

WEEK 5 REPORT

// 2016 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA
FEBRUARY 8 - 12, 2016



// WEEK 5 (FEB 8 - 12)

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We are halfway through the 2016 Legislative Session. As expected, many boating bills are working their way through the process. MIAF has had a very busy five weeks and we anticipate the next four to be extremely busy.

The “Anchoring Legislation” is still alive and well in the House and the Senate. Currently, MIAF has been working with the Senate sponsor to add amendments to the Senate bill. Senate Bill 1260 is scheduled to be heard in the Senate Environmental Preservation and Conservation Committee February 17th at 1:30. Senate Bill 1260 has three committee references and this is the first committee stop. House Bill 1051 only has one more committee stop in the House State Affairs Committee. As of the writing of this report, the agenda for House State Affairs had not been released. House State Affairs meets on February 18th and since the sponsor of the legislation is the chairman, we anticipate the bill being heard.

House Bill 427 relating to Vessel Registration, also known as the “Emergency Position-Industry Radio Beacon” bill is scheduled to be heard in the House Transportation and Economic Development Appropriations subcommittee on February 16th. The Senate companion, Senate Bill 746, has only one more committee stop before it is available to be heard on the floor. The last stop is Senate Appropriations Committee and this agenda for Senate Appropriations had not been released as of the writing of this report.

At Risk Vessels, a major priority for MIAF, is moving right along this Legislative Session. HB 7025 is on the Calendar waiting to be placed on Special Order. Senate Bill 1300 passed the Senate Appropriations Subcommittee on General Government unanimously on February 11th. The bill is scheduled to be heard in its last committee of reference, Senate Fiscal Policy, on February 17th at 4:00.

Bills relating to Vessels, HB 703 and Senate Bill 1454, are quickly moving through the process. These are interesting bills as they revise careless operation of a vessel and establish a safety inspection process and sticker for boats. House Bill 703 and Senate Bill 1454 are comparable. House Bill 703 passed its last committee of reference House Economic Affairs Committee 12-3. This bill is now on the House Calendar. The Senate Bill, SB 1454, passed the Senate Environmental Preservation and Conservation Committee 8-0. The bill is scheduled to be heard in the Senate Appropriations Subcommittee on Criminal and Civil Justice on February 17th. After this committee hearing, SB 1454 has one more committee stop.

Finally, the proposed bill relating to Manatees was not heard in the House or Senate last week. SB 1506 is not on the Senate Environmental Preservation and Conservation Committee agenda this week. SB 1506 has three committee references. House Bill 1273 still has two committee stops, Agriculture and Natural Resources Appropriations Subcommittee and State Affairs.

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

// BUDGET

House Budget Proposal 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 Proposal 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

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

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FROM FEDERAL GRANTS TRUST FUND 3,900,000

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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.

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

House Bill 427 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.

Last Action: On Committee agenda - Transportation & Economic Development Appropriations Subcommittee, 02/16/16, 12:30 pm

Attached documents: CS/HB 427

// 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 requires specified minimum distributions from the Land Acquisition Trust Fund to fund Everglades projects that implement the Comprehensive Everglades Restoration Plan, the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program and to fund spring restoration, protection, and management projects.

Last Action: Favorable with CS by Environmental Preservation and Conservation; 8 Yeas, 0 Nays

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 fulfills the requirements of the bill by appropriating \$32 million for the Long-Term Plan, \$100 million for the CERP, and \$66 million for northern Everglades and estuaries protection, including \$15 million to the Department of Agriculture and Consumer Services for agricultural projects identified in the Lake Okeechobee Basin Management Action Plan and \$51 million to DEP to implement the Northern Everglades and Estuaries Protection Program.

HB 989 Last Action: Favorable by Appropriations Committee on 02/09/16; 24 Yeas, 0 Nays; Placed on House Calendar, on 2nd reading

Attached documents: CS/SB 1168 + staff analysis; HB 989 (as filed) + staff analysis

// 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: On Committee agenda - Environmental Preservation and Conservation, 02/17/16, 1:30 pm

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

Attached documents: SB 1260 (as filed)

// 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 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.

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 Appropriations Subcommittee on General Government; 5 Yeas, 0 Nays; On Committee agenda - Fiscal Policy, 02/17/16, 4:00 pm

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

Attached documents: SB 1300 (as filed) + staff analysis

APPENDIX

// VESSEL REGISTRATION

CS/HB 427

// IMPLEMENTATION OF WATER & LAND USE CONSERVATION AMENDMENT

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

// RECREATIONAL BOATING ZONES

SB 1260 (as filed)

// AT-RISK VESSELS

SB 1300 (as filed) + Staff Analysis

// CURRENT BILL TRACKING LIST

1 A bill to be entitled
 2 An act relating to recreational vessel registration;
 3 amending s. 328.72, F.S.; providing definitions;
 4 providing for a reduced recreational vessel
 5 registration fee when the vessel is equipped with an
 6 emergency position indicating radio beacon or the
 7 owner of the vessel owns a personal locator beacon;
 8 limiting application to one vessel per owner;
 9 authorizing the Department of Highway Safety and Motor
 10 Vehicles to adopt rules relating to proof of
 11 qualification; providing for certain funds to
 12 supplement the reduced amounts collected; amending s.
 13 328.76, F.S., relating to the Marine Resources
 14 Conservation Trust Fund; providing for use of the
 15 supplemental funds; amending s. 328.66, F.S., relating
 16 to county and municipality optional registration fees;
 17 specifying that the reduced fees do not apply to the
 18 limitation on registration fees charged by a county;
 19 providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (1) of section 328.72, Florida
 24 Statutes, is amended, and subsection (18) is added to that
 25 section, to read:

26 328.72 Classification; registration; fees and charges;

27 surcharge; disposition of fees; fines; marine turtle stickers.-

28 (1) VESSEL REGISTRATION FEE.-

29 (a) Vessels that are required to be registered shall be
 30 classified for registration purposes according to the following
 31 schedule, and, except as provided in subsection (18), the
 32 registration certificate fee shall be in the following amounts:

33 1. Class A-1-Less than 12 feet in length, and all canoes
 34 to which propulsion motors have been attached, regardless of
 35 length: \$5.50 for each 12-month period registered.

36 2. Class A-2-12 feet or more and less than 16 feet in
 37 length: \$16.25 for each 12-month period registered. ~~(To county):~~
 38 2.85 for each 12-month period registered.

39 3. Class 1-16 feet or more and less than 26 feet in length:
 40 \$28.75 for each 12-month period registered. ~~(To county):~~ 8.85
 41 for each 12-month period registered.

42 4. Class 2-26 feet or more and less than 40 feet in
 43 length: \$78.25 for each 12-month period registered. ~~(To county):~~
 44 32.85 for each 12-month period registered.

45 5. Class 3-40 feet or more and less than 65 feet in
 46 length: \$127.75 for each 12-month period registered. ~~(To~~
 47 ~~county):~~ 56.85 for each 12-month period registered.

48 6. Class 4-65 feet or more and less than 110 feet in
 49 length: \$152.75 for each 12-month period registered. ~~(To~~
 50 ~~county):~~ 68.85 for each 12-month period registered.

51 7. Class 5-110 feet or more in length: \$189.75 for each
 52 12-month period registered. ~~(To county):~~ 86.85 for each 12-month

53 period registered.

54 8. Dealer registration certificate: \$25.50 for each 12-
55 month period registered.

56 (b) The county portion of the vessel registration fee is
57 derived from recreational vessels only.

