

# FINAL REPORT

// 2017 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA  
MAY 17, 2017



# // FINAL REPORT

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The 2017 Legislative Session is officially over. We are still sorting through several of the conforming bills that passed on the final day of Session, but have numerous highlights we would like to share with you relating to marine industries and boating.

First, Senate Bill 2500, also known as the 2017-18 Appropriations Act, did pass the Florida Legislature on May 8th. The Appropriations Act contains \$82.4 billion in spending for the upcoming year. Marine Industries follows the appropriations process closely, and some of the items listed below are the funding amounts for items of interest for MIAF.

**SB 2500**

1511 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY CLEAN MARINA  
FROM FEDERAL GRANTS TRUST FUND ... 3,000,000  
FROM GRANTS AND DONATIONS TRUST FUND .....  
..... 300,000

1769 SPECIAL CATEGORIES  
BOATING SAFETY EDUCATION PROGRAM  
FROM MARINE RESOURCES CONSERVATION TRUST FUND ..... 850,650

1770 FIXED CAPITAL OUTLAY  
BOATING INFRASTRUCTURE  
FROM FEDERAL GRANTS TRUST FUND ... 3,900,000

1770A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY BOAT RAMP MAINTENANCE AND IMPROVEMENTS  
FROM GENERAL REVENUE FUND ..... 650,000

From the funds in Specific Appropriation 1770A, \$650,000 in nonrecurring funds from the General Revenue Fund is provided for the Levy County Highway 40 Boat Ramp Improvement project (HB 2793).

**██**

1770B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED  
CAPITAL OUTLAY DERELICT VESSEL REMOVAL PROGRAM  
FROM MARINE RESOURCES CONSERVATION TRUST FUND ..... 1,488,550

1771 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

Please note, the Governor has line item veto powers over the budget and his office has yet to receive the budget to act. We will keep you posted as this process entails. With regard to the above appropriations, we are very appreciative of the Derelict Vessel funding in this year’s budget.

The Triumph bill did pass this year and is officially enrolled. HB 7077 was taken up on the Senate floor and a strike everything amendment was offered by Senator Gainer. The amendment was adopted by the Senate 35-0 and then went to the House of Representatives where it passed 119-0. This bill became controversial due to the rhetoric in Tallahassee this Session about “corporate welfare” and tourism spending. The final result will benefit the Panhandle counties impacted by the BP oil spill. This will continue to be an ongoing process with Triumph Gulf Coast and could very well transform and diversify the Panhandle. I encourage all interested persons in the Triumph Gulf Coast counties to monitor and be active with this group.

Vessel Registration/EPIRB, as reported in the last report, passed the House of Representatives and the Senate. The bill was sent to the Governor on May 8th for approval. The Governor has until May 23rd to veto, allow to become law without signature or sign the bill.

The Coral bills received a lot of attention this Legislative Session. Ultimately, the bill died in the Florida Senate. I anticipate the bills will be back next year.

The Vessels bills passed this Legislative Session. We are grateful to both Rep. Raschein and Senator Book for meeting with stakeholders early in the process to iron out details and sticking to their guns, as many groups tried to amend the bills as they moved through the committee process. As of the writing of this report, HB 7043 is enrolled and waiting to be signed by the presiding officers and sent to the Governor for approval. Once the Governor receives the bill, he has 15 days to act.

Even though this Legislative Session has come to an end, please know there is speculation of a potential Special Session this summer. Also, for your calendars, please mark January 9, 2018 as the first day of the 2018 Legislative Session. We will immediately get to work on our priorities for the upcoming 2018 Legislative Session!



Margaret “Missy” Timmins  
President  
Timmins Consulting, LLC

## // BOATING IN SALT WATER

**Senate Bill 1262 // Sen. Gary Farmer // Referred to: Criminal Justice; Environmental Preservation and Conservation; Transportation; Rules**

**House Bill 1227 // Rep. Kristin Jacobs // Referred to: Transportation & Infrastructure Subcommittee; Criminal Justice Subcommittee; Government Accountability Committee**

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

**Senate Bill 1262**, Prohibiting minors of a certain age from operating vessels powered by a motor of 10 horsepower or greater or certain sailboats or other rigged vessels in salt water, except under specified conditions; providing penalties for parents or guardians who knowingly permit their children or wards to violate the prohibition, etc. Effective Date: 10/1/2017

**Most Recent Action:** Died in Criminal Justice

**House Bill 1227** prohibits certain minors from operating specified vessels; provides exceptions; provides that parents, guardians, & supervising persons are subject to penalties under certain conditions. Effective Date: October 1, 2017

**Most Recent Action:** Died in Transportation and Infrastructure Subcommittee

## // VESSELS

**Senate Bill 1338 // Sen. Lauren Book // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations**

**House Bill 7043 // Natural Resources & Public Lands Subcommittee; Rep. Holly Raschein // Referred to: Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee**

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

**Senate Bill 1338**, Providing an additional condition for a vessel at risk of becoming derelict on waters of this state; prohibiting anchoring or mooring of vessels or floating structures in certain areas; authorizing a local government to enact and enforce regulations related to proof of pumpout in certain areas; providing for issuance of uniform boating citations for certain violations, etc.

CS/CS/SB 1338 implements many of the findings and recommendations of the Florida Fish and Wildlife Conservation Commission (FWC) in its report on the pilot program relating to the anchoring or mooring of vessels outside public mooring fields. The bill addresses issues relating to:

- Derelict vessels by:
  - Providing that a vessel is at risk of becoming derelict if an owner or operator of a vessel cannot demonstrate within 72 hours after notification by a law enforcement officer that the vessel has an effective means of propulsion or provide documentation of having ordered the necessary parts for vessel repair;
  - Elevating the civil penalties for having an expired vessel registration longer than six months;
  - Prohibiting the Department of Highway Safety and Motor Vehicles from issuing a certificate of title to any applicant for any vessel that has been deemed derelict by a law enforcement officer until such vessel is longer deemed a derelict vessel; and
  - Exempting law enforcement officers who post a notice on a derelict vessel which he or she ascertains as lost or abandoned property from the additional requirement that such notice be sent by certified mail to the owner of the property when the law enforcement officer has given such owner notice of a violation of derelict vessels and issued him or her a citation for such violation.
- Anchoring or mooring in certain areas by prohibiting vessels or floating structures from anchoring or mooring within:
  - 150 feet of any vessel launching or loading facility;
  - 100 feet of public mooring field boundaries; or
  - 300 feet of a superyacht repair facility.
- Local governmental authority by:
  - Amending the definition of the term “live-aboard vessel” to revise local governmental authority relating to the anchoring and mooring of vessels;
  - Authorizing local governments to enact and enforce regulations that require owners or operators of vessels or floating structures subject to marine sanitation requirements to provide proof of proper sewage disposal if such vessel has been anchored or moored for 10 consecutive days within the marked boundaries of permitted mooring fields or federally designated no discharge zones, provided the FWC has determined that adequate pumpout services are provided by such local government; and
  - Authorizing local governments to enact and enforce regulations that allow the local government to remove a vessel affixed to a public dock within its jurisdiction which has been deemed abandoned or lost property.

The bill authorizes that private residential multifamily docks that were grandfathered-in to use

sovereignty submerged lands may exceed the 1:1 ratio for number of moored boats to the number of units within a private multifamily development.

The bill authorizes the FWC to establish boating restricted areas upon request of a private property owner of submerged lands that are adjacent to Outstanding Florida Waters or an aquatic preserve for the sole purpose of protecting any seagrass and contiguous seagrass habitat within their property boundaries from seagrass scarring due to propeller dredging.

**Last Action:** Read Third Time; Substituted for HB 7043; Laid on Table, Refer to HB 7043

**House Bill 7043** authorizes certain docks to exceed mooring restrictions; provides conditions under which vessel is at risk of becoming derelict; prohibits certain anchoring or mooring; provides for seagrass protection; authorizes local government to enact & enforce certain regulations; requires FWCC to review & approve such regulations; provides for issuance of uniform boating citations; revises provisions for certain registration, classification, title, & notice; provides penalties.

The bill implements many of the recommendations made by the Florida Fish and Wildlife

Conservation Commission (FWC) in its final report on the Anchoring and Mooring Pilot

Program. Specifically, the bill implements recommendations relating to the following issues:

- Prevention of derelict vessels by:
  - Providing an additional condition that would indicate that a vessel is at risk of becoming derelict.
  - Enhancing the civil penalty for having an expired vessel registration longer than six months.
  - Prohibiting the Department of Highway Safety and Motor Vehicles from issuing a certificate of title to any applicant for any vessels that has been deemed derelict.
- Anchoring and mooring by:
  - Creating anchoring limited areas near vessel launching facilities, superyacht repair facilities, or the marked boundaries of public mooring fields.
  - Prohibiting the anchoring or mooring of a vessel or floating structure within the marked boundary of a public mooring field unless the owner or operator has a lawful right to anchor or moor in the mooring field by contractual agreement or other business arrangement or mooring, tying, or otherwise affixing to an unlawful object that is on or affixed to the bottom of the waters of the state.
- Local governmental authority by authorizing local governments to enact and enforce ordinances that:
  - Require owners or operators of vessels or floating structures subject to marine

sanitation requirements to provide proof of proper sewage disposal if the FWC determines that sufficient facilities are available within the local government's jurisdiction when anchored or moored for more than 10 consecutive days within marked boundaries of permitted mooring fields or designated no discharge zones.

- Implement procedures for abandoned or lost property that allow a local government to remove a vessel affixed to a public dock within its jurisdiction which is abandoned or lost property.

In addition to implementing the recommendations of the FWC, the bill:

Allows private residential multifamily docks that were grand-fathered in to use sovereignty submerged lands to exceed the 1:1 ratio for the number of moored boats to the number of units within the private multifamily development.

Authorizes the FWC to establish boating restricted areas upon request of a private property owner of submerged lands that are adjacent to Outstanding Florida Waters or an aquatic preserve for the sole purpose of protecting any seagrass and contiguous seagrass habitat within their property boundaries from seagrass scarring due to propeller dredging. The property owner is required to apply for a uniform waterway market permit for the established boating restricted area.

**Last Action:** (House) Read Third Time; Passed (Vote: 117 Yeas / 0 Nays); (Senate) Read Third Time; Passed (Vote: 34 Yeas / 0 Nays); Ordered enrolled (Has not yet been sent to the Governor)

*Attached documents: HB 7043 Enrolled + bill summary*

## // WATER RESOURCES

**Senate Bill 10 // Sen. Rob Bradley // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations**

**House Bill 761 // Rep. Thad Altman // Referred to: Natural Resources & Public Lands Subcommittee; Appropriations Committee; Government Accountability Committee**

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

**Senate Bill 10**, authorizing the South Florida Water Management District and the Board of Trustees of the Internal Improvement Trust Fund to negotiate the amendment and termination of leases on lands within the Everglades Agricultural Area for exchange or use for the reservoir project; requiring certain lease agreements for agricultural work programs to be terminated in accordance with the lease terms; requiring the district to request that the United States Army Corps of Engineers jointly develop a post-authorization change report for the Central Everglades

Planning Project; providing requirements for the C-51 reservoir project if state funds are appropriated for the project; prohibiting the use of inmates for correctional work programs in the agricultural industry in certain areas, etc.

