023-2024 fiscal year
36 to the South Florida Water Management District for the Long-Term
37 Plan as defined in s. 373.4592(2). After deducting the \$32
38 million distributed under this paragraph, from the funds
39 remaining, a minimum of the lesser of 76.5 percent or \$100
40 million shall be appropriated each fiscal year through the 2025-
41 2026 fiscal year for the planning, design, engineering, and
42 construction of the Comprehensive Everglades Restoration Plan as
43 set forth in s. 373.470, including the Central Everglades
44 Planning Project subject to congressional authorization. The
45 Department of Environmental Protection and the South Florida
46 Water Management District shall give preference to those
47 Everglades restoration projects that reduce harmful discharges
48 of water from Lake Okeechobee to the St. Lucie or Caloosahatchee
49 estuaries in a timely manner ~~Then, to pay the debt service on~~
50 ~~bonds issued before February 1, 2009, by the South Florida Water~~
51 ~~Management District and the St. Johns River Water Management~~
52 ~~District, which are secured by revenues provided pursuant to~~
53 ~~former s. 373.59, Florida Statutes 2014, or which are necessary~~
54 ~~to fund debt service reserve funds, rebate obligations, or other~~
55 ~~amounts payable with respect to such bonds. This paragraph~~
56 ~~expires July 1, 2016; and~~

57 ~~(c) Then, to distribute \$32 million each fiscal year to the~~
58 ~~South Florida Water Management District for the Long-Term Plan~~
59 ~~as defined in s. 373.4592(2). This paragraph expires July 1,~~
60 ~~2024.~~

61 Section 2. This act shall take effect July 1, 2016.

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HB 989

2016

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 989 Implementation of Water and Land Conservation Constitutional Amendment

SPONSOR(S): Harrell and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 1168

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Appropriations Subcommittee	13 Y, 0 N	Massengale	Massengale
2) Appropriations Committee			

SUMMARY ANALYSIS

In 2014, the voters of the state of Florida approved an amendment to the Florida Constitution to create Article X, Section 28, which requires that 33 percent of documentary stamp taxes collected be deposited into the Land Acquisition Trust Fund (LATF) and prohibits funds from the LATF from being used for a purpose not specified in the constitution. In 2015, chapter 2015-229, Laws of Florida, became law and amended the relevant statutes to comply with this constitutional requirement. The bill amended section 375.041, F.S., related to the Land Acquisition Trust Fund to require that funds be used for certain debt service obligations and to require that \$32 million be distributed to the South Florida Water Management District for the Long-Term Plan. The section further provides that any remaining moneys in the Land Acquisition Trust Fund that are not distributed as provided above may be appropriated from time to time for the purposes set forth in s. 28, Art. X of the State Constitution.

HB 989 amends s. 375.041, F.S. to provide for the distribution of funds deposited into the Land Acquisition Trust Fund. Of the funds remaining after the payment of certain debt service obligations, the Legislature will be required to appropriate a minimum of the lesser of 25 percent or \$200 million for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), including the Central Everglades Planning Project subject to congressional authorization, the Long-Term Plan, and the Northern Everglades and Estuaries Protection Program.

The bill requires that from these funds, \$32 million will be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District (SFWMD) for the Long-Term Plan. After deducting the \$32 million, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million will be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering and construction of the CERP.

The bill requires the Department of Environmental Protection (DEP) and the SFWMD to give preference to projects that reduce harmful discharges from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner.

The House proposed Fiscal Year 2016-2017 General Appropriations Act provides \$32 million for the Long-Term Plan, \$100 million for the CERP and \$66 million for the Northern Everglades and Estuaries Protection Program.

The effective date of this bill is July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

On November 4, 2014, Florida voters approved an initiative petition relating to water and land conservation. The provision added a section 28 to Article X of the Florida Constitution:

SECTION 28. Land Acquisition Trust Fund.

a) Effective on July 1 of the year following passage of this amendment by the voters, and for a period of 20 years after that effective date, the Land Acquisition Trust Fund shall receive no less than 33 percent of net revenues derived from the existing excise tax on documents¹, as defined in the statutes in effect on January 1, 2012, as amended from time to time, or any successor or replacement tax, after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

b) Funds in the Land Acquisition Trust Fund shall be expended only for the following purposes:

1) As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

2) To pay the debt service on bonds issued pursuant to Article VII, Section 11(e). c) The moneys deposited into the Land Acquisition Trust Fund, as defined by the statutes in effect on January 1, 2012, shall not be or become commingled with the General Revenue Fund of the state.

As a result of Special Session A in 2015, chapter 2015-229, Laws of Florida, became law and amended the relevant statutes to comply with this constitutional requirement. As part of chapter 2015-229, L.O.F., s. 375.041, F.S. was amended to require moneys from the Land Acquisition Trust Fund to be allocated as follows:

1. First, to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618; and pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to Everglades restoration bonds issued under s. 215.619;
2. Then, to pay the debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to former s. 373.59, Florida Statutes 2014, or which are necessary to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds. This paragraph expires July 1, 2016; and
3. Then, to distribute \$32 million each fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). This paragraph expires July 1, 2024.

¹ The documentary stamp tax is imposed on documents that transfer interest in Florida real property and certain types of debt. Documents subject to the tax include deeds, bonds, corporate shares, notes and written obligations to pay money, and mortgages, lines and other evidences of indebtedness. ss. ss. 201.02, 201.07 and 201.208, F.S.

The section further provides that any remaining moneys in the Land Acquisition Trust Fund that are not distributed as provided above may be appropriated from time to time for the purposes set forth in s. 28, Art. X of the State Constitution.

Comprehensive Everglades Restoration Plan

The Comprehensive Everglades Restoration Program (CERP) is a large, comprehensive, long-term 50-50 partnership with the federal government to restore the Everglades. The plan originally approved in the 2000 federal Water Resources Development Act includes more than 60 projects that will take more than 30 years to complete and will cost an estimated \$13.5 billion.² The program works in conjunction with other state and federal efforts to revitalize wetlands, lakes, bays and estuaries across south

can meet future needs. DEP and the South Florida Water Management District work in collaboration to review each program proposal, with DEP having final approval authority. Projects must receive DEP approval before being submitted to Congress or the Legislature for funding.

The Central Everglades Planning Project

The Central Everglades Planning Project (CEPP) is a suite of projects in the central Everglades intended to allow more water to be directed south to the central Everglades, Everglades National Park, and Florida Bay. On December 23, 2014, the U.S. Army Corps of Engineers Chief of Engineers submitted his Project Implementation Report for CEPP to the Secretary of the Army for transmission to Congress for congressional authorization. The proposed CEPP is comprised of increments of six components of CERP, including the Everglades Agricultural Area (EAA) Storage Reservoir - Phase I, which was conditionally authorized by Section 601 (b)(2)(C)(ii) of WRDA 2000. However, the reporting officers recommended new authorization consistent with Section 601 (d) of WRDA 2000 due to changes in scope and the inclusion of additional CERP components. The reporting officers recommended increments of the following six components of CERP to be integrated with the existing facilities of the C&SF system: Everglades Agricultural Area Storage Reservoirs (Component G); Water Conservation Area (WCA)-3 Decompartmentalization and Sheetflow Enhancement (Components AA and QQ); S-356 Pump Station Modifications (Component FF); L-31 N Improvements for Seepage Management (Component V); System-wide Operational Changes - Everglades Rain-Driven Operations (Component H); and Flow to Northwest and Central.WCA-3A (Component II).³

Long-Term Plan

Long-Term Plan resulted from the 1994 Everglades Forever Act, which requires the SFWMD to submit

Everglades Protection Area complies with state and federal water quality standards. The plan calls for enhancements to existing storm water treatment areas, expanded best management practices and integration with CERP projects.⁴ In 2012, the DEP and the SFWMD, in consultation with U.S. Environmental Protection Agency, developed a technical plan to meet water quality standards, which includes additional stormwater treatment areas and storage reservoirs at a cost of \$880 million over a 13-year period. A total of \$500.7 million in funds will be provided by the South Florida Water Management District with the balance to be provided by the state. The 2013 Legislature appropriated \$32 million on a recurring basis to support the implementation of the technical water quality plan.⁵

Northern Everglades and Estuaries Protection Program (NEEPP)

watershed, and the St. Lucie River watershed.⁶ The Northern Everglades and Estuaries Protection Program (NEEPP) promotes a comprehensive, interconnected watershed approach to protect Lake

² <http://www.dep.state.fl.us/secretary/everglades/> (last visited 1/19/2015).