58 (18) REDUCED VESSEL REGISTRATION FEE.—

59 (a) As used in this subsection, the term:

60 1. "Emergency position-indicating radio beacon" means a
61 device installed on the vessel being registered that:

62 a. Transmits distress signals at a frequency between 406.0
63 and 406.1 MHz;

64 b. Is manufactured by a company approved to manufacture
65 beacons by the International Cospas-Sarsat Programme; and

66 c. Is registered with the United States National Oceanic
67 and Atmospheric Administration.

68 2. "Full registration fee amount" means the registration
69 fee as provided in subsection (1) and not the reduced vessel
70 registration fee specified in this subsection.

71 3. "Personal locator beacon" means a device designed to be
72 carried by an individual that:

73 a. Transmits distress signals at a frequency between 406.0
74 and 406.1 MHz;

75 b. Is manufactured by a company approved to manufacture
76 beacons by the International Cospas-Sarsat Programme; and

77 c. Is registered with the United States National Oceanic
78 and Atmospheric Administration.

79 (b) The registration certificate fee imposed under
80 subsection (1) for a recreational vessel equipped with an
81 emergency position-indicating radio beacon, or for a
82 recreational vessel the owner of which owns a personal locator
83 beacon, shall be reduced to the following amounts for each 12-
84 month period registered:

85 1. Class A-1-\$4.13.

86 2. Class A-2-\$12.19.

87 3. Class 1-\$21.56.

88 4. Class 2-\$58.69.

89 5. Class 3-\$95.81.

90 6. Class 4-\$114.56.

91 7. Class 5-\$142.31.

92 (c) A person who owns a personal locator beacon and who
93 owns more than one recreational vessel qualifies to pay the
94 reduced fee under paragraph (b) for only one such vessel.

95 (d) In order to qualify for reduced registration fees
96 under this subsection, a vessel owner must, at the time of
97 registration, demonstrate that the vessel is equipped with an
98 emergency position-indicating radio beacon or that the vessel
99 owner owns a personal locator beacon. The Department of Highway
100 Safety and Motor Vehicles may adopt rules specifying what
101 constitutes sufficient proof to qualify for reduced registration
102 fees under this subsection, but such proof must contain, at a
103 minimum, the following:

104 1. The name of the beacon owner.

- 105 2. The expiration date of the beacon's registration.
- 106 3. The unique identification number of the beacon.
- 107 4. For vessels equipped with an emergency position-
- 108 indicating radio beacon, identification of the vessel equipped
- 109 with the beacon.

110 (e) For each vessel registration qualifying for reduced
 111 registration fees under this subsection, an amount equal to the
 112 difference between the full registration fee amount and the
 113 actual amount of registration fee paid for such vessel
 114 registration shall be transferred from the General Revenue Fund
 115 to the Department of Highway Safety and Motor Vehicles and shall
 116 be distributed pursuant to s. 328.76.

117 Section 2. Subsection (1) of section 328.76, Florida
 118 Statutes, is amended to read:

119 328.76 Marine Resources Conservation Trust Fund; vessel
 120 registration funds; appropriation and distribution.—

121 (1) Except as otherwise specified in this subsection and
 122 less the amount equal to any administrative costs which shall be
 123 deposited in the Highway Safety Operating Trust Fund, in each
 124 fiscal year beginning on or after July 1, 2001, all funds
 125 collected from the registration of vessels through the
 126 Department of Highway Safety and Motor Vehicles and the tax
 127 collectors of the state and funds transferred from the General
 128 Revenue Fund pursuant to s. 328.72(18), except for those funds
 129 designated as the county portion pursuant to s. 328.72(1), shall
 130 be deposited in the Marine Resources Conservation Trust Fund for

131 recreational channel marking; public launching facilities; law
132 enforcement and quality control programs; aquatic weed control;
133 manatee protection, recovery, rescue, rehabilitation, and
134 release; and marine mammal protection and recovery. The funds
135 collected pursuant to s. 328.72(1) shall be transferred as
136 follows:

137 (a) In each fiscal year, an amount equal to \$1.50 for each
138 commercial and recreational vessel registered in this state
139 shall be transferred by the Department of Highway Safety and
140 Motor Vehicles to the Save the Manatee Trust Fund and shall be
141 used only for the purposes specified in s. 379.2431(4).

142 (b) An amount equal to \$2 from each recreational vessel
143 registration fee, except that for class A-1 vessels, shall be
144 transferred by the Department of Highway Safety and Motor
145 Vehicles to the Invasive Plant Control Trust Fund in the Fish
146 and Wildlife Conservation Commission for aquatic weed research
147 and control.

148 (c) An amount equal to 40 percent of the registration fees
149 from commercial vessels shall be transferred by the Department
150 of Highway Safety and Motor Vehicles to the Invasive Plant
151 Control Trust Fund in the Fish and Wildlife Conservation
152 Commission for aquatic plant research and control.

153 (d) An amount equal to 40 percent of the registration fees
154 from commercial vessels shall be transferred by the Department
155 of Highway Safety and Motor Vehicles, on a monthly basis, to the
156 General Inspection Trust Fund of the Department of Agriculture

157 and Consumer Services. These funds shall be used for shellfish
 158 and aquaculture development and quality control programs.

159 (e) After all administrative costs are funded and the
 160 distributions in paragraphs (a)-(d) have been made, up to
 161 \$400,000 shall be transferred by the Department of Highway
 162 Safety and Motor Vehicles to the General Inspection Trust Fund
 163 of the Department of Agriculture and Consumer Services to fund
 164 activities relating to the protection, restoration, and research
 165 of the natural oyster reefs and beds of the state. This
 166 paragraph expires July 1, 2017.

167 (f) After all administrative costs are funded and the
 168 distributions in paragraphs (a)-(d) have been made, up to
 169 \$300,000 may be used by the Fish and Wildlife Conservation
 170 Commission for boating safety education. This paragraph expires
 171 July 1, 2017.

172 Section 3. Subsection (1) of section 328.66, Florida
 173 Statutes, is amended to read:

174 328.66 County and municipality optional registration fee.—

175 (1) Any county may impose an annual registration fee on
 176 vessels registered, operated, used, or stored on the waters of
 177 this state within its jurisdiction. This fee shall be 50 percent
 178 of the applicable state registration fee as provided in s.
 179 328.72(1) and not the reduced vessel registration fee specified
 180 in s. 328.72(18). However, the first \$1 of every registration
 181 imposed under this subsection shall be remitted to the state for
 182 deposit in the Save the Manatee Trust Fund created within the

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183 Fish and Wildlife Conservation Commission, and shall be used
184 only for the purposes specified in s. 379.2431(4). All other
185 moneys received from such fee shall be expended for the patrol,
186 regulation, and maintenance of the lakes, rivers, and waters and
187 for other boating-related activities of such municipality or
188 county. A municipality that was imposing a registration fee
189 before April 1, 1984, may continue to levy such fee,
190 notwithstanding the provisions of this section.