### **Everglades Agricultural Area reservoir project**

The bill (Chapter 2017-10, L.O.F.) directs the expedited design and construction of a water storage reservoir in the Everglades Agricultural Area (EAA) to provide for a significant increase in southern storage to reduce the high-volume discharges from Lake Okeechobee. The reservoir is a project component of the Comprehensive Everglades Restoration Plan (CERP) and is designed to hold at least 240,000 acre-feet of water and include water quality features necessary to meet state and federal water quality standards. Upon the effective date of the act, the bill requires the South Florida Water Management District (SFWMD) to identify the lessees and landowners of specified land in the EAA near the A-2 parcel.

The SFWMD is required to contact such lessees and landowners by July 31, 2017, to express its interest in acquiring land through the purchase or exchange of lands or by the amendment or termination of lease agreements. The bill authorizes the SFWMD and the Board of Trustees of the Internal Improvement Trust Fund (TIITF) to negotiate the amendment or termination of leases on lands within the EAA for exchange or use for the EAA reservoir project. The bill requires that lease agreements relating to land in the EAA leased to the Prison Rehabilitative Industries and Diversified Enterprises, Inc., for an agricultural work program be terminated in accordance with the terms of the lease agreement.

The SFWMD is required to request that the United States Army Corps of Engineers (USACE) jointly develop a post-authorization change report for the A-2 project component of the Central Everglades Planning Project, using the additional land identified, with the goal of increasing the water storage provided by such project component to a minimum of 240,000 acre-feet. The post-authorization change report may include modification to the A-1 parcel if the SFWMD and the USACE determine that such configuration would provide for a minimum of 360,000 acre-feet of water storage. If the post-authorization change report does not receive the approval of USACE or Congressional approval by certain dates, the SFWMD is required to request that the USACE initiate a project implementation report for the EAA reservoir project.

The SFWMD is required to terminate the Second Amended and Restated Agreement for Sale and Purchase between U.S. Sugar and the SFWMD at the request of the seller if:

- The post-authorization change report receives Congressional approval; or
- The SFWMD certifies to the TIITF and the Legislature that the acquisition of land necessary for the EAA reservoir project has been completed.

The SFWMD is required to give preferential consideration to displaced agricultural workers for the construction and operation of the EAA reservoir project. The bill creates the Everglades Restoration Agricultural Community Employment Training Program within the Department of Economic Opportunity to provide grants to stimulate and support training and employment programs.

The bill provides a total appropriation of \$33 million for the 2017-2018 fiscal year to the SFWMD



to implement the EAA reservoir project. Additionally, beginning in the 2018-2019 fiscal year, and each fiscal year thereafter, the sum of \$64 million is available for the EAA reservoir project and is authorized to be used for debt service payments on up to \$800 million in Florida Forever bonds.

### **C-51 reservoir project**

The C-51 reservoir project is located in western Palm Beach County and is designed to provide 60,000 acre-feet of water storage. The bill authorizes the SFWMD to negotiate with the owners of the C-51 reservoir project for the acquisition of the project or to enter into a public-private partnership. The SFWMD is authorized to acquire land near the C-51 reservoir as necessary to implement Phase II of the project. If state funds are appropriated for the C-51 reservoir project:

- The district shall operate the reservoir to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries, in addition to providing relief to the Lake Worth Lagoon;
- Water made available by the reservoir shall be used for natural systems in addition to any allocated amounts for water supply; and
- Any water received from Lake Okeechobee may not be available to support consumptive use permits.

The bill appropriates \$30 million for the 2017-2018 fiscal year from the General Revenue Fund to the Water Resource Protection and Sustainability Program Trust Fund for the purpose of providing a loan to implement Phase I of the C-51 reservoir project. Additionally, \$1 million is provided to the SFWMD to negotiate Phase II of the project.

The bill creates the water storage facility revolving loan fund within the Department of Environmental Protection (DEP). Under the program, the DEP will provide funding assistance to local governments or water supply entities for the development and construction of water storage facilities, including water storage reservoirs, to increase the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems. The loan for Phase I of the C-51 reservoir project is provided through the water storage facility revolving loan fund.

**Recent Action:** Approved by Governor; Chapter No. 2017-010

**House Bill 761** revises requirements for issuance of certain bonds; provides for reservoir project in Everglades Agricultural Area; requires South Florida Water Management District to seek out specified property & coordinate with U.S. Army Corps of Engineers; provides project requirements; provides contingent appropriations.

**Last Action:** Referred to Natural Resources & Public Lands Subcommittee; Appropriations Committee; Government Accountability Committee

*Attached documents: SB 10 (Enrolled) + bill summary*

## // MARINE TURTLE PROTECTION

**Senate Bill 1228 // Sen. George Gainer // Referred to: Criminal Justice; Environmental Preservation and Conservation; Appropriations**

**House Bill 1031 // Rep. Thad Altman // Referred to: Natural Resources & Public Lands Subcommittee; Criminal Justice Subcommittee; Government Accountability Committee**

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

**Senate Bill 1228**, adding the existing offense of possession of any marine turtle species or hatchling, or parts thereof, or nests to level 3 of the offense severity ranking chart for the purpose of increasing sentencing points for conviction of the offense, etc. Effective Date: 7/1/2017

SB 1288 amends s. 921.0022(3)(c), F.S., to correct the numbering on the Offense Severity Ranking Chart for solicitation or conspiracy to commit a violation of the Marine Turtle Protection Act. The bill further provides that possession of a marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species is a Level 3 offense. Thus, the offense ranking will increase from a Level 1 to a Level 3.

**Last Action:** Read Second Time; Substituted for HB 1031; Laid on Table, Refer to HB 1031

**House Bill 1031** ranks & revises description of criminal violations of Marine Turtle Protection Act in offense severity ranking chart of Criminal Punishment Code. Effective Date: July 1, 2017

Five species of marine turtles (sea turtles) spend a portion of their lives in Florida's waters and nest on Florida's beaches. The federal government lists these turtles as endangered or threatened and these species receive special protections under the federal Endangered Species Act (ESA) and Florida's Marine Turtle Protection Act (MTPA). Except as authorized under the ESA or under the MTPA, a person, firm, or corporation may not knowingly possess, take, disturb, mutilate, destroy, cause to be destroyed, transfer, sell, offer to sell, molest, or harass any sea turtle species or hatchling, or parts thereof, or the eggs or nest of any sea turtles.

Prior to 2016, the MTPA did not specify that possession of a sea turtle, or parts thereof, was a violation. At least one court case found a defendant "not guilty" because "possession" of sea turtles was not specifically listed in law. In the 2016 session, HB 7013 (ch. 2016-107, L.O.F.) provided that possession of a sea turtle, hatchling, or parts thereof without authorization from the Fish and Wildlife Conservation Commission under the MTPA or from the federal government under the ESA is a third degree felony. This change created a new subparagraph 6. to s. 379.2431(1)(d), F.S. The former subparagraph 6., which makes solicitation or conspiracy to commit a violation of the MTPA a third degree felony, became subparagraph 7.

The 2016 legislation, however, did not correct the reference to former subparagraph 6. on the Offense Severity Ranking Chart (OSRC) in the Criminal Punishment Code. Currently, the OSRC lists solicitation or conspiracy to commit a violation of the MTPA with the old subparagraph 6.

cross-reference. Further, the new provision providing that possession of a sea turtle, or parts thereof, is not listed on the OSRC. Thus under current law, judges must treat sentencing for the possession of a sea turtle, or parts thereof, as a level one violation under s. 921.0023(1), F.S., which ranks all felonies not listed for purposes of sentencing.

The bill amends the OSRC to correct the numbering for the solicitation or conspiracy to commit a violation of the MTPA. Further, the bill adds possession of a sea turtle species or hatchling, or parts thereof, or the nest of any sea turtle species as a level three violation. This change is consistent with the offense severity ranking for taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing sea turtles, sea turtle eggs, or sea turtle nests in violation of the MTPA and soliciting to commit or conspiring to commit a violation of the MTPA.

**Recent Action/Upcoming Consideration:** Read Third Time; Passed (Vote: 36 Yeas / 2 Nays); Ordered enrolled

*Attached documents: HB 1031 (Enrolled) + bill summary*

## // SEAGRASS

**Senate Bill 1542 // Sen. Frank Artiles // Not referred**

*BILL WITHDRAWN PRIOR TO INTRODUCTION*

**Senate Bill 1542**, permitting private owners of submerged lands to establish, upon application and approval of the Fish and Wildlife Conservation Commission, boating-restricted areas in certain seagrass areas to protect seagrasses, etc.

**Last Action:** Withdrawn prior to introduction

## // DEEPWATER HORIZON INCIDENT RECOVERY // TRIUMPH GULF COAST

**Senate Bill 364 // Sen. George Gainer // Referred to: Commerce and Tourism; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations**

**House Bill 7077 // Select Committee on Triumph Gulf Coast // Formerly PCB SOT1**

**House Bill 7079 // Select Committee on Triumph Gulf Coast // Formerly PCB SOT2**

**CS/Senate Bill 364** appropriates 75 percent of Florida's economic damage settlement funds to Triumph Gulf Coast, Inc., a nonprofit corporation, which is responsible for creating and administering a program to assist with economic recovery in the eight counties disproportionately affected by the Deepwater Horizon oil spill. The bill requires Triumph Gulf Coast, Inc., to invest the settlement funds with the State Board of Administration.

CS/CS/SB 364 establishes a mechanism for 75 percent of the settlement funds received by the state, pursuant to Florida's claims for economic damages caused by the Deepwater Horizon oil spill, to be appropriated to Triumph Gulf Coast, Inc. (Triumph Gulf Coast).

Triumph Gulf Coast, Inc., is a nonprofit corporation created to administer a program that makes awards to projects or programs that meet the priorities for economic recovery, diversification, and enhancement of the eight counties that were disproportionately affected by the Deepwater Horizon oil spill.