³ U.S. Army Corps of Engineers CEPP Project Implementation Report, available at: <http://www.saj.usace.army.mil/Portals/44/docs/Environmental/CEPP/CentralEverglades-Dec2014%20Chief's%20Report.pdf> (last accessed 1/27/2016).

⁴ South Florida Water Management District, available at: <http://my.sfwmd.gov/portal/page/portal/xweb%20protecting%20and%20restoring/water%20quality%20stormwater%20treatment%20are> (last accessed 1/13/2016).

⁵ http://edr.state.fl.us/Content/long-range-financial-outlook/3-Year-Plan_Fall-2015_1617-1819.pdf

⁶ s. 373.4595(2)(l)

Okeechobee and the Caloosahatchee and St. Lucie River watersheds. It includes the Lake Okeechobee Watershed Protection Program and the Caloosahatchee and St. Lucie Watershed Protection Program. The 2016 Legislature enacted legislation, Chapter 2016-1, L.O.F., updating and restructuring NEEPP to reflect and build upon the completion of basin management action plans (BMAPs) for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and management practices (BMPs).⁷

Provisions of Bill

The bill amends s. 375.041, F.S. to provide for distribution of funds from the Land Acquisition Trust Fund. The bill retains the requirement that funds first be distributed to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618, F.S., and Everglades restoration bonds issued under s. 215.619, F.S.

Of the funds remaining after this debt service distribution, the Legislature will be required to appropriate a minimum of the lesser of 25 percent or \$200 million for Everglades projects that implement:

1. the Comprehensive Everglades Restoration Plan (CERP) as set forth in s. 373.470, including the Central Everglades Planning Project subject to congressional authorization;
2. the Long-Term Plan as defined in s. 373.4592(2); and
3. the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595.

From these funds, \$32 million will be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan. After deducting the \$32 million, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million will be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering and construction of the CERP.

The bill requires DEP and the SFWMD to give preference to projects that reduce harmful discharges from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner.

Finally, the bill repeals the provision,
J

B. SECTION DIRECTORY:

Section 1: Amends s. 375.041, F.S. relating to the Land Acquisition Trust Fund.

Section 2: Provides effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill specifies how the Land Acquisition Trust Fund would be distributed for Everglades restoration. See the table below.

(In millions)

State Fiscal Year	33% LATF	Less Debt Service	Lesser of 25% or \$200M for Everglades	Long-Term Plan	CERP (Lesser of 76.5% or \$100M)	Remaining Everglades Funds

⁷ Florida Senate Bill Analysis, CS/CS/SB 552
STORAGE NAME: h0989b.ANRAS
DATE: 1/28/2016

2016-17	\$823.8	\$171.3	\$163.1	\$32.0	\$100.0	\$31.1
2017-18	\$879.6	\$171.4	\$177.1	\$32.0	\$100.0	\$45.1
2018-19	\$922.9	\$171.5	\$187.9	\$32.0	\$100.0	\$55.9
2019-20	\$957.4	\$171.6	\$196.4	\$32.0	\$100.0	\$64.4
2020-21	\$992.4	\$171.6	\$200.00	\$32.0	\$100.0	\$68.0
2021-22	\$1,026.1	\$150.2	\$200.00	\$32.0	\$100.0	\$68.0
2022-23	\$1,064.7	\$139.3	\$200.00	\$32.0	\$100.0	\$68.0
2023-24	\$1,105.6	\$119.2	\$200.00	\$32.0	\$100.0	\$68.0
2024-25	\$1,149.6	\$119.2	\$200.00		\$100.0	\$100.0
2025-26	\$1,194.9	\$93.8	\$200.00		\$100.0	\$100.0

The House proposed Fiscal Year 2016-2017 General Appropriations Act provides \$32 million for the Long-Term Plan, \$100 million for the CERP and \$66 million for the Northern Everglades and Estuaries Protection Program.

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:

The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure 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

A bill to be entitled

An act relating to manatees; amending s. 215.22, F.S.; exempting, until a specified date, certain revenue deposited in the Save the Manatee Trust Fund from a service charge assessed against state trust funds; amending s. 379.2431, F.S.; authorizing the expenditure of funds from the Save the Manatee Trust Fund to conduct a manatee speed zone study and statewide manatee distribution and abundance surveys and reports; creating s. 379.2434, F.S.; requiring the Fish and Wildlife Conservation Commission to contract with an independent, qualified party to conduct a manatee speed zone effectiveness study; requiring the commission to submit a report detailing the findings of the study to the Governor and Legislature by a specified date; requiring the commission to conduct a statewide manatee distribution and abundance survey and report; authorizing the commission to conduct additional surveys and reports as necessary; authorizing the expenditure of funds from the Save the Manatee Trust Fund to conduct the manatee speed zone study and statewide manatee distribution and abundance surveys and reports; providing an effective date.

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



27 Section 1. Paragraph (w) is added to subsection (1) of
 28 section 215.22, Florida Statutes, to read:

29 215.22 Certain income and certain trust funds exempt.—

30 (1) The following income of a revenue nature or the
 31 following trust funds shall be exempt from the appropriation
 32 required by s. 215.20(1):

33 (w) Until July 1, 2026, the Save the Manatee Trust Fund.

34 Section 2. Subsection (4) of section 379.2431, Florida
 35 Statutes, is amended to read:

36 379.2431 Marine animals; regulation.—

37 (4) ~~ANNUAL~~ FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

38 (a) Each fiscal year the Save the Manatee Trust Fund shall
 39 be available to fund an impartial scientific benchmark census of
 40 the manatee population in the state. Weather permitting, the
 41 study shall be conducted annually by the Fish and Wildlife
 42 Conservation Commission and the results shall be made available
 43 to the President of the Senate, the Speaker of the House of
 44 Representatives, and the Governor and Cabinet for use in the
 45 evaluation and development of manatee protection measures. In
 46 addition, the Save the Manatee Trust Fund shall be available for
 47 annual funding of the provisions specified in s. 379.2434;
 48 activities of public and private organizations and those of the
 49 commission intended to provide manatee and marine mammal
 50 protection and recovery effort; manufacture and erection of
 51 informational and regulatory signs; production, publication, and
 52 distribution of educational materials; participation in manatee

53 and marine mammal research programs, including carcass salvage
 54 and other programs; programs intended to assist the recovery of
 55 the manatee as an endangered species, assist the recovery of the
 56 endangered or threatened marine mammals, and prevent the
 57 endangerment of other species of marine mammals; and other
 58 similar programs intended to protect and enhance the recovery of
 59 the manatee and other species of marine mammals.

60 (b) By December 1 each year, the Fish and Wildlife
 61 Conservation Commission shall provide the President of the
 62 Senate and the Speaker of the House of Representatives a written
 63 report, enumerating the amounts and purposes for which all
 64 proceeds in the Save the Manatee Trust Fund for the previous
 65 fiscal year are expended, in a manner consistent with those
 66 recovery tasks enumerated within the manatee recovery plan as
 67 required by the Endangered Species Act.

68 (c) When the federal and state governments remove the
 69 manatee from status as an endangered or threatened species, the
 70 annual allocation may be reduced.

71 (d) Up to 10 percent of the annual use fee deposited in
 72 the Save the Manatee Trust Fund from the sale of the manatee
 73 license plate authorized in s. 320.08058 may be used to promote
 74 and market the license plate issued by the Department of Highway
 75 Safety and Motor Vehicles after June 30, 2007.

76 Section 3. Section 379.2434, Florida Statutes, is created
 77 to read:

78 379.2434 Manatee speed zone effectiveness study; manatee

79 distribution and abundance survey and report.—

80 (1) The commission shall contract with an independent,
 81 qualified party to conduct a study evaluating the effectiveness
 82 of manatee speed zones including if, and to what extent, risks
 83 to manatees are reduced by such zones. The commission shall
 84 submit a report to the Governor, the President of the Senate,
 85 and the Speaker of the House of Representatives by January 1,
 86 2019, detailing the findings of the study.

87 (2) By July 1, 2018, the commission shall conduct a
 88 statewide manatee distribution and abundance survey and report.

89 (a) The survey and report must achieve a scientifically
 90 reliable population estimate.

91 (b) The commission may repeat, as necessary to determine
 92 best practices, the statewide manatee distribution and abundance
 93 survey and report until at least July 1, 2026.