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

By the Committee on Environmental Preservation and Conservation;
and Senators Negron, Benacquisto, Soto, Flores, Simpson, and
Altman

592-03274-16

20161168c1

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 requiring a minimum specified percentage of funds
11 within the Land Acquisition Trust Fund to be
12 appropriated for spring restoration, protection, and
13 management projects; deleting an obsolete provision;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (3) of section 375.041, Florida
19 Statutes, is amended to read:

20 375.041 Land Acquisition Trust Fund.—

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

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

29 (b) Of the funds remaining after the payments required
30 under paragraph (a) but before funds may be appropriated or

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31 dedicated for other uses:

32 1. A minimum of the lesser of 25 percent or \$200 million
33 shall be appropriated annually for Everglades projects that
34 implement the Comprehensive Everglades Restoration Plan as set
35 forth in s. 373.470, including the Central Everglades Planning
36 Project subject to congressional authorization; the Long-Term
37 Plan as defined in s. 373.4592(2); and the Northern Everglades
38 and Estuaries Protection Program as set forth in s. 373.4595.
39 From these funds, \$32 million shall be distributed each fiscal
40 year through the 2023-2024 fiscal year to the South Florida
41 Water Management District for the Long-Term Plan as defined in
42 s. 373.4592(2). After deducting the \$32 million distributed
43 under this subparagraph, from the funds remaining, a minimum of
44 the lesser of 76.5 percent or \$100 million shall be appropriated
45 each fiscal year through the 2025-2026 fiscal year for the
46 planning, design, engineering, and construction of the
47 Comprehensive Everglades Restoration Plan as set forth in s.
48 373.470, including the Central Everglades Planning Project
49 subject to congressional authorization. The Department of
50 Environmental Protection and the South Florida Water Management
51 District shall give preference to those Everglades restoration
52 projects that reduce harmful discharges of water from Lake
53 Okeechobee to the St. Lucie or Caloosahatchee estuaries in a
54 timely manner.

55 2. A minimum of the lesser of 7.6 percent or \$75 million
56 shall be appropriated annually for spring restoration,
57 protection, and management projects ~~Then, to pay the debt~~
58 ~~service on bonds issued before February 1, 2009, by the South~~
59 ~~Florida Water Management District and the St. Johns River Water~~

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60 ~~Management District, which are secured by revenues provided~~
61 ~~pursuant to former s. 373.59, Florida Statutes 2014, or which~~
62 ~~are necessary to fund debt service reserve funds, rebate~~
63 ~~obligations, or other amounts payable with respect to such~~
64 ~~bonds. This paragraph expires July 1, 2016; and~~

65 ~~(c) Then, to distribute \$32 million each fiscal year to the~~
66 ~~South Florida Water Management District for the Long-Term Plan~~
67 ~~as defined in s. 373.4592(2). This paragraph expires July 1,~~
68 ~~2024.~~

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 1168

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Negron and others

SUBJECT: Implementation of the Water and Land Conservation Constitutional Amendment

DATE: February 10, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1168 requires specified minimum distributions from the Land Acquisition Trust Fund to fund Everglades projects that implement the Comprehensive Everglades Restoration Plan, the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program and to fund spring restoration, protection, and management projects.

II. Present Situation:

Documentary Stamp Tax Revenues

Chapter 201, F.S., levies a tax on two classes of documents: deeds and other documents related to real property, which are taxed at the rate of 70 cents per \$100; and certificates of indebtedness, promissory notes, wage assignments, and retail charge account agreements, which are taxed at 35 cents per \$100.¹ Revenue from the excise tax on documents, collectively known as documentary stamp tax revenues, is divided between the General Revenue Fund and various trust funds.

In 2014, Florida voters approved a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment required that starting on

¹ See ss. 201.02 and 201.08, F.S.

July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents be deposited into the Land Acquisition Trust Fund (LATF).

The amendment required that funds in the LATF be expended only, as provided by law, to finance or refinance the following:

- 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;
- Beaches and shores;
- Outdoor recreation lands, including recreational trails, parks, and urban open space;
- Rural landscapes;
- Working farms and ranches;
- Historic or geologic sites; and
- Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.²

The amendment was approved by 75 percent of the electors voting on the issue and created Art. X, section 28 of the Florida Constitution. To comply with the constitutional requirements, the Legislature in the 2015 Special Session A passed chapter 2015-229 Laws of Florida.³

As part of chapter 2015-229, Laws of Florida, s. 201.15, F.S., was amended to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from the existing excise tax on documents.⁴ Section 201.15, F.S., requires documentary stamp tax revenues be pledged and first made available to make payments on Florida Forever and Everglades restoration bonds.⁵

As part of chapter 2015-229, Laws of Florida, s. 375.041, F.S., was amended to designate the LATF within the Department of Environmental Protection as the trust fund that serves as the depository for the constitutionally required funds.⁶ The revenue deposited into the LATF is required to be utilized in the following order:

- Obligations relating to debt service, specifically:
 - First to payments relating to Florida Forever Bonds and Everglades restoration bonds; and
 - Then, to payments relating to bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District;

² FLA. CONST. art. X, s. 28.

³ Ch. 2015-229, Laws of Fla.

⁴ Ch. 2015-229, s. 9, Laws of Fla.

⁵ Section 201.15, F.S.

⁶ Ch. 2015-229, s. 50, Laws of Fla.

- A distribution of \$32 million each fiscal year to the South Florida Water Management District for the Long-Term Plan; and
- Then any remaining moneys are authorized to be appropriated from time to time for the purposes set forth in Art. X, section 28 of the Florida Constitution.⁷

Everglades Restoration Projects

The Florida Water Resources Act, ch. 373, F.S., directs the roles and responsibilities of the Department of Environmental Protection (DEP) and the South Florida Water Management District (SFWMD) for plans authorized through the Everglades Forever Act, the Comprehensive Everglades Restoration Plan, and the Northern Everglades and Estuaries Protection Program.⁸

Everglades Forever Act

In 1994, the Legislature passed the Everglades Forever Act (EFA), which outlines the state's commitment to restore the Everglades by improving water quality and quantity.⁹ The primary goals of the EFA are to improve water quality by reducing phosphorus levels, restore the hydrology of the ecosystem, and restore and protect native plant and animal species.¹⁰ In 2003, the EFA was amended to implement the "Everglades Protection Area Tributary Basins Conceptual Plan for Achieving Long-term Water Quality Goals," also known as the Long-Term Plan.¹¹

The Long-Term Plan identifies the best available phosphorous reduction technology to be used in combination with Best Management Practices (BMPs) to achieve the phosphorus criterion in the Everglades Protection Area.¹² The Long-Term Plan is to be implemented in two phases: the initial phase from 2003 to 2016, followed by an additional 10-year phase.¹³ In 2013, the EFA was amended to include the "Restoration Strategies Regional Water Quality Plan," the second phase of the Long-Term Plan."¹⁴ The Plan includes additional stormwater treatment areas and storage reservoirs at a cost of \$880 million to be jointly funded over a 13-year period by the state and the SFWMD.¹⁵ In 2013, the Legislature appropriated \$32 million on a recurring basis through the 2023-2024 fiscal year to support the implementation of the plan.¹⁶

⁷ Section 375.041, F.S.

⁸ DEP, *Everglades, Overview of restoration programs*, <http://www.dep.state.fl.us/everglades/default.htm> (last visited Feb. 4, 2016).

⁹ Chapter 1994-115, Laws of Fla.

¹⁰ Section 373.4592, F.S.

¹¹ Chapter 2003-12, Laws of Fla.

¹² Section 373.4592, F.S.

¹³ SFWMD, *Long-Term Plan for Achieving Water Quality Goals, Questions and Answers*, http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/q_and_a_long_term_plan.pdf (last visited Feb. 4, 2016).

¹⁴ Chapter 2013-59, s. 1, Laws of Fla.

¹⁵ DEP, *Everglades Water Quality Improvements, Questions & Answers*, http://www.dep.state.fl.us/secretary/news/2012/06/everglades_wq_improvements.pdf (last visited Feb. 4, 2016).

¹⁶ Ch. 2013-59, s. 2, Laws of Fla.