The bill amends provisions related to the operation of Triumph Gulf Coast. The bill:

- Requires 75 percent (about \$300 million) of settlement funds currently held in General Revenue to be immediately transferred to Triumph Gulf Coast, and 75 percent (about \$80 million annually beginning in the 2018-19 fiscal year) of future settlement payments to be deposited in the Triumph Gulf Coast Trust Fund, for appropriation by the legislature;
- Requires 40 percent of the funds initially received by Triumph Gulf Coast to be allocated to projects as reviewed and approved by boards of county commissioners, with no county receiving less than 5 percent of the total allocation;
- Requires 32 percent of the funds subsequently received by Triumph Gulf Coast to be allocated to projects as reviewed and approved by boards of county commissioners, with no county receiving less than 4 percent of the total allocation;
- Adds two members to the board of directors of Triumph Gulf Coast, with the Senate President and the Speaker of the House of Representatives each appointing an individual from one of the lesser populated counties within the disproportionately affected counties;
- Allows Triumph Gulf Coast to invest surplus funds in the Local Government Surplus Funds Trust Fund and requires the interest earned and net of fees to be transferred monthly into the Triumph Gulf Coast Trust Fund;
- Provides that administrative fees are limited to 0.75 percent of the funds available for use by Triumph Gulf Coast;
- Limits the annual salary of any employee or contracted staff of Triumph Gulf Coast to \$130,000, and provides that associated benefits may not exceed 35 percent of the salary;
- Extends the length of time Triumph Gulf Coast board members are required to refrain from having any direct interest in awards made by Triumph Gulf Coast after serving on the board of directors from 2 years to 6 years;

- Requires Triumph Gulf Coast to publish on a website its intent to approve an award and a project summary at least 14 calendar days prior to approving an award;
- Clarifies awards may be made for ad valorem tax rate reduction and public infrastructure projects for construction, expansion, or maintenance;
- Amends the types of projects that are eligible for award funding and the factors for prioritizing the projects; and
- Provides that an award may supplement but not supplant existing funding sources.

The bill transfers approximately \$300 million from the General Revenue Fund to the Triumph Gulf Coast Trust Fund and subsequently appropriates those funds to the Triumph Gulf Coast, Inc. The bill also directs future settlement funds shall be deposited into the Triumph Gulf Coast Trust Fund for appropriation by the legislature.

**Last Action:** Read Second Time; Substituted for HB 7077; Laid on Table, Refer to HB 7077

**House Bill 7077:** HB 7077 passed the House on March 23, 2017. The bill was amended in the Senate on May 1, 2017, and was returned to the House. The House concurred with the Senate amendment and passed the bill as amended on May 2, 2017.

The bill substantially amends the Gulf Coast Economic Corridor Act (act) to require seventy-five percent of all payments Florida receives pursuant to the settlement agreement between the five gulf states and the BP entities be immediately transferred from the General Revenue Fund to Triumph Gulf Coast Trust Fund (trust fund), which is created by HB 7079 within the Department of Economic Opportunity. The bill provides for the automatic appropriation of funds transferred to the trust fund to the Triumph Gulf Coast, Inc. (corporation). Seventy-five percent of the BP settlement payment already received by the state is immediately released to the corporation, and funds appropriated after July 1, 2017, will be released to the corporation 30 days after such funds are received by the state and deposited into the trust fund. From this year's appropriation, a minimum allocation of at least 5 percent per county must be used for projects in each of the eight counties. A minimum allocation of at least 4 percent per county of future appropriations to the corporation must be used for projects in each of the eight counties. The Board of County Commissioners of each of the eight counties is required to submit to the corporation a list of projects it or other elected local governing boards recommend for funding.

The corporation is required to establish a trust account at a federally insured financial institution, and is authorized to invest funds in the Local Government Surplus Funds Trust Fund. The corporation is required to deposit interest and earnings into the trust fund on a monthly basis.

The bill revises provisions in the act governing the corporation's board of directors and its operations. The bill provides for the Speaker of the House of Representatives and the President of the Senate to each appoint one additional private sector member from one of the four least populous disproportionately affected counties so that two such counties are represented on the board. The current requirement that a member of the board refrain from having any direct interest in any contract, franchise, privilege, project, program, or other benefit arising from an award by the corporation is extended from two years to six years after termination of

appointment. The same change is applied to the corporation's staff. Additional changes address administrative expenses and the corporation's staff. The bill revises the type of awards the corporation is authorized to make and the criteria used to prioritize projects and programs. The bill provides that an award from the corporation may supplement, but may not supplant existing funding sources.

The bill repeals s. 377.43, F.S., relating to the disbursement of funds received for damages caused by the Deepwater Horizon oil spill, which was passed during the 2011 Legislative Session.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**Last Action:** Received from Messages; Concurred with Amendment (930210); Passed (Vote: 119 Yeas / 0 Nays); Ordered engrossed, then enrolled (Has not yet been sent to the governor)

**House Bill 7079:** Section 19(f), Art. III of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund.

A companion bill to this bill, HB 7077 relates to the Gulf Coast Economic Corridor. That bill amends s. 288.8013, F.S. to require that seventy-five percent of all payments to the State of Florida pursuant to the "Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the Deepwater Horizon Incident," which was entered into on October 5, 2015, in the case styled In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, MDL 2179 in the United States District Court for the Eastern District of Louisiana be immediately transferred from the General Revenue Fund to the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity. That bill also amends s. 288.8017, F.S. to authorize Triumph Gulf Coast Inc., to make awards to projects or programs for certain specified purposes.

This bill creates the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity and provides that the trust fund is established as a depository for the settlement funds described above. The bill also provides that the funds shall be used in conformity with the requirements of ss. 288.8011-288.8018, F.S., as amended by HB 7077, and exempts the trust fund from the general revenue service charge provided in s. 215.20, F.S.

This bill has no fiscal impact. The bill takes effect on the same date that HB 7077 or similar legislation takes effect, if such legislation is enacted in the same legislative session or an extension thereof and becomes law, and only if this act is enacted by a three-fifths vote of the membership of each house of the Legislature.

**Last Action:** Read Second Time; Read Third Time; Passed (Vote: 37 Yeas / 0 Nays); Ordered enrolled (Has not yet been sent to the governor)

*Attached documents: HB 7077 (Enrolled) + final analysis; HB 7079 (Enrolled) + final analysis*

// **NONNATIVE ANIMALS**

**Senate Bill 230 // Sen. Frank Artiles // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations**

**House Bill 587 // Rep. Halsy Beshears // Referred to: Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee**

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

**Senate Bill 230**, directing the Fish and Wildlife Conservation Commission, in consultation with the Department of Environmental Protection, to establish a pilot program for the eradication of specific species; requiring the commission to enter into specified contracts, etc.

PCS/CS/SB 230 requires the Fish and Wildlife Conservation Commission (commission) to establish a pilot program to mitigate the impact of priority invasive species on public lands or waters of the state. The commission is required to submit a report of its recommendations and findings regarding the pilot program by January 1, 2020.

Additionally, the commission is required to identify nonnative animals that threaten the state's wildlife habitats. A pet dealer must implant such animal with a passive integrated transponder tag before any animal, identified by the commission, is sold, resold, or offered for sale.

The fiscal impact of the pilot program is indeterminate at this time; however, the bill provides for an appropriation from the State Game Trust Fund of \$300,000 annually during both the 2017-2018 Fiscal Year and the 2018-2019 Fiscal Year, for a total appropriation of \$600,000.

**Last Action:** Died in Appropriations

**House Bill 587** directs FWCC, in consultation with DEP, to establish pilot program for eradication of specific species; requires FWCC to enter into specified contracts & to submit report to Governor & Legislature; provides appropriation.

Nonnative species are animals living outside of captivity that did not historically occur in Florida. Humans introduced most nonnative species to Florida, while some nonnative species migrated to Florida through natural range expansion. The bill specifically addresses concerns with the following nonnative species:

- Argentine black and white tegus are large lizard native to South America. These lizards present a concern because they compete with and prey on native wildlife, including threatened species;
- Lionfish are a marine species that individuals may identify by their red, brown, and white striped zebra-like appearance and eighteen venomous spines. Lionfish pose problems for the marine environment because they eat native fish, eliminate species

that serve important ecological roles such as keeping algae in check on reefs, and compete for food with native predatory fish like grouper and snapper; and

- Conditional nonnative lizards and snakes are Burmese or Indian pythons; reticulated pythons; Northern African pythons; Southern African pythons; Amethystine or scrub pythons; Green Anacondas; or Nile monitors. While they may prey upon other nonnative species, they also prey upon native species and may reduce local native populations. Further, some conditional nonnative snakes and lizards may pose a threat to human and pet safety.

Currently, the Fish and Wildlife Conservation Commission (FWC) undertakes several statewide efforts to restrict the introduction and spread of nonnative species. This includes providing public education, pet amnesty days to surrender exotic pets to pre-qualified adopters, restricting or prohibiting the possession of certain nonnative species, undertaking nonnative species eradication programs, and encouraging hunting and fishing of nonnative species.

The bill directs FWC to establish a pilot program to mitigate the impacts of priority invasive species by authorizing FWC to enter into competitively bid contracts with individuals and entities to capture and destroy the priority invasive species found on public lands and public waters. The bill requires FWC to:

- Ensure that each animal captured and killed is documented and the geographic location is recorded for research purposes;
- Direct the disposal of all animals captured and not destroyed; and
- Submit a report of findings and recommendations regarding its implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representative by January 1, 2020.

The bill also requires pet dealers to implant a passive integrated transponder (PIT) tag in all nonnative animals identified by FWC that threaten the state's wildlife habitat before selling, reselling, or offering for sale such animals. FWC must adopt rules that identify such animals and establish standards for the type of PIT tag that pet dealers must use and the method used to implant the tags.

The FWC currently has \$1.2 million in recurring base funding nonnative species management, and the Fiscal Year 2017-2018 House Proposed Budget also contains an additional \$1.5 million.

**Last Action:** Died in Environmental Preservation and Conservation

## // REGULATION OF COMMERCE, TRADE, & LABOR // LOCAL REGULATION PREEMPTION

**Senate Bill 1158 // Sen. Kathleen Passidomo // Referred to: Commerce and Tourism;  
Community Affairs; Appropriations; Rules**



**House Bill 17 // Rep. Randy Fine // Referred to: Careers & Competition Subcommittee;  
Commerce Committee**

HOUSE/SENATE BILL RELATIONSHIP: *NOT DIRECTLY AFFILIATED*

**Senate Bill 1158**, reserving to the state the exclusive right to regulate matters of commerce, trade, and labor under certain circumstances; prohibiting counties, municipalities, and special districts from engaging in specified actions that regulate commerce, trade, or labor, unless otherwise expressly authorized to do so by special or general law; providing that an ordinance, rule, or regulation that violates a specified provision is null and void, etc.

**Last action:** Died in Commerce and Tourism

**House Bill 17** prohibits certain local governments from imposing or adopting certain regulations on businesses, professions, & occupations after certain date; preempts to state regulations concerning businesses, professions, & occupations; provides exceptions to preemption.

Municipalities and counties derive broad home rule authority from the Florida Constitution and general law.

The bill prohibits local governments from adopting or imposing new regulations on a business, profession, or occupation unless the regulation is expressly authorized by general law. The bill provides that this prohibition is effective July 1, 2017.

The bill provides the following definitions:

- “local government” means a county, municipality, special district, school district, or political subdivision of the state.
- “regulation” means a rule or regulation, license, permit, or requirement, along with any associated fee.