94 (3) To provide additional funding for the speed zone
 95 effectiveness study and the manatee distribution and abundance
 96 surveys and reports, the Save the Manatee Trust Fund is exempted
 97 until July 1, 2026, from the requirement to contribute a service
 98 charge to the General Revenue Fund under s. 215.20. Funds
 99 required to implement the study, surveys, and reports may be
 100 appropriated from the Save the Manatee Trust Fund to the extent
 101 that funding is not available from other sources.

102 Section 4. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1273 Manatees
SPONSOR(S): Ahern
TIED BILLS: **IDEN./SIM. BILLS:** SB 1506

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	12 Y, 0 N	Moore, R.	Harrington
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Manatees are listed as an endangered species under the Endangered Species Act. Florida's Manatee Sanctuary Act (Act) declares the state to be a refuge and sanctuary for the manatee. The Act provides that the Florida Fish and Wildlife Conservation Commission (FWC) must adopt rules regulating the operation and speed of motorboat traffic where there are manatee sightings based upon best available scientific information and allows local governments to adopt ordinances regulating the same within its jurisdiction if approved by FWC. FWC has established manatee protection rules restricting the speed and operation of vessels where necessary to protect manatees from harassment and harmful collisions with vessels. FWC also conducts aerial distribution and synoptic surveys to acquire information on manatee distribution, abundance, and use of habitat. The Save the Manatee Trust Fund (STMTF) is administered by FWC and its funds are used for a yearly impartial scientific benchmark census of the manatee population in the state and programs to protect and enhance the recovery of the manatee and other species of marine mammals.

The bill:

- Requires FWC to contract with an independent, qualified party to conduct a study evaluating the effectiveness of manatee speed zones including if, and to what extent, risks to manatees are reduced by these zones and to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2019, detailing the findings of the study;
- Requires FWC to conduct a statewide manatee distribution and abundance survey and report by July 1, 2018, that achieves a scientifically reliable population estimate, and allows FWC to repeat the survey as necessary to determine best practices until at least July 1, 2026;
- Allows funds from the STMTF to be used for the manatee speed zone effectiveness study and statewide manatee distribution and abundance survey and report to the extent that funding is not available from other sources; and
- Exempts the STMTF from a service charge assessed against state trust funds until July 1, 2026.

The bill may have a negative fiscal impact on the state by exempting the STMTF from the requirement to contribute to the General Revenue Fund.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The West Indian manatee, *Trichechus manatus*, is a large aquatic mammal consisting of two subspecies: the Antillean manatee, *Trichechus manatus manatus*, and the Florida manatee, *Trichechus manatus latirostris*.¹ Manatees are protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act. Under the ESA, species are listed as either endangered² or threatened.³ Manatees are currently listed as an endangered species under the ESA.⁴ The ultimate goal of the ESA is to recover species so they no longer need protection.⁵

Manatees are found throughout the Caribbean, including the southeastern United States, eastern Mexico, eastern Central America, northeastern South America, and the Greater Antilles.⁶ The range wide population is estimated to be at least 13,000, with more than 6,500 in the southeastern United States and Puerto Rico. When aerial surveys began in 1991, there were an estimated 1,267 manatees in Florida.⁷ Today there are more than 6,000, representing a significant increase over the past 25 years.⁸ On January 8, 2016, the United States Fish and Wildlife Service proposed reclassifying the manatee from endangered to threatened.⁹

Florida's Endangered and Threatened Species Act

Florida's Endangered and Threatened Species Act (FETSA) recognizes that the state harbors a wide diversity of fish and wildlife and provides that it is the policy of the state to conserve and wisely manage these resources, with particular attention to species defined by the Fish and Wildlife Conservation Commission (FWC), the Department of Environmental Protection, or the United States Department of Interior, or successor agencies, as being endangered¹⁰ or threatened^{11, 12}. The FETSA also recognizes

¹ U.S. Fish & Wildlife Service Southeast Region West Indian Manatee, available at <http://www.fws.gov/southeast/wildlife/mammal/manatee/> (last visited Jan. 27, 2016).

² "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range.; ESA Fact Sheet available at http://www.fws.gov/endangered/esa-library/pdf/ESA_basics.pdf.

³ "Threatened" means a species is likely to become endangered within the foreseeable future.; ESA Fact Sheet available at http://www.fws.gov/endangered/esa-library/pdf/ESA_basics.pdf.

⁴ U.S. Fish & Wildlife Service Southeast Region West Indian Manatee, available at <http://www.fws.gov/southeast/wildlife/mammal/manatee/> (last visited Jan. 27, 2016).

⁵ ESA Fact Sheet available at http://www.fws.gov/endangered/esa-library/pdf/ESA_basics.pdf.

⁶ U.S. Fish & Wildlife Service Southeast Region West Indian Manatee, available at <http://www.fws.gov/southeast/wildlife/mammal/manatee/> (last visited Jan. 27, 2016).

⁷ U.S. Fish & Wildlife Service Southeast Region West Indian Manatee, available at <http://www.fws.gov/southeast/wildlife/mammal/manatee/> (last visited Jan. 27, 2016); FWC's website available at <http://myfws.com/research/manatee/research/population-monitoring/synoptic-surveys/> (last visited Jan. 27, 2016).

⁸ *Id.*

⁹ U.S. Fish & Wildlife Service Southeast Region West Indian Manatee, available at <http://www.fws.gov/southeast/wildlife/mammal/manatee/> (last visited Jan. 27, 2016).

¹⁰ Section 379.2291(3)(b), F.S., defines an "endangered species" as any species of fish and wildlife naturally occurring in Florida, whose prospects of survival are in jeopardy due to modification or loss of habitat; overutilization for commercial, sporting, scientific, or educational purposes; disease; predation; inadequacy of regulatory mechanisms; or other natural or manmade factors affecting its continued existence.

¹¹ Section 379.2291(3)(c), F.S., defines a "threatened species" as any species of fish and wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification of its environment.

¹² Section 379.2291(1)-(2), F.S.

that Florida has more endangered and threatened species than any other continental state, and provides that it is the intent of the Legislature to provide for research and management to conserve and protect these species as a natural resource.¹³ The FETSA provides that FWC is responsible for research and management of freshwater, upland, and marine species.¹⁴

Manatee Protection

FWC must ensure that manatees receive the maximum protection possible.¹⁵ Recognizing that manatee protection depends upon consistently achieving a high degree of compliance with existing and future rules, FWC must:

- Conduct standardized studies to determine levels of compliance with manatee protection rules;
- Use the results of the studies, and other relevant information, to develop and implement law enforcement initiatives and boater education plans; and
- Identify impediments in consistently achieving high levels of compliance, and adjust enforcement and boater education efforts accordingly.¹⁶

Florida Manatee Sanctuary Act

Florida's Manatee Sanctuary Act (Act) declares the state to be a refuge and sanctuary for the manatee¹⁷ and provides that the protections extended to and authorized on behalf of the manatee are independent of, and are not contingent upon, its status as a state or federal listed species.¹⁸ The Act provides that:

FWC may grant a special permit to possess a manatee for scientific or propagational purposes, which specifies the exact number to be maintained in captivity;¹⁹

A person may not, at any time, by any means, or in any manner intentionally or negligently annoy, molest, harass, or disturb or attempt to molest, harass, or disturb any manatee; injure or harm or attempt to injure or harm any manatee; capture or collect or attempt to capture or collect any manatee; pursue, hunt, wound, or kill or attempt to pursue, hunt, wound, or kill any manatee; or possess, literally or constructively, any manatee or any part of any manatee.²⁰ Any gun, net, trap, spear, harpoon, boat of any kind, aircraft, automobile of any kind, other motorized vehicle, chemical, explosive, electrical equipment, scuba or other subaquatic gear, or other instrument, device, or apparatus of any kind or description used in annoying, harassing or disturbing a manatee may be forfeited upon conviction;²¹

FWC may provide another permitting agency with comments regarding the expansion of existing, or the construction of new, marine facilities and mooring or docking slips, which propose to add or construct five or more powerboat slips;²²

FWC must adopt rules regulating the operation and speed of motorboat traffic:

- Only where manatee sightings are frequent and the best available scientific information supports the conclusions that manatees inhabit these areas on a *regular* basis in designated areas of the state;²³

¹³ Section 379.291(2), F.S.

¹⁴ Section 379.2291(4)(a), F.S.