Comprehensive Everglades Restoration Plan

The Comprehensive Everglades Restoration Plan (CERP) is a state-federal partnership that was created to restore the Everglades. The plan works in conjunction with other state and federal efforts to revitalize wetlands, lakes, bays, and estuaries across South Florida, for the purpose of improving the Everglades and ensuring that the area's water supply can meet future needs. The DEP, the U.S. Corps of Army Engineers, and the SFWMD work jointly to review each program proposal. CERP serves as the framework and guide for the restoration, protection, and preservation of the South Florida ecosystem, including providing for the water-related needs of the region, such as water supply and flood protection.¹⁷ The plan encompasses 16 counties over an 18,000-square-mile area.¹⁸ The goal of CERP is to capture fresh water that now flows unused to the ocean and redirect it to areas that need it most.¹⁹

CERP includes the Central Everglades Planning Project (CEPP), which incorporates updated science and technical information gained over the last decade to identify a recommended plan and prepare a Project Implementation Report (PIR) for congressional authorization. CEPP will develop the next set of project components that focus on restoring more natural water flow, depth, and duration into and within the Central Everglades.²⁰ The draft PIR was completed in August 2013.²¹ The U.S. Army Corps signed the Record of Decision for CEPP in August 2015, signifying the completion of the final administrative review for the ecosystem restoration project's report.²² The report will be transmitted to Congress for authorization.²³

Northern Everglades and Estuaries Protection Program

The Northern Everglades and Estuaries Protection Program (NEEPP) was established to promote a comprehensive, interconnected watershed approach to protect Lake Okeechobee and the Caloosahatchee and St. Lucie River watersheds. It includes the Lake Okeechobee Watershed Protection Program and the Caloosahatchee and St. Lucie River Watershed Protection Program.²⁴ NEEPP led to the creation of the Phase II Technical Plan which provided the measures of quality, quantity, timing, and distribution of water in the northern Everglades ecosystem necessary for restoration.²⁵ The St. Lucie River and Caloosahatchee River Watershed Protection plans were developed under NEEPP. The plans include a construction project,

¹⁷ SFWMD, *South Florida Environmental Report 2015, Executive Summary*, Glossary (Mar. 1, 2015) available at http://www.sfwmd.gov/portal/page/portal/pg_grp_sfwmd_sfer/portlet_prevreport/2015_sfer_final/2015_sfer_executive_summary_final.pdf.

¹⁸ DEP, *Projects and Goals*, <http://www.dep.state.fl.us/evergladesforever/restoration/projects.htm> (last visited Feb. 4, 2016).

¹⁹ *Id.*

²⁰ U.S. Army Corps of Engineers, *Central Everglades Planning Project (CEPP), Facts & Information*, (Sept. 2013) http://www.evergladesrestoration.gov/content/cepp/documents/CEPP_FS_September2013_508.pdf (last visited Feb. 4, 2016).

²¹ *Id.*

²² U.S. Army Corps of Engineers, *Record of Decision signed for Central Everglades Planning Project*, <http://www.saj.usace.army.mil/DesktopModules/ArticleCS/Print.aspx?PortalId=44&ModuleId=16629&Article=615490> (last visited Feb 4, 2016).

²³ *Id.*

²⁴ Section 373.4595, F.S.

²⁵ DEP, *Everglades, Northern Everglades and Estuaries Protection Program (NEEPP)*, <http://www.dep.state.fl.us/everglades/nepp.htm> (last visited Feb. 4, 2016).

pollution control program, and research and water quality monitoring programs, and build upon existing and planned programs and projects to consolidate previous restoration efforts.²⁶

The 2016 Legislature enacted legislation, chapter 2016-1, Laws of Florida, which updates and restructures the NEEPP to reflect and build upon the DEP's implementation of basin management action plans (BMAPs) for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary. The BMAP will include the construction of water projects, water monitoring programs, and the implementation, verification, and enforcement of best management practices (BMPs) within these watersheds. The BMAPs will now be required to include 5-, 10-, and 15-year milestones towards achieving the total maximum daily loads for those water basins within 20-years.²⁷

Springs Restoration, Protection, and Management Projects

Springs form when groundwater is forced out through natural openings in the ground. Florida has more than 700 recognized springs, categorized by flow in cubic feet per second. First magnitude springs are those that discharge 100 cubic feet of water per second or greater. Florida has 33 first magnitude springs in 18 counties that discharge more than 64 million gallons of water per day. Spring discharges, primarily from the Floridan aquifer, are used to determine groundwater quality and the degree of human impact on a spring's recharge area. Rainfall, surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to groundwater chemistry.

Excessive nutrient levels, particularly nitrate, are the primary water quality threat to springs.²⁸ High nitrate levels result from urban and agricultural stormwater runoff and leaching, and inadequately treated wastewater.²⁹ Spring system water quality is regularly assessed to determine whether it is meeting Florida's standards. When a spring system is not meeting the standard, the system is formally identified as impaired, and the DEP is required to adopt a Total Maximum Daily Load (TMDL).³⁰ A TMDL is a scientific determination of the maximum amount of a given pollutant that a surface water can absorb and still meet the water quality standards that protect human health and aquatic life.³¹ To achieve a TMDL, the DEP works with local stakeholders to adopt and implement comprehensive BMAPs.³² BMAPs represent a comprehensive set of strategies, including permit limits on wastewater facilities, urban and agricultural best management practices, conservation programs, financial assistance and revenue generating activities, designed to implement the pollutant reductions established by the TMDL.³³

Water quantity or spring flows are affected by drought and other long-term climate conditions and may be affected by excessive water withdrawals.³⁴ The water management districts (WMDs)

²⁶ Section 373.4595, F.S.

²⁷ Chapter 2016-1, Laws of Fla.

²⁸ DEP, *Progress Report: Select First Magnitude Springs and Springs of Regional Significance*, pg. 2 (Nov. 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

²⁹ *Id.*

³⁰ Section 403.067, F.S.

³¹ DEP, *Total Maximum Daily Loads*, <http://www.dep.state.fl.us/water/tmdl/index.htm> (last visited Feb. 10, 2016).

³² Section 403.067, F.S.

³³ DEP, *Total Maximum Daily Loads*, <http://www.dep.state.fl.us/water/tmdl/index.htm> (last visited Feb. 10, 2016).

³⁴ DEP, *Progress Report: Select First Magnitude Springs and Springs of Regional Significance*, pg. 3 (Nov. 2015).

or the DEP are required to establish minimum flows and levels (MFLs) for surface and ground waters. The “minimum flow” is the limit at which further withdrawals from a watercourse would significantly harm water resources or ecology; the “minimum level” is the level of a groundwater or surface water body at which further withdrawals would significantly harm water resources.³⁵ If the flow or level is currently below or within 20 years will fall below an applicable MFL, the water management district (WMD) is required to implement a recovery or prevention strategy.³⁶

BMPs are established to conserve water and minimize nutrient loss to the environment, particularly through fertilizer application and land and animal management.³⁷ In coordination with the DEP, the WMDs, and other stakeholders, the Department of Agriculture and Consumer Service’s Office of Agriculture Water Policy works to identify and prioritize restoration efforts in springs, including ways to manage more effectively water and nutrient applications in springs protection areas.³⁸

Spring restoration, protection, and management projects may be used to achieve TMDLs through a BMAP, address MFLs through a recovery or prevention strategy, or implement BMPs. Examples of such projects include, but are not limited to, investments to wastewater treatment facilities; water quality improvement projects; aquifer recharge projects; reclaimed water projects; purchase of conservation lands for water quality protection; stormwater improvement; water quality sampling or monitoring; meter implementation; or irrigation system efficiency upgrades.

III. Effect of Proposed Changes:

CS/SB 1168 amends s. 375.041, F.S., to require specified minimum distributions from the Land Acquisition Trust Fund (LATF) to be used to fund Everglades restoration projects and spring restoration, protection, and management projects.