The bill provides that the regulation of businesses, professions, and occupations is expressly preempted to the state and that local regulations are superseded unless expressly authorized by general law.

The bill provides that local regulations enacted before July 1, 2017, but not expressly authorized by general law, may continue to exist until July 1, 2020, but may not be added to or modified except to repeal or reduce the regulation.

**Most Recent Action:** Died in Commerce Committee

## // PUBLIC NOTIFICATION OF POLLUTION

**Senate Bill 532 // Sen. Bill Galvano // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations**

**House Bill 1065 // Rep. Kathleen Peters // Referred to: Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee**

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

**Senate Bill 532**, Creating the “Public Notice of Pollution Act”; specifying authority of the Department of Environmental Protection; specifying that the act does not alter or affect the emergency management responsibilities of certain other governmental entities; requiring the department to establish and publish the types and amounts of a substance that, if released, would constitute a reportable release; specifying that providing a notice does not constitute an admission of liability or harm, etc.

CS/SB 532 creates the Public Notice of Pollution Act. The bill defines a reportable pollution release as a release to the air, land, or water that is discovered by the owner or operator of an installation, is not authorized by law, and is:

- Reportable to the State Watch Office;
- Reportable to the Department of Environmental Protection (DEP) or a contracted county pursuant to rules governing storage tank systems;
- Reportable to DEP pursuant to rules governing underground injection control systems;
- A hazardous substance; or
- An extremely hazardous substance.

The owner or operator of any installation where a reportable pollution release occurs must provide a notice of the release to DEP. The notice must be submitted to DEP within 24 hours after discovery of the reportable pollution release and must contain detailed information described in the bill about the installation, the substance, and the circumstances surrounding the release. The bill also requires additional notice to DEP if a release migrates outside the property boundaries of the installation.

The bill requires DEP to publish each notice to the Internet within 24 hours after DEP receives it. DEP must also create a system for electronic mailing that allows interested parties to subscribe to and receive direct announcements of notices received by DEP. DEP must establish an email address and an online form so that installation owners and operators are able to submit a notice of a reportable pollution release electronically. The bill provides that submitting a notice of a reportable pollution release does not constitute an admission of liability or harm. Finally, the bill provides for \$10,000 per day in civil penalties for violations of these notice requirements and authorizes DEP to adopt rules to administer these provisions.

The fiscal impact is indeterminate. The DEP will incur minimal costs as a result of the newly established reporting requirements and initiation of the rule making process.

**Last Action:** Died in Messages

**House Bill 1065** requires owners & operators of certain installations to notify DEP of specified pollution releases; requires DEP to publish information for such releases; provides civil penalties.

**Last Action:** Died in Natural Resources and Public Lands Subcommittee

## // CORAL REEFS

**Senate Bill 1624 // Sen. Gary Farmer // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations**

**House Bill 1143 // Rep. Kristin Jacobs // Referred to: Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee**

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

**Senate Bill 1624**, Establishing the Southeast Florida Coral Reef Ecosystem Protection Area; requiring the Coral Reef Conservation Program, in coordination with the Fish and Wildlife Conservation Commission, to develop a comprehensive management plan for the area using and building on previous stakeholder engagement and public comment, etc.

CS/SB 1624 creates the Southeast Florida Coral Reef Ecosystem Conservation Area. The conservation area consists of the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet to the northern boundary of the Biscayne National Park.

**Last Action:** Died in Appropriations Subcommittee on the Environment and Natural Resources

**House Bill 1143** establishes Southeast Florida Coral Reef Ecosystem Protection Area; requires Coral Reef Conservation Program, in coordination with FWCC, to develop specified comprehensive management plan for area; requires DEP to submit proposed plan to Board of Trustees of Internal Improvement Trust Fund.

Coral reefs in southeast Florida support a rich and diverse assemblage of stony corals, octocorals,

macroalgae, sponges, and fishes. These ecological communities run parallel along the coast from the northern border of Biscayne National Park in Miami-Dade County north to the St. Lucie Inlet in Martin County. Coral reefs are valuable natural resources. They protect coastlines by reducing wave energy from storms and hurricanes. They serve as a source of food and shelter and provide critical habitat for over 6,000 species, including commercially important fisheries. Further, people use coral reefs as a resource for recreation, education, scientific research, and public inspiration. Millions of tourists and local residents enjoy scuba diving, snorkeling, and fishing on the coral reefs.

Unfortunately, coral reefs are vulnerable to harmful environmental changes, particularly those resulting from human activities. Presently, 10 percent of all coral reefs globally are degraded beyond recovery and 30 percent are in critical condition and may die within 10 to 20 years, particularly those near human populations.

The bill establishes the Southeast Florida Coral Reef Ecosystem Conservation Area. The conservation area includes the sovereign submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet in the north to the northern boundary of the Biscayne National Park in the south.

**Last Action:** Died in Environmental Preservation and Conservation

## // VESSEL REGISTRATIONS

**Senate Bill 718 // Sen. Bobby Powell // Referred to: Transportation; Appropriations Subcommittee on Finance and Tax; Appropriations**

**House Bill 711 // Rep. MaryLynn Magar // Referred to: Transportation & Infrastructure Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee**

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

**Senate Bill 718**, Revising a reduction of vessel registration fees for recreational vessels equipped with certain position indicating and locating beacons, etc.

CS/SB 718 reduces state vessel registration fees for recreational vessels equipped with a qualifying emergency position-indicating radio beacon or whose owner owns a qualifying personal locator beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration (NOAA) to receive the reduced vessel registration fee.

The bill also removes the July 1, 2017 expiration date of the reduced vessel registration fees. These changes make the registration fee reductions permanent for qualifying vessel owners.

The Revenue Estimating Conference estimates this bill will have an insignificant fiscal impact to the General Revenue Fund in Fiscal Year 2017-2018 and thereafter.

**Last Action:** Read Third Time; Substituted for HB 0711; Laid on Table, Refer to HB 0711

**House Bill 711** revises reduction of vessel registration fees for recreational vessels equipped with certain position indicating & locating beacons; deletes registration date limitation; deletes expiration date.

The bill reduces state vessel registration fees for recreational vessels equipped with an Emergency Position Indicating Radio Beacon, or for recreational vessels 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 more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels.

The bill is expected to have an insignificant negative fiscal impact to state trust funds.

**Last Action:** Signed by Officers and presented to Governor (Governor must act on this bill by 05/23/17)

*Attached Documents: HB 711 (Enrolled) + final analysis*

## // BUDGET

### **Boating Appropriations - Final** Senate Bill 2500 (Final passed budget)

1511 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL  
OUTLAY CLEAN MARINA  
FROM FEDERAL GRANTS TRUST FUND ... 3,000,000  
FROM GRANTS AND DONATIONS TRUST FUND ..... 300,000

1769 SPECIAL CATEGORIES  
BOATING SAFETY EDUCATION PROGRAM  
FROM MARINE RESOURCES CONSERVATION TRUST FUND ..... 850,650

1770 FIXED CAPITAL OUTLAY  
BOATING INFRASTRUCTURE  
FROM FEDERAL GRANTS TRUST FUND ... 3,900,000

1770A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED  
CAPITAL OUTLAY BOAT RAMP MAINTENANCE AND IMPROVEMENTS  
FROM GENERAL REVENUE FUND ..... 650,000

From the funds in Specific Appropriation 1770A, \$650,000 in nonrecurring funds from the General Revenue Fund is provided for the Levy County Highway 40 Boat Ramp Improvement project (HB 2793).

1770B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED  
CAPITAL OUTLAY DERELICT VESSEL REMOVAL PROGRAM  
FROM MARINE RESOURCES CONSERVATION TRUST FUND ..... 1,488,550

1771 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

Please note, the Governor has line item veto powers over the budget and his office has yet to receive the budget to act. We will keep you posted as this process entails. With regard to the above appropriations, we are very appreciative of the Derelict Vessel funding in this year's budget.

# APPENDIX

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## // VESSELS

HB 7043 (Enrolled) + Bill Summary

## // WATER RESOURCES

SB 10 (Enrolled) + Bill Summary

## // MARINE TURTLE PROTECTION

HB 1031 (Enrolled) + Analysis

## // TRIUMPH GULF COAST

HB 7077 (Enrolled) + Analysis

HB 7079 (Enrolled) + Analysis

## // VESSEL REGISTRATIONS

HB 711 (Enrolled) + Analysis

## // FINAL BILL TRACKING LIST

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1  
2 An act relating to vessels; amending s. 253.0347,  
3 F.S.; authorizing certain grandfathered private  
4 residential multifamily docks to moor a number of  
5 boats that exceeds the number of units within the  
6 private multifamily development; amending s. 327.02,  
7 F.S.; providing and revising definitions; amending s.  
8 327.391, F.S.; conforming a cross-reference; amending  
9 s. 327.4107, F.S.; providing a condition under which a  
10 vessel is at risk of becoming derelict; specifying the  
11 means by which an officer may provide certain  
12 telephonic or written notice to a vessel owner or  
13 operator; authorizing the Fish and Wildlife  
14 Conservation Commission to adopt rules; amending s.  
15 327.4108, F.S.; removing the expiration of provisions  
16 relating to anchoring vessels in anchoring limitation  
17 areas; creating s. 327.4109, F.S.; prohibiting owners  
18 and operators of vessels and floating structures from  
19 anchoring or mooring in certain areas; providing  
20 exceptions and a penalty; amending s. 327.44, F.S.;  
21 prohibiting persons from mooring vessels in a manner  
22 that constitutes certain navigational hazards or  
23 interference; amending s. 327.46, F.S.; authorizing  
24 owners of certain privately submerged land to request  
25 that the commission establish boating-restricted areas



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26 | to protect certain seagrass; authorizing the  
27 | commission to adopt rules; providing a definition;  
28 | amending s. 327.60, F.S.; authorizing a local  
29 | government to enact and enforce certain regulations  
30 | that prohibit or restrict mooring or anchoring of  
31 | certain vessels, that require sewage disposal by  
32 | certain vessels and floating structures, and that  
33 | authorize the removal of certain vessels; requiring  
34 | local governments to ensure that certain sewage  
35 | pumpout services and facilities are available;  
36 | requiring the commission to review and approve certain  
37 | ordinances; providing applicability; authorizing the  
38 | commission to adopt rules; amending s. 327.70, F.S.;  
39 | providing for issuance of uniform boating citations  
40 | for anchoring or mooring in prohibited areas; amending  
41 | s. 327.73, F.S.; providing penalties for operating a  
42 | vessel with an expired registration and anchoring or  
43 | mooring in prohibited areas; amending s. 328.09, F.S.;  
44 | prohibiting the issuance of certificates of title for  
45 | derelict vessels unless certain documentation is  
46 | provided; amending s. 328.70, F.S.; requiring  
47 | commercial fishing vessels to be registered and  
48 | classified as commercial vessels; amending s. 328.72,  
49 | F.S.; revising the penalties for operation, use, or  
50 | storage of vessels with expired registrations;

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51 | amending s. 705.103, F.S.; exempting certain law  
 52 | enforcement officers from specified abandoned or lost  
 53 | property notice requirements; providing an effective  
 54 | date.