¹⁵ Section 379.2432, F.S.

¹⁶ *Id.*

¹⁷ Section 15.038(1), F.S., designates the manatee as the state's marine mammal.

¹⁸ Section 379.2431(2)(b).

¹⁹ Section 379.2431(2)(c), F.S.

²⁰ Section 379.2431(2)(d), F.S.

²¹ Section 379.2431(2)(e), F.S.

²² Section 379.2431(2)(g), F.S.

²³ Section 379.2431(2)(g)-(i), F.S.

- All year within Turkey Creek and its tributaries and within Manatee Cove in Brevard County;²⁴
- Within an area of any new power plant or other source of warm water discharge that attracts a concentration of manatees, which designates a zone of sufficient size, and for a duration sufficient to protect the manatees;²⁵ and
- In port waters with due regard to the safety requirements of motorboat traffic and the navigational hazards related to the movement of commercial vessels;²⁶

FWC may post and regulate boat speeds:

- Only where the best available scientific information supports the conclusion that manatees inhabit areas on a *periodic* basis;²⁷ and
- In designated limited lanes or corridors whenever the lanes and corridors are consistent with manatee protection;²⁸

Local governments may regulate motorboat speed and operation on waters within its jurisdiction where the best scientific information supports the conclusion that manatees inhabit areas on a regular basis if approved by FWC;²⁹

FWC may adopt rules to protect manatee habitat (e.g., seagrass beds) from destruction by boats or other human activity;³⁰ and

FWC may adopt rules designating limited areas as a safe haven for manatees to rest, feed, reproduce, give birth, or nurse undisturbed by human activity.³¹

FWC, pursuant to the Act, has established manatee protection rules restricting the speed and operation of vessels where necessary to protect manatees from harassment and harmful collisions with vessels.³² Florida's counties with manatee protection zones, with some zones that vary by season, are:³³

Brevard;³⁴

Hillsborough;³⁵

Citrus (includes parts of Levy and Hernando counties);³⁶

Flagler;³⁷

Hillsborough;³⁸

Indian River;³⁹

Lee;⁴⁰

Miami-Dade;⁴¹

Palm Beach;⁴²

Pinellas-East;⁴³

²⁴ Section 379.2431(2)(l), F.S.

²⁵ Section 379.2431(2)(j), F.S.

²⁶ Section 379.2431(2)(m), F.S.

²⁷ Section 379.2431(2)(k) and (n), F.S.

²⁸ Section 379.2431(2)(k), F.S.

²⁹ Section 379.2431(2)(p), F.S.

³⁰ Section 379.2431(2)(n), F.S.

³¹ Section 379.2431(2)(o), F.S.

³² Chapter 68C-22, F.A.C.

³³ FWC Data and Maps, available at <http://myfwc.com/media/2944209/MPZStatewideMap.pdf>.

³⁴ Rule 68C-22.006, F.A.C.

³⁵ Rule 68C-22.010, F.A.C.

³⁶ Rule 68C-22.011, F.A.C.

³⁷ Rule 68C-22.028, F.A.C.

³⁸ Rule 68C-22.013, F.A.C.

³⁹ Rule 68C-22.007, F.A.C.

⁴⁰ Rule 68C-22.005, F.A.C.

⁴¹ Rule 68C-22.025, F.A.C.

⁴² Rule 68C-22.009, F.A.C.

⁴³ Rule 68C-22.016, F.A.C.

Sarasota;⁴⁴
St. Lucie;⁴⁵ and
Volusia (includes parts of Lake, Marion, Putnam, and Seminole counties along the St. Johns River).⁴⁶

The following Florida counties have year round manatee protection zones:
Charlotte (includes part of DeSoto County along the Peace River);⁴⁷
Collier;⁴⁸
Duval (includes parts of Clay and St. Johns County along the St. Johns River);⁴⁹
Manatee;⁵⁰ and
Martin.⁵¹

Manatee Distribution and Abundance Surveys

FWC conducts aerial surveys to acquire information on manatee distribution, abundance, and use of habitat.⁵² The two main types are distribution and synoptic surveys.

FWC's distribution surveys are designed to maximize manatee counts by concentrating on shallow nearshore waters, where manatees and their primary food source are located. These surveys are:

- Between four to six hours in length;
- Flown every two weeks over a two year period;
- Conducted at a height of 500 feet at a speed of 80 miles per hour; and
- Flown in paths parallel to the shoreline.⁵³

In urban areas or where waters are opaque, some surveys are made using helicopters. Surveys are also being conducted by the following research groups:

- Jacksonville University surveys Duval County;
- Kennedy Space Center surveys the upper Banana River;
- Dade County Department of Environmental Resource Management, Mote Marine Lab surveys Sarasota and Charlotte counties; and
- Chassahowitzka National Wildlife Refuge surveys the Crystal River and Big Bend areas.⁵⁴

All aerial data are recorded on maps and entered into the Fish and Wildlife Research Institute's Marine Resources Geographic Information System (MRGIS) for spatial analysis. Survey data in the MRGIS are used as a primary source of data for management planning and decisions. FWC's Atlas of Marine Resources CD-ROM includes 31 data sets of manatee aerial distribution survey sightings, detailed aerial flight paths, and related coverages of bathymetry, shorelines, seagrasses, county boundaries, and aids to navigation.⁵⁵

⁴⁴ Rule 68C-22.026, F.A.C.

⁴⁵ Rule 68C-22.008, F.A.C.

⁴⁶ Rule 68C-22.012, F.A.C.

⁴⁷ Rule 68C-22.015, F.A.C.

⁴⁸ Rule 68C-22.023, F.A.C.

⁴⁹ Rule 68C-22.027, F.A.C.

⁵⁰ Rule 68C-22.014, F.A.C.

⁵¹ Rule 68C-22.024, F.A.C.

⁵² FWC Manatee Aerial Surveys, available at <http://myfwc.com/research/manatee/research/population-monitoring/aerial-surveys/> (last visited Jan. 27, 2016).

⁵³ *Id.*

⁵⁴ FWC Manatee Aerial Surveys, available at <http://myfwc.com/research/manatee/research/population-monitoring/aerial-surveys/> (last visited Jan. 27, 2016).

⁵⁵ *Id.*

FWC also coordinates an interagency team to conduct synoptic surveys each winter. These aerial surveys are conducted after cold fronts pass through Florida and cover areas of known warm water sites (e.g., natural springs, power plants, and deep canals) where manatees congregate after temperatures drop. These counts are believed to be most accurate just after a cold front, because manatees move to the surface to warm in the sun, making them more visible. These surveys are useful in determining minimum estimates of manatee populations.⁵⁶ Results of synoptic surveys of Florida are as follows:⁵⁷

Year	Date	East	West	Total
1991	January 23-24	687	580	1,267
1991	February 17-18	828	650	1,478
1992	January 17-18	904	940	1,844
1995	January 21-22	669	787	1,456
1995	February 06-07	917	906	1,823
1996	January 09-10	1,223	1,054	2,277
1996	February 18-19	1,452	1,178	2,630
1997	January 19-20	906	1,335	2,241
1997	February 13	797	918	1,715
1998	January 29-30	1,110	908	2,018
1999	January 06	842	1,023	1,865
1999	February 23	900	1,123	2,023
1999	March 06	960	1,400	2,360
2000	January 16-17	634	1,012	1,646
2000	January 26-27	1,138	1,085	2,223
2001	January 05-06	1,559	1,741	3,300
2002	March 01	864	894	1,758
2003	January 09	1703	1140	2,843
2003	January 21-22	1813	1314	3,127
2003	January 26-28	1,705	1,311	3,016
2004	February 20	1,198	1,307	2,505
2005	January 26	1,594	1,549	3,143
2006	February 13-17	1,639	1,474	3,113
2007	January 30-February 1	1,414	1,403	2,817
2009	January 19-23	2,148	1,654	3,802
2010	January 12-15	2,780	2,297	5,077
2011	January 20 and 24	2,432	2,402	4,834
2014	January 24 and 27	2,315	2,509	4,824
2015	February 16, 20, 23	3,333	2,730	6,063

⁵⁶ *Id.*

⁵⁷ FWC's website available at <http://myfwc.com/research/manatee/research/population-monitoring/synoptic-surveys/> (last visited Jan. 27, 2016); Surveys were not conducted in 2012 or 2013, due to warmer than average weather.