Everglades restoration projects

The bill requires an appropriation of funds to be used for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program (NEEPP).

The bill requires an annual appropriation of a minimum of the lesser of 25 percent of the funds remaining in the LATF after the payment of debt service or \$200 million for Everglades projects in the following manner:

- \$32 million to the South Florida Water Management District for the Long-Term Plan each fiscal year through the 2023-2024 fiscal year;
- Then, after deducting the \$32 million, a minimum of the lesser of 76.5 percent of the funds remaining or \$100 million for the planning, design, engineering, and construction of the CERP, including, subject to congressional authorization, the Central Everglades Planning Project, each fiscal year through the 2025-2026 fiscal year;

³⁵ Section 373.042, F.S.

³⁶ Section 373.0421, F.S.

³⁷ DEP, *Progress Report: Select First Magnitude Springs and Springs of Regional Significance*, pg. 3 (Nov. 2015).

³⁸ DEP, *Progress Report: Select First Magnitude Springs and Springs of Regional Significance*, Attachment 3 (Nov. 2015).

- Then, funds remaining are to be available generally for distribution to CERP or NEEPP.

The bill requires the Department of Environmental Protection and the South Florida Water Management District to give preference to Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner.

The bill deletes language that is set to expire July 1, 2016, relating to the payment of debt service on bonds issued before February 1, 2009, by the South Florida Water Management District.

Spring restoration, protection, and management projects

The bill requires an annual appropriation of a minimum of the lesser of 7.6 percent of the funds remaining in the LATF after the payment of debt service or \$75 million for spring restoration, protection, and management projects.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires specified distributions from the Land Acquisition Trust Fund (LATF) as follows:

<u>Estimated Documentary Stamp Tax Revenue:</u>			\$2,506,250,000*	As estimated for FY 2016-2017	
	LATF distribution (33% of estimated tax revenue):		\$823,830,000*	As required under Art. X, s. 28 of the Florida Constitution.	
	Payment on debt service:		\$175,706,545*	As required under Art. X, s. 28 of the Florida Constitution.	
	Remainder of LATF after subtracting debt service	X	\$648,123,455*		
			<u>% Amount</u>	<u>Set Amount</u>	
<u>Allocation for Everglades projects:</u>	A minimum of the lesser of 25% or \$200 million	25% of X = Y	\$162,030,863.75	\$200 million	As required under CS/SB 1168.
<u>Distribution:</u>	Long-Term Plan		N/A	\$32 million	As required under s. 375.041, F.S.
<u>Distribution:</u>	A minimum of the lesser of 76.5% or \$100 million	76.5% of (Y - \$32 million)	\$99,473,610.77	\$100 million	For the planning, design, engineering, and construction of CERP projects as required under CS/SB 1168.
<u>Balance:</u>			\$30,557,252.98	\$68 million	Available for Everglades projects as required under CS/SB 1168.
<u>Allocation for Springs projects:</u>	A minimum of the lesser of 7.6% or \$75 million	7.6% of X	\$49,257,382	\$75 million	Available for spring restoration, protection, and management projects as required under CS/SB 1168
<u>Balance of LATF:</u>			\$436,835,137.25	\$373,123,455	Available for appropriation for the purposes set forth in Art. X, s. 28 of the Florida Constitution.

*Based on estimates for the FY 2016-2017 as provided by the Senate Appropriations Committee staff

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 375.041 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on February 9, 2016:

The CS adds a specified minimum distribution from the Land Acquisition Trust Fund to fund spring restoration, protection, and management projects.

- B. **Amendments:**

None.

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

HB 989

2016

53 ~~373.59, Florida Statutes 2014, or which are necessary to fund~~
54 ~~debt service reserve funds, rebate obligations, or other amounts~~
55 ~~payable with respect to such bonds. This paragraph expires July~~
56 ~~1, 2016; and~~

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

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

SPONSOR(S): Harrell, Caldwell 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	24 Y, 0 N	Massengale	Leznoff

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 fulfills the requirements of the bill by appropriating \$32 million for the Long-Term Plan, \$100 million for the CERP, and \$66 million for northern Everglades and estuaries protection, including \$15 million to the Department of Agriculture and Consumer Services for agricultural projects identified in the Lake Okeechobee Basin Management Action Plan and \$51 million to DEP to implement 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 Florida's ecosystem, for the purpose of improving the Everglades and ensuring the area's water supply 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 Decentralization 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

Section 373.4592(2), F.S. references the "Long-Term Plan" relating to Everglades protection. The Long-Term Plan resulted from the 1994 Everglades Forever Act, which requires the SFWMD to submit a water quality plan to DEP. The Plan's overarching purpose is to ensure all water entering the 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)

The term "Northern Everglades" refers to the Lake Okeechobee watershed, the Caloosahatchee River 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%20areas> (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 DEP's 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).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, which expires July 1, 2016, paying for the SFWMD's and the St. Johns River Water Management District's debt service on bonds issued before February 1, 2009.

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: h0989d.APC
DATE: 2/9/2016

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 northern Everglades and estuaries protection, including \$15 million to DACS for agricultural projects identified in the Lake Okeechobee Basin Management Action Plan and \$51 million to DEP to implement 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

By Senator Simpson

18-01671-16

20161260__

1 A bill to be entitled
2 An act relating to recreational boating zones;
3 creating s. 327.4107, F.S.; prohibiting overnight
4 anchoring or mooring of vessels in specified
5 recreational boating zones; amending s. 327.73, F.S.;
6 providing penalties; providing an effective date.

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

9
10 Section 1. Section 327.4107, Florida Statutes, is created
11 to read:

12 327.4107 Anchoring or mooring of vessels in recreational
13 boating zones.-

14 (1) A person may not anchor or moor a vessel at any time
15 between the hours from one-half hour after sunset to one-half
16 hour before sunrise in the following recreational boating zones:

17 (a) The section of Middle River lying between Northeast
18 21st Court and the Intracoastal Waterway in Broward County.

19 (b) Sunset Lake in Miami-Dade County.

20 (c) The sections of Biscayne Bay in Miami-Dade County lying
21 between:

22 1. Rivo Alto Island and Di Lido Island.

23 2. San Marino Island and San Marco Island.

24 3. San Marco Island and Biscayne Island.

25 (d) Crab Island in Choctawhatchee Bay at the East Pass in
26 Okaloosa County.

27 (2) A violation of this section is punishable as provided
28 in s. 327.73(1)(y).

29 Section 2. Paragraph (y) is added to subsection (1) of
30 section 327.73, Florida Statutes, to read:

31 327.73 Noncriminal infractions.-

32 (1) Violations of the following provisions of the vessel

18-01671-16

20161260__

33 laws of this state are noncriminal infractions:

34 (y) Section 327.4107, relating to the anchoring or mooring
35 of vessels in recreational boating zones.

36

37 Any person cited for a violation of any provision of this
38 subsection shall be deemed to be charged with a noncriminal
39 infraction, shall be cited for such an infraction, and shall be
40 cited to appear before the county court. The civil penalty for
41 any such infraction is \$50, except as otherwise provided in this
42 section. Any person who fails to appear or otherwise properly
43 respond to a uniform boating citation shall, in addition to the
44 charge relating to the violation of the boating laws of this
45 state, be charged with the offense of failing to respond to such
46 citation and, upon conviction, be guilty of a misdemeanor of the
47 second degree, punishable as provided in s. 775.082 or s.
48 775.083. A written warning to this effect shall be provided at
49 the time such uniform boating citation is issued.