55 |

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

57 |

58 | Section 1. Paragraph (f) of subsection (2) of section  
 59 | 253.0347, Florida Statutes, is amended to read:

60 | 253.0347 Lease of sovereignty submerged lands for private  
 61 | residential docks and piers.—

62 | (2)

63 | (f) A lessee of sovereignty submerged lands for a private  
 64 | residential multifamily dock designed to moor boats up to the  
 65 | number of units within the multifamily development is not  
 66 | required to pay lease fees for a preempted area equal to or less  
 67 | than 10 times the riparian shoreline along sovereignty submerged  
 68 | land on the affected waterbody times the number of units with  
 69 | docks in the private multifamily development. Private  
 70 | residential multifamily docks grandfathered-in to use  
 71 | sovereignty submerged lands by January 1, 1998, pursuant to  
 72 | former rule 18-21.00405, Florida Administrative Code, as it  
 73 | existed in rule on March 15, 1990, may moor a number of boats  
 74 | that exceeds the number of units within the private multifamily  
 75 | development as previously authorized under such rule.

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76 Section 2. Subsections (3) and (4) of section 327.02,  
 77 Florida Statutes, are renumbered as subsections (4) and (5),  
 78 respectively, present subsection (5) is renumbered as subsection  
 79 (7), present subsections (7) through (10) are renumbered as  
 80 subsections (9) through (12), respectively, present subsections  
 81 (11) through (13) are renumbered as subsections (14) through  
 82 (16), respectively, present subsection (14) is renumbered as  
 83 subsection (18), present subsection (15) is renumbered as  
 84 subsection (17), present subsections (16) through (44) are  
 85 renumbered as subsections (19) through (47), respectively,  
 86 present subsections (6) and (19) are amended, and new  
 87 subsections (3), (8), and (13) are added to that section, to  
 88 read:

89 327.02 Definitions.—As used in this chapter and in chapter  
 90 328, unless the context clearly requires a different meaning,  
 91 the term:

92 (3) "Barge" means a vessel that does not have living  
 93 quarters, is not propelled by its own power, and is designed to  
 94 be pushed or pulled by another vessel.

95 (6) "Commercial fishing vessel" means~~+~~  
 96 ~~(a)~~ a vessel primarily engaged in the taking or landing of  
 97 saltwater fish or saltwater products or freshwater fish or  
 98 freshwater products, or a vessel licensed pursuant to s. 379.361  
 99 from which commercial quantities of saltwater products are  
 100 harvested, from within and without the waters of this state for

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101 sale to the consumer or to a retail or wholesale dealer.

102 ~~(b) Any other vessel, except a recreational vessel as~~  
 103 ~~defined in this section.~~

104 (8) "Commercial vessel" means a vessel used as a place of  
 105 business or a professional or other commercial enterprise.

106 (13) "Effective means of propulsion for safe navigation"  
 107 means a vessel, other than a barge, that is equipped with:

108 (a) A functioning motor, controls, and steering system; or

109 (b) Rigging and sails that are present and in good working  
 110 order, and a functioning steering system.

111 (22)~~(19)~~ "Live-aboard vessel" means:

112 (a) A vessel used solely as a residence and not for  
 113 navigation;

114 ~~(b) A vessel represented as a place of business or a~~  
 115 ~~professional or other commercial enterprise; or~~

116 (b)~~(e)~~ A vessel for which a declaration of domicile has  
 117 been filed pursuant to s. 222.17; or

118 (c) A vessel used as a residence that does not have an  
 119 effective means of propulsion for safe navigation.

120  
 121 A commercial fishing vessel ~~boat~~ is expressly excluded from the  
 122 term "live-aboard vessel."

123 Section 3. Subsection (1) of section 327.391, Florida  
 124 Statutes, is amended to read:

125 327.391 Airboats regulated.—

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126 (1) The exhaust of every internal combustion engine used  
 127 on any airboat operated on the waters of this state shall be  
 128 provided with an automotive-style factory muffler, underwater  
 129 exhaust, or other manufactured device capable of adequately  
 130 muffling the sound of the exhaust of the engine as described in  
 131 s. 327.02(30) ~~327.02(27)~~. The use of cutouts or flex pipe as the  
 132 sole source of muffling is prohibited, except as provided in  
 133 subsection (4). Any person who violates this subsection commits  
 134 a noncriminal infraction punishable as provided in s. 327.73(1).

135 Section 4. Paragraph (e) is added to subsection (2) of  
 136 section 327.4107, Florida Statutes, to read:

137 327.4107 Vessels at risk of becoming derelict on waters of  
 138 this state.—

139 (2) An officer of the commission or of a law enforcement  
 140 agency specified in s. 327.70 may determine that a vessel is at  
 141 risk of becoming derelict if any of the following conditions  
 142 exist:

143 (e) The vessel does not have an effective means of  
 144 propulsion for safe navigation within 72 hours after the vessel  
 145 owner or operator receives telephonic or written notice, which  
 146 may be provided by facsimile, electronic mail, or other  
 147 electronic means, stating such from an officer, and the vessel  
 148 owner or operator is unable to provide a receipt, proof of  
 149 purchase, or other documentation of having ordered necessary  
 150 parts for vessel repair. The commission may adopt rules to

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151 implement this paragraph.

152 Section 5. Subsection (7) of section 327.4108, Florida  
153 Statutes, is amended to read:

154 327.4108 Anchoring of vessels in anchoring limitation  
155 areas.—

156 (7) This section shall remain in effect notwithstanding  
157 ~~expires upon~~ the Legislature's adoption of the commission's  
158 recommendations for the regulation of mooring vessels outside of  
159 public mooring fields pursuant to s. 327.4105.

160 Section 6. Section 327.4109, Florida Statutes, is created  
161 to read:

162 327.4109 Anchoring or mooring prohibited; exceptions;  
163 penalties.—

164 (1) (a) The owner or operator of a vessel or floating  
165 structure may not anchor or moor such that the nearest approach  
166 of the anchored or moored vessel or floating structure is:

167 1. Within 150 feet of any marina, boat ramp, boatyard, or  
168 other vessel launching or loading facility;

169 2. Within 300 feet of a superyacht repair facility. For  
170 purposes of this subparagraph, the term "superyacht repair  
171 facility" means a facility that services or repairs a yacht with  
172 a water line of 120 feet or more in length; or

173 3. Within 100 feet outward from the marked boundary of a  
174 public mooring field or a lesser distance if approved by the  
175 commission upon request of a local government within which the

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176 | mooring field is located. The commission may adopt rules to  
 177 | implement this subparagraph.

178 | (b) This subsection does not apply to:

179 | 1. A vessel owned or operated by a governmental entity.

180 | 2. A construction or dredging vessel on an active job  
 181 | site.

182 | 3. A commercial fishing vessel actively engaged in  
 183 | commercial fishing.

184 | 4. A vessel actively engaged in recreational fishing if  
 185 | the persons onboard are actively tending hook and line fishing  
 186 | gear or nets.

187 | (2) Notwithstanding subsection (1), an owner or operator  
 188 | of a vessel may anchor or moor within 150 feet of any marina,  
 189 | boat ramp, boatyard, or other vessel launching or loading  
 190 | facility; within 300 feet of a superyacht repair facility; or  
 191 | within 100 feet outward from the marked boundary of a public  
 192 | mooring field if:

193 | (a) The vessel suffers a mechanical failure that poses an  
 194 | unreasonable risk of harm to the vessel or the persons onboard  
 195 | such vessel. The owner or operator of the vessel may anchor or  
 196 | moor for 5 business days or until the vessel is repaired,  
 197 | whichever occurs first.

198 | (b) Imminent or existing weather conditions in the  
 199 | vicinity of the vessel pose an unreasonable risk of harm to the  
 200 | vessel or the persons onboard such vessel. The owner or operator

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201 of the vessel may anchor or moor until weather conditions no  
 202 longer pose such risk. During a hurricane or tropical storm,  
 203 weather conditions are deemed to no longer pose an unreasonable  
 204 risk of harm when the hurricane or tropical storm warning  
 205 affecting the area has expired.

206 (3) The owner or operator of a vessel or floating  
 207 structure may not anchor or moor within the marked boundary of a  
 208 public mooring field unless the owner or operator has a lawful  
 209 right to do so by contractual agreement or other business  
 210 arrangement.

211 (4) The owner or operator of a vessel or floating  
 212 structure may not anchor, moor, tie, or otherwise affix or allow  
 213 the vessel or floating structure to remain anchored, moored,  
 214 tied, or otherwise affixed to an unpermitted, unauthorized, or  
 215 otherwise unlawful object that is on or affixed to the bottom of  
 216 the waters of this state. This subsection does not apply to a  
 217 private mooring owned by the owner of privately owned submerged  
 218 lands.

219 (5) A violation of this section is a noncriminal  
 220 infraction, punishable as provided in s. 327.73(1) (bb).

221 Section 7. Subsection (2) of section 327.44, Florida  
 222 Statutes, is amended to read:

223 327.44 Interference with navigation; relocation or  
 224 removal; recovery of costs.—

225 (2) A ~~No~~ person may not ~~shall~~ anchor, moor ~~operate~~, or



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226 | allow permit to be anchored or moored, except in case of  
 227 | emergency, or operate ~~operated~~ a vessel or carry on any  
 228 | prohibited activity in a manner which ~~shall~~ unreasonably or  
 229 | unnecessarily constitutes ~~constitute~~ a navigational hazard or  
 230 | interference ~~interfere~~ with another vessel. Anchoring or mooring  
 231 | under bridges or in or adjacent to heavily traveled channels  
 232 | constitutes ~~shall constitute~~ interference if unreasonable under  
 233 | the prevailing circumstances.

234 | Section 8. Subsection (1) of section 327.46, Florida  
 235 | Statutes, is amended to read:

236 | 327.46 Boating-restricted areas.—

237 | (1) Boating-restricted areas, including, but not limited  
 238 | to, restrictions of vessel speeds and vessel traffic, may be  
 239 | established on the waters of this state for any purpose  
 240 | necessary to protect the safety of the public if such  
 241 | restrictions are necessary based on boating accidents,  
 242 | visibility, hazardous currents or water levels, vessel traffic  
 243 | congestion, or other navigational hazards or to protect  
 244 | seagrasses on privately owned submerged lands.

245 | (a) The commission may establish boating-restricted areas  
 246 | by rule pursuant to chapter 120.

247 | (b) Municipalities and counties have the authority to  
 248 | establish the following boating-restricted areas by ordinance:

249 | 1. An ordinance establishing an idle speed, no wake  
 250 | boating-restricted area, if the area is:

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251           a. Within 500 feet of any boat ramp, hoist, marine  
 252 railway, or other launching or landing facility available for  
 253 use by the general boating public on waterways more than 300  
 254 feet in width or within 300 feet of any boat ramp, hoist, marine  
 255 railway, or other launching or landing facility available for  
 256 use by the general boating public on waterways not exceeding 300  
 257 feet in width.