Save the Manatee Trust Fund

The Save the Manatee Trust Fund (STMTF) is administered by FWC.⁵⁸ Funds credited to the trust fund include:

- Annual use fees for a manatee license plate;⁵⁹
- Annual vessel registration fees;⁶⁰
- Voluntary contributions associated with boat registration;⁶¹
- Purchases of stickers or emblems signifying support of the trust fund;⁶²
- Transfers from the Marine Resources Conservation Trust Fund;⁶³ and
- Donations received by FWC for deposit into the trust fund.⁶⁴

Each fiscal year funds from the STMTF are made available for:

- An impartial scientific benchmark census of the manatee population in the state.⁶⁵ Weather permitting, the study is conducted annually by FWC and the results made available to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet for use in the evaluation and development of manatee protection measures;
- Activities of public and private organizations and those of the FWC intended to provide manatee and marine mammal protection and recovery effort;
- Manufacture and erection of informational and regulatory signs;
- Production, publication, and distribution of educational materials;
- Participation in manatee and marine mammal research programs, including carcass salvage and other programs;
- Programs intended to assist the recovery of the manatee as an endangered species, assist the recovery of the endangered or threatened marine mammals, and prevent the endangerment of other species of marine mammals; and
- Other similar programs intended to protect and enhance the recovery of the manatee and other species of marine mammals.⁶⁶

A balance in the trust fund at the end of any fiscal year must remain in the trust fund at the end of the year and be available for carrying out the purposes of the trust fund.⁶⁷ Trust funds, except those enumerated in s. 215.22, F.S.,⁶⁸ must contribute 8 percent from income of a revenue nature⁶⁹ to the General Revenue Fund.⁷⁰

⁵⁸ Section 379.213(1), F.S.

⁵⁹ Section 320.08058, F.S.

⁶⁰ Section 328.66, F.S.

⁶¹ Section 328.72, F.S.

⁶² Section 328.74, F.S.

⁶³ Section 328.76, F.S.

⁶⁴ Section 379.213(2), F.S.

⁶⁵ Section 379.2431(4)(a), F.S.

⁶⁶ Section 379.2431(4)(a), F.S.

⁶⁷ Section 379.213(3), F.S., provides notwithstanding the provisions of s. 216.301, F.S., regarding appropriations and undisbursed balances, and s. 216.351, F.S., regarding inconsistent laws.

⁶⁸ Section 215.22, F.S., provides for certain income and certain trust funds that are exempt from appropriations requirements to the General Revenue Fund.

⁶⁹ Section 215.20(1), F.S. provides that income of a revenue nature includes all earnings received or credited by trust funds, including the interest or benefit received from the investment of the principal of the trust fund.

⁷⁰ Section 215.20(1), F.S.

Effect of Proposed Changes

The bill creates s. 379.2434, F.S., providing for a manatee speed zone effectiveness study and a statewide manatee distribution and abundance survey and report. Specifically, the bill:

Requires FWC to contract with an independent, qualified party to conduct a study evaluating the effectiveness of manatee speed zones including if, and to what extent, risks to manatees are reduced by these zones, and for FWC to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2019, detailing the findings of the study;

Requires FWC to conduct a statewide manatee distribution and abundance survey and report by July 1, 2018, which achieves a scientifically reliable population estimate, and allows FWC to repeat the statewide manatee distribution and abundance survey and report until at least July 1, 2026, as necessary to determine best practices;

Exempts the STMTF from the requirement to contribute to the General Revenue Fund⁷¹ until July 1, 2026, to provide additional funding for the speed zone effectiveness study and manatee distribution and abundance surveys and reports; and

Provides that funds to implement the study, surveys, and reports may be appropriated from the STMTF to the extent that funding is not available from other sources.

The bill amends s. 379.2431, F.S., regarding the STMTF, to require that trust funds are made available for the manatee speed zone effectiveness study and manatee distribution and abundance survey and report. In addition, the bill amends s. 215.22, F.S., exempting the STMTF from contributing a service charge of eight percent to the General Revenue Fund until July 1, 2026.

B. SECTION DIRECTORY:

Section 1. Amends s. 215.22, F.S., regarding the Save the Manatee Trust Fund.

Section 2. Amends s. 379.2431, F.S., regarding marine animals.

Section 3. Creates s. 379.2434, F.S., regarding a manatee speed zone effectiveness study and a statewide manatee distribution and abundance report.

Section 4. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have a negative fiscal impact on the state by exempting the STMTF from the service charge assessed against state trust funds.

⁷¹ Section 215.20, F.S.

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.

MIAF Bill Tracking

Sorted by Bill Number

SB 0006	Relating to State Minimum Wage	Bullard
State Minimum Wage; Increasing the state minimum wage; prohibiting an employer from paying an employee at a rate less than the state minimum wage; removing the limitation restricting application of the state minimum wage only to individuals entitled to receive the federal minimum wage; deleting obsolete language, etc. Effective Date: 1/1/2017		
8/19/2015 SENATE Referred to Commerce and Tourism; Community Affairs; Appropriations		
HB 0007	Relating to Employment Discrimination	Cruz
Employment Discrimination: Designates act as "Helen Gordon Davis Fair Pay Protection Act"; provides legislative findings & intent relating to equal pay for equal work for women; recognizes importance of DEO & FHRC in ensuring fair pay; provides duties of DEO & FHRC; creates Governor's Recognition Award for Pay Equity in Workplace. Effective Date: July 1, 2016		
8/27/2015 HOUSE Now in Economic Development & Tourism Subcommittee		
HB 0063	Relating to Medical Use of Low-THC Cannabis	Steube
Medical Use of Low-THC Cannabis: Allows registered patients & designated caregivers to purchase, acquire, & possess low-THC cannabis subject to specified requirements; allows cultivation or processing licensee, employee, or contractor to acquire, cultivate, transport, & sell low-THC cannabis; allows retail licensee to purchase, receive, possess, store, dispense, & deliver low-THC cannabis; prohibits certain actions regarding acquisition, possession, transfer, use, & administration of low-THC cannabis; clarifies that person is prohibited from driving or boating under influence of low-THC cannabis; provides duties of DOH; provides implementation requirements; specifies act does not require or restrict health insurance coverage for purchase of low-THC cannabis. Effective Date: July 1, 2016		
12/15/2015 HOUSE Withdrawn prior to introduction		
HB 0065	Relating to Pub Rec/Low-THC Cannabis Patient Registry/DOH	Steube
Pub Rec/Low-THC Cannabis Patient Registry/DOH: Exempts from public records requirements personal identifying information of patients & physicians held by DOH in low-THC cannabis patient registry or former compassionate use registry; exempts information related to ordering & dispensing low-THC cannabis; authorizes specified persons & entities access to exempt information; requires that information released from registry remain confidential; provides penalty; provides for future legislative review & repeal; provides statement of public necessity. Effective Date: on the same date that HB 63, or similar legislation establishing an electronic system to record a physician's orders for, and a patient's use of, low-THC cannabis takes effect		
12/15/2015 HOUSE Withdrawn prior to introduction		
SB 0076	Relating to Tax-exempt Income	Hukill
Tax-Exempt Income: Increasing the amount of income that is exempt from the corporate income tax; increasing the amount of income that is exempt from the franchise tax imposed on banks and savings associations, etc. Effective Date: 1/1/2017		
10/21/2015 SENATE Now in Ad		

a waiver of the replacement fee in certain circumstances, etc. Effective Date: 7/1/2016
2/3/2016 HOUSE Read Third Time; Passed (Vote: 118 Yeas / 0 Nays)