50 Section 3. This act shall take effect July 1, 2016.

By Senator Dean

5-00194A-16

20161300__

1 A bill to be entitled
 2 An act relating to at-risk vessels; creating s.
 3 327.4107, F.S.; prohibiting a vessel that is at risk
 4 of becoming derelict from anchoring on, mooring on, or
 5 occupying the waters of this state; authorizing an
 6 officer of the Fish and Wildlife Conservation
 7 Commission or of specified law enforcement agencies to
 8 determine that a vessel is at risk of becoming
 9 derelict if certain conditions exist; providing that a
 10 person who anchors or moors such a vessel or allows it
 11 to occupy waters of this state commits a noncriminal
 12 infraction; providing penalties; providing
 13 applicability; amending s. 327.70, F.S.; providing for
 14 enforcement of such violations by citation mailed to
 15 the owner of the vessel; amending s. 327.73, F.S.;
 16 providing civil penalties for such violations;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 327.4107, Florida Statutes, is created
 22 to read:

23 327.4107 Vessels at risk of becoming derelict on waters of
 24 this state.-

25 (1) To prevent vessels in neglected or deteriorating
 26 condition from reaching a likely and foreseeable state of
 27 disrepair, a vessel that is at risk of becoming derelict
 28 pursuant to subsection (2) may not anchor on, moor on, or occupy
 29 the waters of this state.

30 (2) An officer of the commission or of a law enforcement
 31 agency specified in s. 327.70 may determine that a vessel is at
 32 risk of becoming derelict if any of the following conditions

5-00194A-16

20161300__

33 exist:

34 (a) The vessel is taking on, or has taken on, water without
35 an effective means to dewater.

36 (b) Spaces on the vessel which are designed to be enclosed
37 are incapable of being sealed off or remain open to the elements
38 for extended periods of time.

39 (c) The vessel has broken loose or is in danger of breaking
40 loose from its anchor.

41 (d) The vessel is left or stored aground unattended in such
42 a state that would prevent the vessel from getting underway, is
43 listing due to water intrusion, or is sunken or partially
44 sunken.

45 (3) A person who anchors or moors a vessel at risk of
46 becoming derelict on the waters of this state or allows such a
47 vessel to occupy such waters commits a noncriminal infraction,
48 punishable as provided in s. 327.73.

49 (4) The penalty under this section is in addition to other
50 penalties provided by law.

51 (5) This section does not apply to a vessel that is moored
52 to a private dock or wet slip with the consent of the owner for
53 the purpose of receiving repairs.

54 Section 2. Paragraph (a) of subsection (2) of section
55 327.70, Florida Statutes, is amended to read:

56 327.70 Enforcement of this chapter and chapter 328.—

57 (2) (a) Noncriminal violations of the following statutes may
58 be enforced by a uniform boating citation mailed to the
59 registered owner of an unattended vessel anchored, aground, or
60 moored on the waters of this state:

61 1. Section 327.33(3)(b), relating to navigation rules.

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20161300__

62 2. Section 327.4107, relating to vessels at risk of
63 becoming derelict.

64 ~~3.2.~~ Section 327.44, relating to interference with
65 navigation.

66 ~~4.3.~~ Section 327.50(2), relating to required lights and
67 shapes.

68 ~~5.4.~~ Section 327.53, relating to marine sanitation.

69 ~~6.5.~~ Section 328.48(5), relating to display of decal.

70 ~~7.6.~~ Section 328.52(2), relating to display of number.

71 Section 3. Paragraph (y) is added to subsection (1) of
72 section 327.73, Florida Statutes, to read:

73 327.73 Noncriminal infractions.—

74 (1) Violations of the following provisions of the vessel
75 laws of this state are noncriminal infractions:

76 (y) Section 327.4107, relating to vessels at risk of
77 becoming derelict on waters of this state, for which the civil
78 penalty is:

79 1. For a first offense, \$50.

80 2. For a second offense occurring 30 days or more after a
81 first offense, \$100.

82 3. For a third or subsequent offense occurring 30 days or
83 more after a previous offense, \$250.

84
85 Any person cited for a violation of any provision of this
86 subsection shall be deemed to be charged with a noncriminal
87 infraction, shall be cited for such an infraction, and shall be
88 cited to appear before the county court. The civil penalty for
89 any such infraction is \$50, except as otherwise provided in this
90 section. Any person who fails to appear or otherwise properly

5-00194A-16

20161300__

91 respond to a uniform boating citation shall, in addition to the
92 charge relating to the violation of the boating laws of this
93 state, be charged with the offense of failing to respond to such
94 citation and, upon conviction, be guilty of a misdemeanor of the
95 second degree, punishable as provided in s. 775.082 or s.
96 775.083. A written warning to this effect shall be provided at
97 the time such uniform boating citation is issued.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: SB 1300

INTRODUCER: Senator Dean

SUBJECT: At-risk Vessels

DATE: February 10, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hinton</u>	<u>Rogers</u>	<u>EP</u>	Favorable
2.	<u>Betta</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 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.

The bill will have an insignificant, positive fiscal impact on state funds.

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

II. Present Situation:

Derelict Vessels

Derelict vessels are vessels¹ that are left, stored, or abandoned:

- In a wrecked, junked, or substantially dismantled condition upon any public waters of this state;

¹ Section 327.02, F.S., defines vessel as synonymous with boat as referenced in FLA. CONST. art. VII, s.1(b) (1968), and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. FLA. CONST. art. VII, s.1(b) (1968) provides, “motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.”

- At a port in this state without the consent of the agency having jurisdiction thereof; or
- Docked, grounded, or beached upon the property of another without the consent of the owner of the property.²

Removal of Derelict Vessels

Section 327.70, F.S., provides that enforcement of chapters 327 and 328, F.S., which concern vessel safety and vessel title certificates, liens, and registration, may be enforced by the Division of Law Enforcement of Florida Fish and Wildlife Conservation Commission (FWC) and its officers, the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officer as defined in s. 943.10, F.S.³ Section 327.44, F.S., provides authorization for the relocation or removal of a vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. Additionally, s. 823.11, F.S., provides authorization for the relocation or removal of a derelict vessel from public waters if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons.

Costs incurred for relocating or removing a derelict vessel are recoverable against the vessel owner. A vessel owner who neglects or refuses to pay the costs of removal, storage, and destruction of the vessel, less any salvage value obtained by disposal of the vessel, is not entitled to be issued a certificate of registration for such vessel, or any other vessel or motor vehicle, until those costs are paid.⁴

Punishment for Violations of Derelict Vessel Provisions

It is unlawful to store, leave, or abandon a derelict vessel in Florida.⁵ Those who are found in violation of this provision commit a first degree misdemeanor, punishable by a term of imprisonment of no more than one year⁶ and a fine of up to \$1,000.⁷ Additionally, s. 376.16, F.S., provides that violations of certain provisions, including violations of derelict vessel laws, may be punishable by a civil penalty of up to \$50,000 per violation per day.⁸ Each day during any portion of which the violation occurs constitutes a separate offense.⁹

Fines and fees assessed for noncriminal infractions under s. 327.73, F.S., such as operation of an unregistered or unnumbered vessel, careless operation, and violations of navigation rules are deposited into the Marine Resources Conservation Trust Fund within the FWC for boating safety

² Section 823.11(1)(b), F.S.

³ Section 943.10, F.S. defines law enforcement officer as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

⁴ Section 705.103(4), F.S.

⁵ Section 823.11(2), F.S.

⁶ Section 775.082(4)(a), F.S.

⁷ Section 775.083(1)(d), F.S.

⁸ Section 376.16(1), F.S.