258           b. Within 500 feet of fuel pumps or dispensers at any  
 259 marine fueling facility that sells motor fuel to the general  
 260 boating public on waterways more than 300 feet in width or  
 261 within 300 feet of the fuel pumps or dispensers at any licensed  
 262 terminal facility that sells motor fuel to the general boating  
 263 public on waterways not exceeding 300 feet in width.

264           c. Inside or within 300 feet of any lock structure.

265           2. An ordinance establishing a slow speed, minimum wake  
 266 boating-restricted area if the area is:

267           a. Within 300 feet of any bridge fender system.

268           b. Within 300 feet of any bridge span presenting a  
 269 vertical clearance of less than 25 feet or a horizontal  
 270 clearance of less than 100 feet.

271           c. On a creek, stream, canal, or similar linear waterway  
 272 if the waterway is less than 75 feet in width from shoreline to  
 273 shoreline.

274           d. On a lake or pond of less than 10 acres in total  
 275 surface area.

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- 276           3. An ordinance establishing a vessel-exclusion zone if  
 277 the area is:
- 278           a. Designated as a public bathing beach or swim area.  
 279           b. Within 300 feet of a dam, spillway, or flood control  
 280 structure.
- 281           (c) Municipalities and counties have the authority to  
 282 establish by ordinance the following other boating-restricted  
 283 areas:
- 284           1. An ordinance establishing an idle speed, no wake  
 285 boating-restricted area, if the area is within 300 feet of a  
 286 confluence of water bodies presenting a blind corner, a bend in  
 287 a narrow channel or fairway, or such other area if an  
 288 intervening obstruction to visibility may obscure other vessels  
 289 or other users of the waterway.
- 290           2. An ordinance establishing a slow speed, minimum wake,  
 291 or numerical speed limit boating-restricted area if the area is:
- 292           a. Within 300 feet of a confluence of water bodies  
 293 presenting a blind corner, a bend in a narrow channel or  
 294 fairway, or such other area if an intervening obstruction to  
 295 visibility may obscure other vessels or other users of the  
 296 waterway.
- 297           b. Subject to unsafe levels of vessel traffic congestion.  
 298           c. Subject to hazardous water levels or currents, or  
 299 containing other navigational hazards.  
 300           d. An area that accident reports, uniform boating

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301 citations, vessel traffic studies, or other creditable data  
302 demonstrate to present a significant risk of collision or a  
303 significant threat to boating safety.

304 3. An ordinance establishing a vessel-exclusion zone if  
305 the area is reserved exclusively:

306 a. As a canoe trail or otherwise limited to vessels under  
307 oars or under sail.

308 b. For a particular activity and user group separation  
309 must be imposed to protect the safety of those participating in  
310 such activity.

311  
312 Any of the ordinances adopted pursuant to this paragraph shall  
313 not take effect until the commission has reviewed the ordinance  
314 and determined by substantial competent evidence that the  
315 ordinance is necessary to protect public safety pursuant to this  
316 paragraph. Any application for approval of an ordinance shall be  
317 reviewed and acted upon within 90 days after receipt of a  
318 completed application. Within 30 days after a municipality or  
319 county submits an application for approval to the commission,  
320 the commission shall advise the municipality or county as to  
321 what information, if any, is needed to deem the application  
322 complete. An application shall be considered complete upon  
323 receipt of all requested information and correction of any error  
324 or omission for which the applicant was timely notified or when  
325 the time for such notification has expired. The commission's

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326 | action on the application shall be subject to review under  
327 | chapter 120. The commission shall initiate rulemaking no later  
328 | than January 1, 2010, to provide criteria and procedures for  
329 | reviewing applications and procedures for providing for public  
330 | notice and participation pursuant to this paragraph.

331 |       (d) Owners of private submerged lands that are adjacent to  
332 | Outstanding Florida Waters, as defined in s. 403.061(27), or an  
333 | aquatic preserve established under ss. 258.39-258.399 may  
334 | request that the commission establish boating-restricted areas  
335 | solely to protect any seagrass and contiguous seagrass habitat  
336 | within their private property boundaries from seagrass scarring  
337 | due to propeller dredging. Owners making a request pursuant to  
338 | this paragraph must demonstrate to the commission clear  
339 | ownership of the submerged lands. The commission shall adopt  
340 | rules to implement this paragraph, including, but not limited  
341 | to, establishing an application process and criteria for meeting  
342 | the requirements of this paragraph. Each approved boating-  
343 | restricted area shall be established by commission rule. For  
344 | marking boating-restricted zones established pursuant to this  
345 | paragraph, owners of privately submerged lands shall apply to  
346 | the commission for a uniform waterway marker permit in  
347 | accordance with ss. 327.40 and 327.41, and shall be responsible  
348 | for marking the boating-restricted zone in accordance with the  
349 | terms of the permit.

350 |       (e) As used in this section, the term "seagrass" has the

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351 same meaning as in s. 253.04.

352 Section 9. Subsections (2) and (3) of section 327.60,  
 353 Florida Statutes, are amended, and subsections (4) and (5) are  
 354 added to that section, to read:

355 327.60 Local regulations; limitations.—

356 (2) ~~Nothing in~~ This chapter and ~~or~~ chapter 328 do not  
 357 ~~shall be construed to~~ prevent the adoption of any ordinance or  
 358 local regulation relating to operation of vessels, except that a  
 359 county or municipality may ~~shall~~ not enact, continue in effect,  
 360 or enforce any ordinance or local regulation:

361 (a) Establishing a vessel or associated equipment  
 362 performance or other safety standard, imposing a requirement for  
 363 associated equipment, or regulating the carrying or use of  
 364 marine safety articles;

365 (b) Relating to the design, manufacture, or installation,  
 366 ~~or use~~ of any marine sanitation device on any vessel, except as  
 367 authorized in subsection (4);

368 (c) Regulating any vessel upon the Florida Intracoastal  
 369 Waterway;

370 (d) Discriminating against personal watercraft;

371 (e) Discriminating against airboats, for ordinances  
 372 adopted after July 1, 2006, unless adopted by a two-thirds vote  
 373 of the governing body enacting such ordinance;

374 (f) Regulating the anchoring of vessels ~~other than live-~~  
 375 ~~aboard vessels~~ outside the marked boundaries of mooring fields

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376 | permitted as provided in s. 327.40, except for:

377 |       1. Live-aboard vessels; and

378 |       2. Commercial vessels, excluding commercial fishing  
 379 | vessels;

380 |       (g) Regulating engine or exhaust noise, except as provided  
 381 | in s. 327.65; or

382 |       (h) That conflicts with any provisions of this chapter or  
 383 | any amendments thereto or rules adopted thereunder.

384 |       (3) ~~Nothing in This section does not shall be construed to~~  
 385 | prohibit local governmental authorities from the enactment or  
 386 | enforcement of regulations that ~~which~~ prohibit or restrict the  
 387 | mooring or anchoring of floating structures, ~~or~~ live-aboard  
 388 | vessels, or commercial vessels, excluding commercial fishing  
 389 | vessels, within their jurisdictions or of any vessels within the  
 390 | marked boundaries of mooring fields permitted as provided in s.  
 391 | 327.40. ~~However, local governmental authorities are prohibited~~  
 392 | ~~from regulating the anchoring outside of such mooring fields of~~  
 393 | ~~vessels other than live-aboard vessels as defined in s. 327.02.~~

394 |       (4) (a) A local government may enact and enforce  
 395 | regulations that require owners or operators of vessels or  
 396 | floating structures subject to the marine sanitation  
 397 | requirements of s. 327.53 to provide proof of proper sewage  
 398 | disposal by means of an approved sewage pumpout service,  
 399 | approved sewage pumpout facility, or approved waste reception  
 400 | facility when anchored or moored for more than 10 consecutive

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401 days within the following areas:

402 1. Marked boundaries of a permitted mooring field under  
 403 the jurisdiction of the local government;

404 2. No-discharge zones as published in Volume 53, No. 13 of  
 405 the Federal Register, page 1678 (1988); Volume 64, No. 164 of  
 406 the Federal Register, pages 46390-46391 (1999); and Volume 67,  
 407 No. 98 of the Federal Register, pages 35735-35743 (2002); or

408 3. No-discharge zones established pursuant to 40 C.F.R. s.  
 409 1700.10.

410 (b) Before a local government may adopt an ordinance to  
 411 enact and enforce such regulations, the local government must  
 412 ensure that there are approved sewage pumpout services, approved  
 413 sewage pumpout facilities, or approved waste reception  
 414 facilities available within its jurisdiction. Any ordinance  
 415 adopted pursuant to this subsection may not take effect until  
 416 reviewed and approved as consistent with this subsection by the  
 417 commission.

418 (c) This subsection does not prohibit a local government  
 419 from enacting or enforcing such sewage pumpout requirements for  
 420 live-aboard vessels, floating structures, and commercial  
 421 vessels, excluding commercial fishing vessels, within any areas  
 422 of its jurisdiction.

423 (d) The commission may adopt rules to implement this  
 424 subsection.

425 (5) A local government may enact and enforce regulations



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426 to implement the procedures for abandoned or lost property that  
 427 allow the local law enforcement agency to remove a vessel  
 428 affixed to a public dock within its jurisdiction that is  
 429 abandoned or lost property pursuant to s. 705.103(1). Such  
 430 regulation must require the local law enforcement agency to post  
 431 a written notice at least 24 hours before removing the vessel.

432 Section 10. Subsection (3) of section 327.70, Florida  
 433 Statutes, is amended to read:

434 327.70 Enforcement of this chapter and chapter 328.—

435 (3) (a) Noncriminal violations of the following statutes  
 436 may be enforced by a uniform boating citation mailed to the  
 437 registered owner of an unattended vessel anchored, aground, or  
 438 moored on the waters of this state:

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

440 2. Section 327.44, relating to interference with  
 441 navigation.

442 3. Section 327.50(2), relating to required lights and  
 443 shapes.

444 4. Section 327.53, relating to marine sanitation.

445 5. Section 328.48(5), relating to display of decal.

446 6. Section 328.52(2), relating to display of number.

447 7. Section 327.4107, relating to vessels at risk of  
 448 becoming derelict.

449 8. Section 327.4109, relating to prohibited anchoring or  
 450 mooring.

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451 (b) Citations issued to livery vessels under this  
 452 subsection are ~~shall be~~ the responsibility of the lessee of the  
 453 vessel if the livery has included a warning of this  
 454 responsibility as a part of the rental agreement and has  
 455 provided to the agency issuing the citation the name, address,  
 456 and date of birth of the lessee when requested by that agency.  
 457 The livery is not responsible for the payment of citations if  
 458 the livery provides the required warning and lessee information.