HB 0161	Relating to Driving or Boating Under the Influence	Kerner
	Driving or Boating Under the Influence: Designates act "Naomi Pomerance Victim Safety Act"; provides that person with specified amount of delta 9-tetrahydrocannabinol per milliliter of blood commits offense of driving under influence or boating under influence. Effective Date: October 1, 2016 9/24/2015 HOUSE Now in Highway & Waterway Safety Subcommittee	
SB 0186	Relating to Social Media Privacy	Clemens
	Social Media Privacy; Prohibiting an employer from requesting or requiring access to a social media account of an employee or prospective employee; prohibiting an employer from taking retaliatory personnel action against an employee as a result of the employee's refusal to allow access to his or her social media account; prohibiting an employer from failing or refusing to hire a prospective employee as a result of the prospective employee's refusal to allow access to his or her social media account, etc. Effective Date: 10/1/2016 10/7/2015 SENATE Now in Judiciary	
HB 0205	Relating to Florida Healthy Working Families Act	Williams
	Florida Healthy Working Families Act: Creates "Florida Healthy Working Families Act"; provides powers & duties of executive director of DEO; requires certain employers to provide employees with earned sick & safe leave under certain conditions; provides employer & employee requirements; authorizes employee to file civil action under certain conditions. Effective Date: July 1, 2016 10/7/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
HB 0219	Relating to Tax-Exempt Income	Sullivan
	Tax-Exempt Income: Increases amount of income exempt from corporate income tax; increases amount of income exempt from franchise tax imposed on banks & savings associations; provides applicability. Effective Date: January 1, 2017 10/7/2015 HOUSE Now in Finance & Tax Committee	
SB 0292	Relating to Streamlined Sales and Use Tax Agreement	Margolis
	Streamlined Sales and Use Tax Agreement; Specifying the facilities that are exempt from the transient rentals tax; deleting criteria establishing circumstances under which taxes on the lease or rental of a motor vehicle are due; limiting the \$5,000 cap on discretionary sales surtax to the sale of motor vehicles, aircraft, boats, manufactured homes, modular homes, and mobile homes; providing amnesty for uncollected or unpaid sales and use taxes for sellers who register under the Streamlined Sales and Use Tax Agreement, etc. Effective Date: 1/1/2017 2/3/2016 SENATE Pending withdrawal	
SB 0294	Relating to Labor Regulations	Thompson
	Labor Regulations; Providing powers and duties of the executive director of the Department of Economic Opportunity; requiring certain employers to provide employees with paid or unpaid earned sick and safe leave under certain conditions; providing employer and employee requirements; authorizing an employee to file a civil action under certain conditions, etc. Effective Date: 7/1/2016 1/26/2016 SENATE Laid on Table	
SB 0346	Relating to Local Government Infrastructure Surtax	Altman
	Local Government Infrastructure Surtax; Authorizing the governing authority of a county to levy a discretionary sales surtax to fund capital restoration of natural water bodies for public use; limiting expenditures of the proceeds and interest from the surtax or specified bonds that pledge the surtax to dredging operations related to ecologically beneficial muck removal, etc. Effective Date: 7/1/2016 1/27/2016 SENATE Now in Appropriations	
HB 0353	Relating to Discrimination in Employment Screening	Powell
	Discrimination in Employment Screening: Prohibits public employer from inquiring into or considering applicant's criminal history on initial employment application unless required to do so by law. Effective Date: July 1, 2016 10/30/2015 HOUSE Now in Criminal Justice Subcommittee	
SB 0384	Relating to Employment Practices	Bullard
	Employment Practices; Citing this act as the "Florida Paid Family Care Leave Act"; requiring an employer to allow an employee to take paid family care leave to bond with a new child upon the child's birth, adoption, or foster care placement; requiring an employer to provide notice to employees of the right to paid family care leave; revising the Florida Civil Rights Act of 1992 to prohibit specified employment practices on the basis of pregnancy, childbirth, or a related medical condition, etc. Effective Date: 7/1/2016	

10/9/2015 SENATE Referred to Commerce and Tourism; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

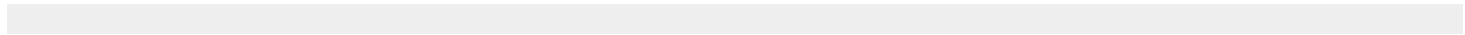
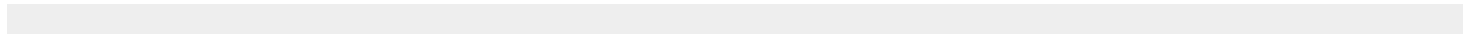
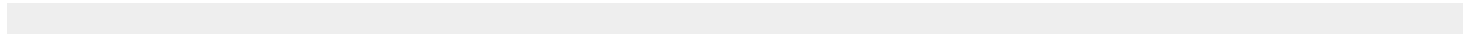
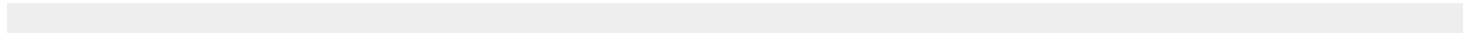
- SB 0400** **Relating to Organizational Structure of the Department of Environmental Protection** Hays
Organizational Structure of the Department of Environmental Protection; Authorizing the secretary of the Department of Environmental Protection to establish divisions as necessary to accomplish the missions and goals of the department, etc. Effective Date: 7/1/2016
1/14/2016 SENATE Now in Appropriations
- HB 0427** **Relating to Recreational Vessel Registration** Magar
Recreational Vessel Registration: Provides for reduced recreational vessel registration fee when vessel is equipped with emergency position indicating radio beacon or owner of vessel owns personal locator beacon; authorizes DHSMV to adopt rules relating to proof of qualification; provides for certain funds to supplement reduced amounts collected. Effective Date: July 1, 2016
1/15/2016 HOUSE Now in Transportation & Economic Development Appropriations Subcommittee
- HB 0447** **Relating to Local Government Environmental Financing** Raschein
Local Government Environmental Financing: Designates act as "Florida Keys Stewardship Act"; revises projects that may be funded using specific surtaxes & bond proceeds; authorizes Everglades bonds for City of Key West Area of Critical State Concern; expands types of water management projects eligible for funding; specifies funds for Florida Keys Area of Critical State Concern protection program; revises procedures for disposing of certain lands; recognizes degradation of coral reefs; requires specific Florida Forever funds to be spent buying lands in Florida Keys Area of Critical State Concern; authorizes land authority to contribute funds for certain land purchases. Effective Date: July 1, 2016
2/5/2016 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 02/09/16, 9:00 am, 102 H
- SB 0448** **Relating to Discrimination in Employment Screening** Clemens
Discrimination in Employment Screening; Prohibiting a public employer from inquiring into or considering an applicant's criminal history on an initial employment application unless required to do so by law, etc. Effective Date: 7/1/2016
10/9/2015 SENATE Referred to Commerce and Tourism; Judiciary; Appropriations Subcommittee on General Government; Fiscal Policy
- SB 0454** **Relating to Employment Discrimination** Joyner
Employment Discrimination; Creating the "Helen Gordon Davis Fair Pay Protection Act"; recognizing the importance of the Department of Economic Opportunity and the Florida Commission on Human Relations in ensuring fair pay; creating the Governor's Recognition Award for Pay Equity in the Workplace; requiring that the award be given annually to employers in this state who have engaged in activities that eliminate the barriers to equal pay for equal work for women, etc. Effective Date: 7/1/2016
10/9/2015 SENATE Referred to Commerce and Tourism; Governmental Oversight and Accountability; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy
- HB 0489** **Relating to Shellfish Harvesting** Drake
Shellfish Harvesting: Revises provisions directing DACS to cooperate with DEP & FWCC to protect shellfish beds & to control water pollution in such areas; provides for Board of Trustees of Internal Improvement Trust Fund to authorize use of dredges or mechanical harvesting devices as special lease conditions; prohibits certain use & possession of dredges or mechanical harvesting devices; provides penalties; removes provisions relating to shellfish harvesting seasons, certain removal of oysters, clams, or mussels, dredging of dead shells, & oyster culture. Effective Date: July 1, 2016
2/5/2016 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 02/09/16, 9:00 am, 102 H
- HB 0501** **Relating to Conservation Easements** McGhee
Conservation Easements: Deletes requirement that exemption for conservation easement must be renewed annually; provides that property owner is not required to file renewal application until use of property no longer complies with conservation easement requirements or restrictions. Effective Date: July 1, 2016
2/3/2016 HOUSE Now in State Affairs Committee
- HB 0529** **Relating to Freight Mobility and Trade Projects** Ray
Freight Mobility and Trade Projects: Provides for certain fees collected by DHSMV to be set aside for specified freight mobility & trade projects or navigational channel projects. Effective Date: July 1, 2019
11/16/2015 HOUSE Now in Transportation & Ports Subcommittee