⁹ *Id.*

education purposes.¹⁰ If a person fails to appear or otherwise properly respond to a uniform boating citation, that person will also be charged with the offense of failing to respond to the citation and, upon conviction, be found guilty of a second degree misdemeanor,¹¹ punishable by a term of imprisonment of no more than 60 days¹² and a fine of no more than \$500.¹³

Costs of Removal of Derelict Vessels

According to the FWC, removal costs of derelict vessels are approximately \$350 to \$450 per foot of vessel length.¹⁴ However, a floating vessel may be towed to a boat ramp or hoist and pulled from the water at a much lower cost. Relocation may cost nothing if a law enforcement officer is able to tow it to a suitable location.¹⁵ Costs for professional towing services are approximately \$200 per hour.¹⁶

The FWC maintains a statewide database of vessels investigated by a law enforcement officer and deemed to be either derelict or at risk of becoming derelict, although the database related to at-risk vessels is largely incomplete. This is due to the fact that the current effort related to at-risk vessels is a voluntary community-oriented policing effort.¹⁷ The FWC estimates that 166 derelict vessels were removed in 2014 by local governments. Approximately \$665,500 was spent by local governments on the removal of those vessels, which is an average removal cost of \$4,006 per vessel.¹⁸

Due to the problem of derelict vessels and the costs of removing them, the FWC held six public meetings in 2015 to engage the public on various solutions. Boat owners, boating organizations, marine industries, and local governments participated in the meetings. Participants were asked to respond to a survey to indicate their levels of support for eight concepts addressing derelict vessels. The concept of prohibiting vessels deemed “at risk” of becoming derelict received the most support from those surveyed, with 85.2 percent of survey respondents indicating they either “support” or “highly support” the concept.¹⁹

Local Government Authority

Local governments are only authorized to enact and enforce regulations regarding the mooring or anchoring of vessels that are located within marked boundaries of a mooring field.²⁰ The inability to regulate vessels outside of mooring fields has led to problems that include:

- The locations where anchored vessels accumulate;
- Unattended vessels;

¹⁰ Section 327.73(8), F.S.

¹¹ Section 327.73(1), F.S.

¹² Section 775.082(4)(b), F.S.

¹³ Section 775.083(1)(e), F.S.

¹⁴ FWC, *House Bill 7025 Agency Analysis* (Jan. 6, 2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹⁵ *Id.* Immediate removal of a derelict vessel was a concept that received support among eight proposals for dealing with the problem of derelict vessels.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Section 327.60, F.S.

- Anchored vessels which are dragging anchor or not showing proper lighting;
- Vessels which are not maintained properly; and
- Vessels which become derelict.²¹

III. Effect of Proposed Changes:

Section 1 creates s. 327.4107, F.S., to provide that vessels at risk of becoming derelict may not anchor on, moor on, or occupy the waters of the state.

The bill provides that an officer of the FWC or of any other law enforcement agency specified in s. 327.70, F.S., may determine that a vessel is at risk of becoming derelict 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 which 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; and
- 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 sunken or partially sunken.

The bill provides that a person who anchors or moors a vessel at risk of becoming derelict on the waters of this state or allows such a vessel to occupy such waters commits a noncriminal infraction, punishable by a civil penalty as provided in s. 327.73, F.S., which is added in section 3 of the bill. The civil penalties are in addition to any other penalties provided for in law.

The bill 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.

Section 2 amends s. 327.70, F.S., to provide that violations of s. 327.4107, F.S., may be enforced by a uniform boating citation mailed to the registered owner of the vessel.

Section 3 amends s. 327.73, F.S., to provide the following civil penalties for violations of s. 327.4107, F.S. The civil penalties are:

- For a first offense: \$50;
- For a second offense occurring 30 days or more after a first offense: \$100; and
- For a third or subsequent offense occurring 30 days or more after a previous offense: \$250.

The civil penalties are remitted by the clerk of court to the Department of Revenue and deposited into the Marine Resources Conservation Trust fund for boating and education purposes.²²

Section 4 of the bill provides an effective date of July 1, 2016.

²¹ FWC, *Anchoring and Mooring Pilot Program: Report of Findings and Recommendations* (Dec. 31, 2013), pg. 3, available at <http://myfwc.com/media/2704721/FindingsRecommendations.pdf> (last visited Jan. 21, 2016).

²² Section 327.73(8), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 1300 may have a negative but indeterminate effect on boat owners due to new penalties imposed on vessel owners whose vessels are found to be in danger of becoming derelict. These effects are not anticipated to be significant.²³

C. Government Sector Impact:

The bill may have a positive but indeterminate impact on local and state governments if individuals repair or move their vessels rather than allow them to become derelict.

A positive but indeterminate fiscal impact may result from the penalties imposed for violations of the provisions of the bill. According to the FWC, these effects are not anticipated to be significant.²⁴

The proposed Senate General Appropriations Bill for the 2016-2017 fiscal year, SB 2500, includes \$1,500,000 from the General Revenue Fund for removal of derelict vessels.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²³ FWC, *House Bill 7025 Agency Analysis* (Jan. 6, 2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

²⁴ *Id.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.70 and 327.73.

This bill creates the following section of the Florida Statutes: 327.4107.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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 Appropriations	
HB 0083	Relating to Identification Cards and Driver Licenses	Santiago
	Identification Cards and Driver Licenses: Provides for person's status as lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license; prohibits person born after specified date from operating certain vessel unless such person has in his or her possession photographic identification & boater safety identification card or state-issued identification card or driver license; requires each recreational license & state-issued identification card or driver license indicating possession of recreational license to be in personal possession of person to whom such license is issued while person is taking, attempting to take, or possessing game, freshwater or saltwater fish, or fur-bearing animals. Effective Date: July 1, 2016 2/2/2016 HOUSE Read Second Time; Substituted for SB 0158; Laid on Table, Refer to SB 0158	
HB 0109	Relating to State Minimum Wage	Torres
	State Minimum Wage: Increases state minimum wage; prohibits employer from paying employee at rate less than state minimum wage; removes limitation restricting application of state minimum wage only to individuals entitled to receive federal minimum wage. Effective Date: January 1, 2017 9/10/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
SB 0158	Relating to Identification Cards and Driver Licenses	Hutson
	Identification Cards and Driver Licenses; Providing for a person's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license upon payment of an additional fee and presentation of the person's lifetime freshwater fishing, saltwater fishing, hunting, or sportsman's license, or boater safety identification card; providing	

a waiver of the replacement fee in certain circumstances, etc. Effective Date: 7/1/2016
2/11/2016 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/12/16,
10:00 am, 117 K (No Votes Will Be Taken)