459 (c) A noncriminal violation of s. 327.4108 may be enforced  
 460 by a uniform boating citation issued to the operator of a vessel  
 461 unlawfully anchored in an anchoring limitation area.

462 (d) A noncriminal violation of s. 327.4109 may be enforced  
 463 by a uniform boating citation issued to the owner or operator of  
 464 a vessel or floating structure unlawfully anchored or moored in  
 465 a prohibited area.

466 Section 11. Paragraph (g) of subsection (1) of section  
 467 327.73, Florida Statutes, is amended, and paragraph (bb) is  
 468 added to that subsection, to read:

469 327.73 Noncriminal infractions.—

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

472 (g) Section 328.72(13), relating to operation with an  
 473 expired registration, for which the penalty is:

474 1. For a first or subsequent offense of s. 328.72(13)(a),  
 475 up to a maximum of \$50.

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476        2. For a first offense of s. 328.72(13)(b), up to a  
 477 maximum of \$250.

478        3. For a second or subsequent offense of s. 328.72(13)(b),  
 479 up to a maximum of \$500. Any person cited for a noncriminal  
 480 infraction under this subparagraph may not have the provisions  
 481 of paragraph (4)(a) available to him or her but must appear  
 482 before the designated official at the time and location of the  
 483 scheduled hearing.

484        (bb) Section 327.4109, relating to anchoring or mooring in  
 485 a prohibited area, for which the penalty is:

486            1. For a first offense, up to a maximum of \$50.

487            2. For a second offense, up to a maximum of \$100.

488            3. For a third or subsequent offense, up to a maximum of  
 489 \$250.

490  
 491 Any person cited for a violation of any provision of this  
 492 subsection shall be deemed to be charged with a noncriminal  
 493 infraction, shall be cited for such an infraction, and shall be  
 494 cited to appear before the county court. The civil penalty for  
 495 any such infraction is \$50, except as otherwise provided in this  
 496 section. Any person who fails to appear or otherwise properly  
 497 respond to a uniform boating citation shall, in addition to the  
 498 charge relating to the violation of the boating laws of this  
 499 state, be charged with the offense of failing to respond to such  
 500 citation and, upon conviction, be guilty of a misdemeanor of the

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501 second degree, punishable as provided in s. 775.082 or s.  
 502 775.083. A written warning to this effect shall be provided at  
 503 the time such uniform boating citation is issued.

504 Section 12. Subsection (4) is added to section 328.09,  
 505 Florida Statutes, to read:

506 328.09 Refusal to issue and authority to cancel a  
 507 certificate of title or registration.—

508 (4) The department may not issue a certificate of title to  
 509 any applicant for any vessel that has been deemed derelict by a  
 510 law enforcement officer under s. 823.11. A law enforcement  
 511 officer must inform the department in writing, which may be  
 512 provided by facsimile, electronic mail, or other electronic  
 513 means, of the vessel's derelict status and supply the department  
 514 with the vessel title number or vessel identification number.  
 515 The department may issue a certificate of title once a law  
 516 enforcement officer has verified in writing, which may be  
 517 provided by facsimile, electronic mail, or other electronic  
 518 means, that the vessel is no longer a derelict vessel.

519 Section 13. Subsection (2) of section 328.70, Florida  
 520 Statutes, is amended to read:

521 328.70 Legislative intent with respect to uniform  
 522 registration fee, classification of vessels.—

523 (2) Any vessel that ~~which~~ is required to be registered and  
 524 that meets the definition of a commercial fishing vessel or a  
 525 commercial vessel shall be classified and registered as a

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526 "commercial vessel."

527 Section 14. Subsection (13) of section 328.72, Florida  
528 Statutes, is amended to read:

529 328.72 Classification; registration; fees and charges;  
530 surcharge; disposition of fees; fines; marine turtle stickers.—

531 (13) EXPIRED REGISTRATION.—The operation, use, or storage  
532 on the waters of this state of a previously registered vessel is  
533 subject to the following penalties:

534 (a) The owner or operator of a vessel with an expired  
535 registration of 6 months or less commits a noncriminal  
536 infraction, punishable as provided in s. 327.73(1)(g)1.

537 (b) The owner or operator of a vessel with an expired  
538 registration of more than 6 months commits a noncriminal  
539 infraction, punishable as provided in s. 327.73(1)(g)2. or  
540 (1)(g)3. after the expiration of the registration period is a  
541 noncriminal violation, as defined in s. 327.73.

542  
543 This subsection does not apply to vessels lawfully stored at a  
544 dock or in a marina.

545 Section 15. Subsection (2) of section 705.103, Florida  
546 Statutes, is amended to read:

547 705.103 Procedure for abandoned or lost property.—

548 (2) Whenever a law enforcement officer ascertains that an  
549 article of lost or abandoned property is present on public  
550 property and is of such nature that it cannot be easily removed,

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551 the officer shall cause a notice to be placed upon such article  
 552 in substantially the following form:  
 553 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 554 PROPERTY. This property, to wit: ...(setting forth brief  
 555 description)... is unlawfully upon public property known as  
 556 ...(setting forth brief description of location)... and must be  
 557 removed within 5 days; otherwise, it will be removed and  
 558 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 559 will be liable for the costs of removal, storage, and  
 560 publication of notice. Dated this: ...(setting forth the date of  
 561 posting of notice)..., signed: ...(setting forth name, title,  
 562 address, and telephone number of law enforcement officer)....  
 563 Such notice shall be not less than 8 inches by 10 inches and  
 564 shall be sufficiently weatherproof to withstand normal exposure  
 565 to the elements. In addition to posting, the law enforcement  
 566 officer shall make a reasonable effort to ascertain the name and  
 567 address of the owner. If such is reasonably available to the  
 568 officer, she or he shall mail a copy of such notice to the owner  
 569 on or before the date of posting. If the property is a motor  
 570 vehicle as defined in s. 320.01(1) or a vessel as defined in s.  
 571 327.02, the law enforcement agency shall contact the Department  
 572 of Highway Safety and Motor Vehicles in order to determine the  
 573 name and address of the owner and any person who has filed a  
 574 lien on the vehicle or vessel as provided in s. 319.27(2) or (3)  
 575 or s. 328.15(1). On receipt of this information, the law

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576 enforcement agency shall mail a copy of the notice by certified  
577 mail, return receipt requested, to the owner and to the  
578 lienholder, if any, except that a law enforcement officer who  
579 has issued a citation for a violation of s. 823.11 to the owner  
580 of a derelict vessel is not required to mail a copy of the  
581 notice by certified mail, return receipt requested, to the  
582 owner. If, at the end of 5 days after posting the notice and  
583 mailing such notice, if required, the owner or any person  
584 interested in the lost or abandoned article or articles  
585 described has not removed the article or articles from public  
586 property or shown reasonable cause for failure to do so, the  
587 following shall apply:

588 (a) For abandoned property, the law enforcement agency may  
589 retain any or all of the property for its own use or for use by  
590 the state or unit of local government, trade such property to  
591 another unit of local government or state agency, donate the  
592 property to a charitable organization, sell the property, or  
593 notify the appropriate refuse removal service.

594 (b) For lost property, the officer shall take custody and  
595 the agency shall retain custody of the property for 90 days. The  
596 agency shall publish notice of the intended disposition of the  
597 property, as provided in this section, during the first 45 days  
598 of this time period.

599 1. If the agency elects to retain the property for use by  
600 the unit of government, donate the property to a charitable

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601 organization, surrender such property to the finder, sell the  
602 property, or trade the property to another unit of local  
603 government or state agency, notice of such election shall be  
604 given by an advertisement published once a week for 2  
605 consecutive weeks in a newspaper of general circulation in the  
606 county where the property was found if the value of the property  
607 is more than \$100. If the value of the property is \$100 or less,  
608 notice shall be given by posting a description of the property  
609 at the law enforcement agency where the property was turned in.  
610 The notice must be posted for not less than 2 consecutive weeks  
611 in a public place designated by the law enforcement agency. The  
612 notice must describe the property in a manner reasonably  
613 adequate to permit the rightful owner of the property to claim  
614 it.

615 2. If the agency elects to sell the property, it must do  
616 so at public sale by competitive bidding. Notice of the time and  
617 place of the sale shall be given by an advertisement of the sale  
618 published once a week for 2 consecutive weeks in a newspaper of  
619 general circulation in the county where the sale is to be held.  
620 The notice shall include a statement that the sale shall be  
621 subject to any and all liens. The sale must be held at the  
622 nearest suitable place to that where the lost or abandoned  
623 property is held or stored. The advertisement must include a  
624 description of the goods and the time and place of the sale. The  
625 sale may take place no earlier than 10 days after the final



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626 | publication. If there is no newspaper of general circulation in  
627 | the county where the sale is to be held, the advertisement shall  
628 | be posted at the door of the courthouse and at three other  
629 | public places in the county at least 10 days prior to sale.  
630 | Notice of the agency's intended disposition shall describe the  
631 | property in a manner reasonably adequate to permit the rightful  
632 | owner of the property to identify it.

633 |       Section 16. This act shall take effect July 1, 2017.

## Committee on Environmental Preservation And Conservation

### **CS/CS/HB 7043 — Vessels**

by Government Accountability Committee; Agriculture and Natural Resources Appropriations Subcommittee; Natural Resources and Public Lands Subcommittee; Rep. Raschein and others (CS/CS/SB 1338 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Book)

The bill implements many of the recommendations made by the Florida Fish and Wildlife Conservation Commission (FWC) in its final report on the Anchoring and Mooring Pilot Program. Specifically, the bill implements recommendations relating to the following issues:

- Prevention of derelict vessels by:
  - Providing an additional condition that would indicate that a vessel is at risk of becoming derelict.
  - Enhancing the civil penalty for having an expired vessel registration longer than six months.
  - Prohibiting the Department of Highway Safety and Motor Vehicles from issuing a certificate of title to any applicant for any vessels that has been deemed derelict.
- Anchoring and mooring by:
  - Creating anchoring limited areas near vessel launching facilities, superyacht repair facilities, or the marked boundaries of public mooring fields.
  - Prohibiting the anchoring or mooring of a vessel or floating structure within the marked boundary of a public mooring field unless the owner or operator has a lawful right to anchor or moor in the mooring field by contractual agreement or other business arrangement or mooring, tying, or otherwise affixing to an unlawful object that is on or affixed to the bottom of the waters of the state.
- Local governmental authority by authorizing local governments to enact and enforce ordinances that:
  - Require owners or operators of vessels or floating structures subject to marine sanitation requirements to provide proof of proper sewage disposal if the FWC determines that sufficient facilities are available within the local government's jurisdiction when anchored or moored for more than 10 consecutive days within marked boundaries of permitted mooring fields or designated no discharge zones.
  - Implement procedures for abandoned or lost property that allow a local government to remove a vessel affixed to a public dock within its jurisdiction which is abandoned or lost property.