SB 0552

Relating to Environmental Resources

Dean

Environmental Resources; Requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; authorizing certain water management districts to designate and implement pilot projects; providing water m
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SB 0686	Relating to Government Accountability	Waetz (D)
	Government Accountability; Citing this act as the "Florida Anti-Corruption Act of 2016"; specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the Commissioner of Education may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to officers and board members of corporate entities associated with the Department of Economic Opportunity, etc. Effective Date: 10/1/2016 2/4/2016 SENATE On Committee agenda - Governmental Oversight and Accountability, 02/09/16, 10:00 am, 401 S	
HB 0703	Relating to Vessels	Workman
	Vessels: Provides that vessel overloading or excessive speed constitutes careless operation of vessel; provides for issuance of safety inspection decals; prohibits law enforcement officers from stopping certain vessels solely to inspect for certain compliance; provides exception. Effective Date: July 1, 2016 2/5/2016 HOUSE Now in Economic Affairs Committee	
SB 0746	Relating to Vessel Registrations	Negron
	Vessel Registrations; Reducing vessel registration fees for recreational vessels equipped with certain position indicating and locating beacons; providing criteria for such reduction; clarifying county optional registration fees, etc. APPROPRIATION: \$5,000,000.00 Effective Date: 7/1/2016 1/13/2016 SENATE Now in Appropriations	
SB 0770	Relating to Local Government Environmental Financing	Simpson
	Local Government Environmental Financing; Citing this act as the "Florida Keys Stewardship Act"; expanding the use of local government infrastructure surtaxes to include acquiring any interest in land for public recreation, conservation, or protection of natural resources or to reduce impacts of new development on hurricane evacuation clearance times; expanding the use of Everglades restoration bonds to include the City of Key West Area of Critical State Concern; requiring the Department of Environmental Protection to annually consider certain recommendations to buy specific lands within and outside an area of critical state concern, etc. Effective Date: 7/1/2016 12/1/2015 SENATE Now in Appropriations Subcommittee on General Government	
HB 0771	Relating to Drug-Free Workplaces	Renner
	Drug-Free Workplaces: Revises contents of employer policy statement with respect to employee drug use; revises frequency of followup testing; revises specimen collection, verification, & documentation procedures; revises requirements for confirmation testing. Effective Date: July 1, 2016 12/10/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
HB 0795	Relating to Dredge and Fill Activities	Edwards
	Dredge and Fill Activities: Revises acreage of wetlands & surface waters subject to impact by dredge & fill activities under state programmatic general permits; provides that seeking to use such permits consents to specified federal wetland jurisdiction criteria; authorizes DEP to delegate federal permitting programs for the discharge of dredged or fill material under certain conditions. Effective Date: upon becoming a law 2/5/2016 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 02/09/16, 9:00 am, 102 H	
SB 0846	Relating to Divers-down Warning Devices	Abruzzo
	Divers-down Warning Devices; Revising the definitions of the terms "divers-down buoy," "divers-down flag," and "divers-down symbol"; expanding the types of indicators or devices allowed to be used to signal the presence of submerged divers; specifying requirements for divers-down warning devices, etc. Effective Date: 7/1/2016 2/5/2016 SENATE On Committee agenda - Rules, 02/10/16, 10:00 am, 110 S	
HB 0863	Relating to Boating Safety	Stark
	Boating Safety: Provides requirements for operation of recreational vessels by persons younger than specified age; revises minimum age to operate personal watercraft; removes exemption from photographic identification & boating safety identification card requirement for person accompanied in vessel by another person who meets certain criteria. Effective Date: July 1, 2016 12/18/2015 HOUSE Now in Criminal Justice Subcommittee	
HB 0871	Relating to Broward County	Clarke-Reed
	Broward County: Repeals penalty for exceeding speed limit in specified waterways; repeals requirements for erection of waterway speed limit signs. Effective Date: upon becoming a law 2/4/2016 HOUSE Placed on Calendar, on 2nd reading	
HB 0971	Relating to Community Development Districts	Sullivan

Community Development Districts: Amends acreage threshold for establishment of community development district; authorizes district to contract with towing operator to remove vehicles or vessels from specified properties; authorizes up to certain number of districts to merge; provides for membership of surviving merged district; provides requirements of merger agreement; provides for public hearings; prohibits petition to merge from being filed within specified timeframe. Effective Date: July 1, 2016
 2/4/2016 HOUSE Placed on Calendar, on 2nd reading

HB 0989	Relating to Implementation of Water and Land Conservation Constitutional Amendment	Harrell
	Implementation of Water and Land Conservation Constitutional Amendment: Requires minimum specified percentage of funds within Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; provides preference in use of funds to certain projects that reduce discharges to St. Lucie & Caloosahatchee estuaries. Effective Date: July 1, 2016 2/5/2016 HOUSE On Committee agenda - Appropriations Committee, 02/09/16, 3:00 pm, 212 K	
HB 0995	Relating to Local Government Infrastructure Surtax	Mayfield
	Local Government Infrastructure Surtax: Authorizes county to levy discretionary sales surtax to fund certain capital projects to restore natural water bodies for public use under certain circumstances; authorizes proceeds & interest from surtax to be used for certain dredging operations. Effective Date: July 1, 2016 1/26/2016 HOUSE Now in Finance & Tax Committee	
HB 1007	Relating to City of Clearwater, Pinellas County	Latvala (C)
	City of Clearwater, Pinellas County: Provides for use & development of specified city-owned lands; removes certain restrictions on use of lands imposed by ch. 11050, Laws of Florida (1925); specifies that act does not modify or supersede city's charter relating to waterfront property owned by city. Effective Date: upon becoming a law 1/13/2016 HOUSE Now in Agriculture & Natural Resources Subcommittee	
HB 1051	Relating to Recreational Boating Zones	Caldwell
	Recreational Boating Zones: Prohibits overnight anchoring of vessels in specified recreational boating zones; provides exceptions, applicability, & penalties; authorizes law enforcement officers & agencies to remove & impound vessels; provides indemnification for such law enforcement officers & agencies in certain circumstances; provides requirements for contractors performing removal or impoundment activities; provides for issuance of citations. Effective Date: July 1, 2016 2/1/2016 HOUSE Now in State Affairs Committee	
HB 1075	Relating to State Lands	Caldwell
	State Lands: Creates, revises, & deletes provisions relating to acquisition, surplus, sale, lease, & use of state-owned conservation, nonconservation, recreation, & submerged lands; provides appropriation & authorizes positions. Effective Date: July 1, 2016 2/5/2016 HOUSE Now in State Affairs Committee	
HB 1091	Relating to Advertisement of Vehicle and Vessel Purchasing	Cortes (B)
	Advertisement of Vehicle and Vessel Purchasing: Requires motor vehicle dealer or secondary metals recycler who advertises purchase of vehicles or vessels to display license or registration number on sign or advertisement; prohibits unlicensed motor vehicle dealer or unregistered secondary metals recycler from dispatching wrecker or tow truck in response to advertisement for purchase of vehicle or vessel; provides for impoundment of wrecker or tow truck; provides fines & penalties. Effective Date: July 1, 2016 2/2/2016 HOUSE Favorable with CS by Business & Professions Subcommittee; 13 Yeas, 0 Nays	
SB 1148	Relating to Self-service Gasoline Stations	Montford
	Self-service Gasoline Stations; Requiring that retail self-service gasoline station pumps have printers in working order and capable of producing receipts; requiring that pumps without functioning printers be taken out of service; requiring the Department of Agriculture and Consumer Services to inspect pumps for functioning printers, etc. Effective Date: 7/1/2016 1/5/2016 SENATE Referred to Commerce and Tourism; Appropriations Subcommittee on General Government; Fiscal Policy	
HB 1153	Relating to Public Records/Recreational Activities Licenses/FWCC	Goodson
	Public Records/Recreational Activities Licenses/FWCC: Provides exemption from public records requirements for personal identifying information provided to FWCC on applications for certain licenses, permits, & certifications; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: July 1, 2016 1/29/2016 HOUSE Now in State Affairs Committee	