- | | | |
|----------------|---|----------|
| 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
2/10/2016 SENATE Withdrawn from further consideration | |
| 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
2/12/2016 HOUSE On Committee agenda - Transportation & Economic Development Appropriations Subcommittee, 02/16/16, 12:30 pm, 404 H
- 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
2/11/2016 HOUSE Now in State Affairs Committee
- 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
2/9/2016 HOUSE Now in State Affairs Committee
- 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
2/10/2016 HOUSE Placed on Calendar, on 2nd reading
- 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; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; creating the "Florida Springs and Aquifer Protection Act", etc. Effective Date: 7/1/2016 1/21/2016 Approved by Governor, Chapter No. 2016-1	
HB 0561	Relating to Organizational Structure of the Department of Environmental Protection	Combee
	Organizational Structure of the Department of Environmental Protection: Establishes Office of the Secretary within DEP; authorizes Secretary of Environmental Protection to establish offices within the office & within department's divisions to promote efficient & effective operation of DEP; directs secretary to appoint general counsel; removes required establishment of certain offices; establishes Division of Water Restoration Assistance within DEP. Effective Date: July 1, 2016 2/11/2016 HOUSE Now in State Affairs Committee	
HB 0593	Relating to Government Accountability	Metz
	Government Accountability: Revises auditing protocols for certain agencies, councils, & state schools; revises responsibilities of certain state officials & employment or contractual relationships; revises provisions governing collection methods for certain unpaid automatic fines; requires counties, municipalities, & special districts to maintain certain budget documents on entities' websites for specified period; revises certain compensation protocols; revises requirements for financial statements & audits of certain governmental entities. Effective Date: October 1, 2016 2/12/2016 HOUSE On Committee agenda - Appropriations Committee, 02/16/16, 3:00 pm, 212 K	
HB 0619	Relating to Employment of Felons	Stafford
	Employment of Felons: Provides local business tax credit for employment of person previously convicted of felony; provides requirements to receive credit; provides exceptions for certain felons. Effective Date: July 1, 2016 11/17/2015 HOUSE Now in Finance & Tax Committee	
HB 0635	Relating to Social Media Privacy	Dudley
	Social Media Privacy: Prohibits employer from requesting or requiring access to social media account of employee or prospective employee; prohibits employer from taking retaliatory personnel action against employee as result of employee's refusal to allow access to his or her social media account; prohibits employer from failing or refusing to hire prospective employee as result of prospective employee's refusal to allow access to his or her social media account; authorizes civil action for violation; provides penalty for violation; provides for recovery of attorney fees & court costs; specifies that employer is not prohibited from seeking access to social media accounts used primarily for employer's business purposes. Effective Date: October 1, 2016 11/17/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
SB 0644	Relating to Boating Safety	Ring
	Boating Safety; Revising the minimum age to operate personal watercraft; removing the exemption from the photographic identification and boating safety identification card requirement for a person accompanied in the vessel by another person who meets certain criteria, etc. Effective Date: 7/1/2016 1/27/2016 SENATE Temporarily Postponed by Environmental Preservation and Conservation	
HB 0651	Relating to Department of Financial Services	Beshears
	Department of Financial Services: Authorizes DFS to create Internet-based transmission system for electronic transmission to accept service of process; removes requirement that EOG review & approve certain alternative retirement income security program; revises responsibilities of CFO; revises requirements for state-funded contracts or agreements between state awarding agency & higher education entity; revises responsibilities of DHSMV; names Board of Commissioners of Florida Inland Navigation District as entity that receives & approves certain surety bonds of commissioners; revises provisions relating to service of legal process; provides fee; provides additional ground for disqualification of neutral evaluator; provides requirements related to sinkhole insurance; provides requirements for firefighter & volunteer firefighter certificates of compliance & completion; establishes Firefighter Assistance Program for certain purposes; provides appropriation. Effective Date: July 1, 2016 2/11/2016 HOUSE Now in Regulatory Affairs Committee	
HB 0681	Relating to Divers-down Warning Devices	Trumbull
	Divers-down Warning Devices: Expands types of indicators or devices allowed to be used to signal presence of submerged divers; specifies requirements for such devices. Effective Date: July 1, 2016 1/28/2016 HOUSE Placed on Calendar, on 2nd reading	

SB 0686	Relating to Government Accountability	Gaetz (D)
	Government Accountability; Citing this act as the "Florida Anti-Corruption Act of 2016"; requiring each house of the Legislature to provide by rule reporting requirements regarding lobbying firm's lobbying activities; 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; prohibiting a member of the Legislature from accepting employment with a private entity that directly receives state funds, etc. Effective Date: 10/1/2016 2/11/2016 SENATE On Committee agenda - Community Affairs, 02/16/16, 1:30 pm, 301 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 2/10/2016 HOUSE Placed on Calendar, on 2nd reading	
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 2/12/2016 SENATE On Committee agenda - Appropriations Subcommittee on General Government, 02/17/16, 10:00 am, 110 S	
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 2/9/2016 HOUSE Now in State Affairs Committee	
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 2/11/2016 SENATE Placed on Special Order Calendar, 02/18/16	
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 2/10/2016 HOUSE Placed on Calendar, on 2nd reading	
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 Metals Purchasing: Requires person to be licensed by DHSMV as motor vehicle dealer to advertise for purchase or sale of motor vehicles; requires motor vehicle dealer advertisements to include certain information; prohibits unlicensed person from using certain vehicles to transport certain vehicles; provides for impoundment of wrecker or tow truck used in violation of licensure requirements; requires persons who advertise to provide services as secondary metals recycler to be registered with Department of Revenue; requires secondary metals recycler advertisements to include certain information; prohibits person not registered as secondary metals recycler from using wrecker or tow truck to transport certain metals; provides for impoundment of wrecker or tow truck used in violation of registration requirements; provides penalties. Effective Date: July 1, 2016 2/11/2016 HOUSE Now in Justice Appropriations Subcommittee	
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
2/11/2016 SENATE On Committee agenda - Commerce and Tourism, 02/16/16, 10:00 am, 110 S
- 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
2/11/2016 SENATE Committee Substitute Text (C1) Filed
- 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
2/12/2016 SENATE Now in Appropriations
- 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
2/12/2016 SENATE On Committee agenda - Environmental Preservation and Conservation, 02/17/16, 1:30 pm, 37 S
- 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
2/11/2016 SENATE Favorable with CS by Appropriations Subcommittee on General Government; 5 Yeas, 0 Nays
- 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
2/9/2016 SENATE Now in Appropriations Subcommittee on General Government

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| 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
2/12/2016 SENATE On Committee agenda - Appropriations Subcommittee on General Government, 02/17/16, 10:00 am, 110 S | |
| 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
2/12/2016 SENATE On Committee agenda - Fiscal Policy, 02/17/16, 4:00 pm, 412 K | |
| 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 future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: 7/1/2016
2/12/2016 SENATE On Committee agenda - Rules, 02/17/16, 4:00 pm, 110 S | |
| SB 1454 | Relating to Vessels | Hutson |
| | Vessels; Revising provisions relating to reckless or careless operation of a vessel; deleting provisions authorizing law enforcement officers to inspect vessels; revising provisions relating to the authority of law enforcement officers to conduct certain investigations, etc. Effective Date: 7/1/2016
2/12/2016 SENATE On Committee agenda - Appropriations Subcommittee on Criminal and Civil Justice, 02/17/16, 10:00 am, 37 S | |
| SB 1506 | Relating to Manatees | Brandes |
| | Manatees; 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. Effective Date: 7/1/2016
1/14/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations | |
| SB 1510 | Relating to Advertisement of Vehicle and Vessel Purchasing | Hutson |
| | Advertisement of Vehicle and Vessel Purchasing; Requiring a motor vehicle dealer who advertises the purchase of vehicles or vessels to display specified information on the sign or advertisement; prohibiting an unlicensed motor vehicle dealer or unregistered secondary metals recycler from dispatching a wrecker, tow truck, trailer, dolly, or other vehicle in response to an advertisement for the purchase of a vehicle or vessel, etc. Effective Date: 7/1/2016
1/14/2016 SENATE Referred to Commerce and Tourism; Transportation; Fiscal Policy | |
| SB 1564 | Relating to Shellfish Harvesting | Hutson |
| | Shellfish Harvesting; Revising provisions for the harvest of shellfish from natural reefs and submerged lands; providing for the Board of Trustees of the Internal Improvement Trust Fund instead of the Department of Agricultural and Consumer Services to authorize the harvest of shellfish by dredges or mechanical harvesting devices in submerged land leases and perpetual shellfish leases, etc. Effective Date: 7/1/2016
1/14/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations | |

Subcommittee on General Government; Fiscal Policy

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	