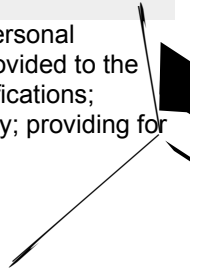
SB 1154	Relating to Drug-free Workplaces	Bradley
	Drug-free Workplaces; Revising the contents of an employer policy statement with respect to employee drug use; revising specimen collection, verification, and documentation procedures, etc. Effective Date: 7/1/2016 1/5/2016 SENATE Referred to Commerce and Tourism; Health Policy; Fiscal Policy	
SB 1156	Relating to Community Development Districts	Hutson
	Community Development Districts; Increasing minimum and maximum size requirements for the establishment of community development districts under certain circumstances; revising requirements related to the process of amending community development district boundaries; authorizing certain districts up to a specified number to merge into one surviving district, subject to certain requirements, etc. Effective Date: 7/1/2016 1/20/2016 SENATE Now in Commerce and Tourism	
SB 1168	Relating to Implementation of the Water and Land Conservation Constitutional Amendment	Negron
	Implementation of the Water and Land Conservation Constitutional Amendment; Requiring a minimum specified percentage of funds within the Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; providing a preference in the use of funds to certain projects that reduce harmful discharges to the St. Lucie Estuary and the Caloosahatchee Estuary, etc. Effective Date: 7/1/2016 2/4/2016 SENATE On Committee agenda - Environmental Preservation and Conservation, 02/09/16, 1:30 pm, 37 S	
SB 1176	Relating to Dredge and Fill Activities	Diaz de la Portilla
	Dredge and Fill Activities; Revising the acreage of wetlands and other surface waters subject to impact by dredge and fill activities under a state programmatic general permit; providing that seeking to use such a permit consents to specified federal wetland jurisdiction criteria; authorizing the Department of Environmental Protection to delegate federal permitting programs for the discharge of dredged or fill material under certain conditions, etc. Effective Date: Upon becoming a law 1/28/2016 SENATE Now in Appropriations Subcommittee on General Government	
SB 1260	Relating to Recreational Boating Zones	Simpson
	Recreational Boating Zones; prohibiting overnight anchoring or mooring of vessels in specified recreational boating zones, etc. Effective Date: 7/1/2016 1/11/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy	
SB 1268	Relating to Freight Mobility and Trade Projects	Simpson
	Freight Mobility and Trade Projects; Amending provisions relating to fees collected by the Department of Highway Safety and Motor Vehicles for issuance of motor vehicle certificates of title and related services; providing that certain fees collected shall be set aside for specified freight mobility and trade projects or navigational channel projects, etc. Effective Date: 7/1/2019 1/11/2016 SENATE Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations	
HB 1273	Relating to Manatees	Ahern
	Manatees: Exempts, until specified date, revenues deposited in Save the Manatee Trust Fund from certain service charges; authorizes expenditure of such funds to conduct manatee speed zone study & statewide manatee distribution & abundance surveys & reports; requires FWCC to contract for manatee speed zone effectiveness study; requires FWCC to submit report detailing findings of such study to Governor & Legislature & to conduct surveys & reports; authorizes FWCC to conduct additional surveys & reports as necessary. Effective Date: July 1, 2016 2/2/2016 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee	
SB 1282	Relating to Fish and Wildlife Conservation Commission	Dean
	Fish and Wildlife Conservation Commission; Revising penalties for violations of commission rules relating to control and management of state game lands; authorizing exceptions to the prohibition on spearfishing; revising penalties for violations related to subagent sales of hunting, fishing, and trapping licenses and permits, etc. Effective Date: 7/1/2016 1/20/2016 SENATE Now in Appropriations Subcommittee on General Government	
SB 1290	Relating to State Lands	Simpson
	State Lands; Authorizing the Board of Trustees of the Internal Improvement Trust Fund to waive certain requirements and rules and substitute procedures relating to the acquisition of state lands under certain conditions; providing for public agencies and nonprofit organizations to enter into written agreements with the Department of Environmental Protection rather than the Division of State Lands to purchase and hold property for	

subsequent resale to the board rather than the division; providing for the use of alternatives to fee simple acquisition by public land acquisition agencies, etc. Effective Date: 7/1/2016
2/4/2016 SENATE On Committee agenda - Environmental Preservation and Conservation, 02/09/16, 1:30 pm, 37 S

SB 1312 **Relating to Protection Zones For Springs** Dean
Protection Zones For Springs; Providing penalties for violations relating to protection zones for springs; directing the Fish and Wildlife Conservation Commission to establish protection zones to prevent harm to springs; requiring the commission to set vessel speed and operation standards for protection zones; requiring the commission to consult with certain other entities under certain circumstances; specifying responsibility for posting and maintaining regulatory markers, etc. Effective Date: 7/1/2016
1/27/2016 SENATE Now in Appropriations Subcommittee on General Government

SB 1318 **Relating to Shellfish Harvesting** Dean
Shellfish Harvesting: Revising provisions directing the Department of Agriculture and Consumer Services, in cooperation with the Fish and Wildlife Conservation Commission and the Department of Environmental Protection, to protect specified shellfish beds, grounds, and reefs; providing for the Board of Trustees of the Internal Improvement Trust Fund to authorize the use of dredges or mechanical harvesting devices as special lease conditions of sovereign submerged land leases; authorizing the department, rather than requiring, to designate areas for the taking of oysters and clams to be planted on public lands, etc. Effective Date: 7/1/2016
2/4/2016 SENATE On Committee agenda - Environmental Preservation and Conservation, 02/09/16, 1:30 pm, 37 S

SB 1364 **Relating to Public Records/Personal Information Obtained in Connection with Licensure** Hays
Public Records/Personal Information Obtained in Connection with Licensure; Defining the term "personal information"; providing an exemption from public records requirements for personal information provided to the Fish and Wildlife Conservation Commission on applications for certain licenses, permits, and certifications; providing circumstances under which personal information may be disclosed; providing applicability; providing for futu



SB 1668	Relating to Florida Lionfish Education and Research Consortium	Montford
	Florida Lionfish Education and Research Consortium; Creating the "Florida Lionfish Education and Research Act", establishing the Florida Lionfish Education and Research Consortium; specifying the entities comprising the consortium, etc. Effective Date: 7/1/2016 1/14/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on Education; Appropriations	
SB 7000	Relating to Local Development	Community Affairs
	Local Development; Authorizing the governing body of a county to employ tax increment financing; increasing the size of an enclave that a municipality may annex under certain circumstances; providing that a proposed development that is consistent with certain comprehensive plans is not required to undergo review pursuant to the state coordinated review process, etc. Effective Date: 7/1/2016 1/25/2016 SENATE Now in Rules	
HB 7005	Relating to Environmental Resources	State Affairs Committee
	Environmental Resources: Provides for conservation lands database; provides assistance to self-suppliers of water; authorizes pilot projects for certain water management districts (WMDs); requires adoption of minimum flows & levels for Outstanding Florida Springs; requires concurrent adoption of recovery or prevention strategies & minimum flows & levels; provides for Central Florida Water Initiative Area; authorizes allocation of water by SFWMD; requires monitoring of consumptive use permits; provides for certain preferred water supply sources; prohibits modification of permitted water allocations; provides priority consideration to certain public-private partnerships for water storage, groundwater recharge, & water quality improvements on private agricultural lands; revises Northern Everglades & Estuaries Protection Program; revises membership qualifications for Harris Chain of Lakes Restoration Council; requires certain funding plans in water resource development work program; authorizes private landowners to assist WMDs; requires promotion of certain cost-share criteria; creates the Florida Springs & Aquifer Protection Act; authorizes funding for nutrient & sediment reduction & conservation pilot projects; revises requirements for basin management action plans; provides treated potable water supply as designated use of surface waters; requires DEP & DACS to assess water resources & conservation lands. Effective Date: July 1, 2016 1/14/2016 HOUSE Read Second Time; Substituted for SB 0552; Laid on Table, Refer to SB 0552	
HB 7025	Relating to At-risk Vessels	Highway & Waterway Safety Subcommittee
	At-risk Vessels: Prohibits vessels that are at risk of becoming derelict from anchoring on, mooring on, or occupying state waters; authorizes FWCC or specified law enforcement officers to determine that vessels are at risk of becoming derelict if certain conditions exist; provides that persons who anchor or moor or allow such a vessel to occupy state waters commit noncriminal violation; provides for enforcement, penalties, & applicability. Effective Date: July 1, 2016 1/28/2016 HOUSE Placed on Calendar, on 2nd reading	
SAC1	Relating to Environmental Resources	State Affairs Committee
	PCB SAC 16-01 -- Environmental Resources 10/26/2015 HOUSE Committee Bill filed as H 7005	
ANRS2	Relating to Fish and Wildlife Conservation Commission	Agriculture & Natural Resources Subcommittee
	PCB ANRS 16-02 -- Fish and Wildlife Conservation Commission 11/18/2015 HOUSE Committee Bill filed as H 7013	
HWSS1	Relating to At-Risk Vessel	Highway & Waterway Safety Subcommittee
	PCB HWSS 16-01 -- At-Risk Vessel 12/2/2015 HOUSE Committee Bill Filed as H 7025	