In addition to implementing the recommendations of the FWC, the bill:

- Allows private residential multifamily docks that were grand-fathered in to use sovereignty submerged lands to exceed the 1:1 ratio for the number of moored boats to the number of units within the private multifamily development.
- Authorizes the FWC to establish boating restricted areas upon request of a private property owner of submerged lands that are adjacent to Outstanding Florida Waters or an aquatic preserve for the sole purpose of protecting any seagrass and contiguous seagrass

habitat within their property boundaries from seagrass scarring due to propeller dredging. The property owner is required to apply for a uniform waterway market permit for the established boating restricted area.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 34-0; House 117-0*

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1  
2 An act relating to water resources; amending s.  
3 201.15, F.S.; revising the requirements under which  
4 certain bonds may be issued; amending s. 215.618,  
5 F.S.; providing an exception to the requirement that  
6 bonds issued for acquisition and improvement of land,  
7 water areas, and related property interests and  
8 resources be deposited into the Florida Forever Trust  
9 Fund and distributed in a specified manner; creating  
10 s. 373.4598, F.S.; providing legislative findings and  
11 intent; defining terms; authorizing the South Florida  
12 Water Management District and the Board of Trustees of  
13 the Internal Improvement Trust Fund to negotiate the  
14 amendment and termination of leases on lands within  
15 the Everglades Agricultural Area for exchange or use  
16 for the reservoir project; requiring certain lease  
17 agreements for agricultural work programs to be  
18 terminated in accordance with the lease terms;  
19 requiring the district to identify certain lands;  
20 requiring that the district contact the lessors or  
21 landowners of any land identified by a certain date;  
22 requiring the board to provide certain land to the  
23 district; authorizing the district to acquire land  
24 from willing sellers under certain circumstances;  
25 prohibiting the total acreage necessary for additional  
26 water treatment from exceeding the amount reasonably  
27 required to meet state and federal water quality  
28 standards; requiring the district to request that the  
29 United States Army Corps of Engineers jointly develop

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30 a post-authorization change report for the Central  
31 Everglades Planning Project; providing requirements  
32 for the report; requiring the district to report the  
33 status of the report to the Legislature by a certain  
34 date; requiring the district to terminate an option  
35 agreement under certain circumstances; requiring the  
36 district to request the corps to initiate the project  
37 implementation report for the Everglades Agricultural  
38 Area reservoir project by a certain date under  
39 specified conditions; requiring the district to give  
40 hiring preferences to certain displaced agricultural  
41 workers; authorizing the district to negotiate with  
42 the owners of the C-51 reservoir project; providing  
43 requirements for the C-51 reservoir project if state  
44 funds are appropriated for the project; authorizing  
45 certain costs to be funded using Florida Forever bond  
46 proceeds under certain circumstances; specifying how  
47 such bond proceeds shall be deposited; authorizing the  
48 use of state funds for the reservoir project;  
49 requiring the district to seek additional sources of  
50 funding; requiring the district to request the corps,  
51 in the corps' review of the regulation schedule, to  
52 consider any repairs to the Herbert Hoover Dike and  
53 implementation of certain projects to optimally  
54 utilize the added storage capacity; creating s.  
55 373.475, F.S.; providing legislative findings and  
56 intent; defining terms; requiring the state, through  
57 the Department of Environmental Protection, to provide  
58 certain funding assistance to local governments and

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59 water supply entities for the development and  
60 construction of water storage facilities; requiring  
61 the department to adopt rules; specifying required  
62 documentation for local government or water supply  
63 entities; authorizing technical assistance from the  
64 department and water management districts to local  
65 governments or water supply entities for a certain  
66 purpose; specifying certain loan funding minimums and  
67 term requirements; requiring a report; authorizing  
68 certain audits and servicing fees; providing that the  
69 Water Protection and Sustainability Program Trust Fund  
70 must be used to carry out the purposes of the water  
71 storage facility revolving loan fund; specifying  
72 certain default and compliance provisions; amending s.  
73 375.041, F.S.; requiring certain distributions to be  
74 made from the Land Acquisition Trust Fund; amending s.  
75 403.890, F.S.; revising the purposes for which  
76 distributions may be made from and to the Water  
77 Protection and Sustainability Program Trust Fund;  
78 creating s. 446.71, F.S.; requiring the Department of  
79 Economic Opportunity, in cooperation with CareerSource  
80 Florida, Inc., to establish the Everglades Restoration  
81 Agricultural Community Employment Training Program  
82 within the department; providing requirements for the  
83 program; providing a legislative finding; specifying  
84 award restrictions; requiring the department to adopt  
85 rules; amending s. 946.511, F.S.; prohibiting the use  
86 of inmates for correctional work programs in the  
87 agricultural industry in certain areas; providing a

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88 directive to the Division of Law Revision and  
89 Information; providing appropriations; providing an  
90 effective date.

91

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

93

94 Section 1. Paragraph (a) of subsection (3) of section  
95 201.15, Florida Statutes, is amended to read:

96 201.15 Distribution of taxes collected.—All taxes collected  
97 under this chapter are hereby pledged and shall be first made  
98 available to make payments when due on bonds issued pursuant to  
99 s. 215.618 or s. 215.619, or any other bonds authorized to be  
100 issued on a parity basis with such bonds. Such pledge and  
101 availability for the payment of these bonds shall have priority  
102 over any requirement for the payment of service charges or costs  
103 of collection and enforcement under this section. All taxes  
104 collected under this chapter, except taxes distributed to the  
105 Land Acquisition Trust Fund pursuant to subsections (1) and (2),  
106 are subject to the service charge imposed in s. 215.20(1).  
107 Before distribution pursuant to this section, the Department of  
108 Revenue shall deduct amounts necessary to pay the costs of the  
109 collection and enforcement of the tax levied by this chapter.  
110 The costs and service charge may not be levied against any  
111 portion of taxes pledged to debt service on bonds to the extent  
112 that the costs and service charge are required to pay any  
113 amounts relating to the bonds. All of the costs of the  
114 collection and enforcement of the tax levied by this chapter and  
115 the service charge shall be available and transferred to the  
116 extent necessary to pay debt service and any other amounts

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117 payable with respect to bonds authorized before January 1, 2017,  
118 secured by revenues distributed pursuant to this section. All  
119 taxes remaining after deduction of costs shall be distributed as  
120 follows:

121 (3) Amounts on deposit in the Land Acquisition Trust Fund  
122 shall be used in the following order:

123 (a) Payment of debt service or funding of debt service  
124 reserve funds, rebate obligations, or other amounts payable with  
125 respect to Florida Forever bonds issued pursuant to s. 215.618.  
126 The amount used for such purposes may not exceed \$300 million in  
127 each fiscal year. It is the intent of the Legislature that all  
128 bonds issued to fund the Florida Forever Act be retired by  
129 December 31, 2040. Except for bonds issued to refund previously  
130 issued bonds, no series of bonds may be issued pursuant to this  
131 paragraph unless such bonds are approved and the debt service  
132 for the remainder of the fiscal year in which the bonds are  
133 issued is specifically appropriated in the General  
134 Appropriations Act or other law with respect to bonds issued for  
135 the purposes of s. 373.4598.

136  
137 Bonds issued pursuant to s. 215.618 or s. 215.619 are equally  
138 and ratably secured by moneys distributable to the Land  
139 Acquisition Trust Fund.

140 Section 2. Subsection (5) of section 215.618, Florida  
141 Statutes, is amended to read:

142 215.618 Bonds for acquisition and improvement of land,  
143 water areas, and related property interests and resources.—

144 (5) The proceeds from the sale of bonds issued pursuant to  
145 this section, less the costs of issuance, the costs of funding



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146 reserve accounts, and other costs with respect to the bonds,  
147 shall be deposited into the Florida Forever Trust Fund. The bond  
148 proceeds deposited into the Florida Forever Trust Fund shall be  
149 distributed by the Department of Environmental Protection as  
150 provided in s. 259.105. This subsection does not apply to  
151 proceeds from the sale of bonds issued for the purposes of s.  
152 373.4598.

153 Section 3. Section 373.4598, Florida Statutes, is created  
154 to read:

155 373.4598 Water storage reservoirs.-

156 (1) LEGISLATIVE FINDINGS AND INTENT.-

157 (a) The Legislature declares that an emergency exists  
158 regarding the St. Lucie and Caloosahatchee estuaries due to the  
159 high-volume freshwater discharges to the east and west of the  
160 lake. Such discharges have manifested in widespread algae  
161 blooms, public health impacts, and extensive environmental harm  
162 to wildlife and the aquatic ecosystem. These conditions, as  
163 outlined in the state of emergency declared by the Governor  
164 under Executive Orders 16-59, 16-155, and 16-156, threaten the  
165 ecological integrity of the estuaries and the economic viability  
166 of the state and affected communities.

167 (b) The Legislature finds that increasing water storage is  
168 necessary to reduce the high-volume freshwater discharges from  
169 the lake to the estuaries and restore the hydrological  
170 connection to the Everglades. CERP projects necessary to reduce  
171 the discharges and improve the flows to the Everglades should  
172 receive priority funding, such as the Lake Okeechobee Watershed  
173 project to the north of the lake; the Everglades Agricultural  
174 Area reservoir project to the south of the lake; the C-43 West

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175 Basin Reservoir Storage project to the west of the lake; and the  
176 Indian River Lagoon-South project to the east of the lake.

177 (c) The Legislature finds that the rate of funding for CERP  
178 must be increased if restoration will be achieved within the  
179 timeframe originally envisioned and that the delay in  
180 substantial progress toward completing critical elements of  
181 restoration, such as southern storage, will cause irreparable  
182 harm to natural systems and, ultimately, increase the cost of  
183 restoration. A substantial commitment to the advancement of  
184 projects identified as part of CERP will reduce ongoing  
185 ecological damage to the St. Lucie and Caloosahatchee estuaries.

186 (d) The Legislature recognizes that the EAA reservoir  
187 project was conditionally authorized in the Water Resources  
188 Development Act of 2000 as a project component of CERP. Unless  
189 other funding is available, the Legislature directs the  
190 district, in the implementation of the reservoir project, to  
191 abide by applicable state and federal law in order to do that  
192 which is required to obtain federal credit under CERP. If the  
193 district implements the EAA reservoir project as a project  
194 component as defined in s. 373.1501, the district must abide by  
195 all applicable state and federal law relating to such projects.

196 (e) This section is not intended to diminish the  
197 commitments made by the state in chapter 2016-201, Laws of  
198 Florida.

199 (2) DEFINITIONS.—As used in this section, the term:

200 (a) "A-1 parcel" means an area of district-owned land  
201 located between the Miami Canal and North New River Canal  
202 consisting of approximately 17,000 acres which is bordered to  
203 the north by private agricultural lands, to the east by U.S.

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204 Highway 27, to the south by Stormwater Treatment Area 3/4, and  
205 to the west by the Holey Land Wildlife Management Area and the  
206 A-2 parcel.

207 (b) "A-2 parcel" means an area of district-owned land  
208 located between the Miami Canal and the North New River Canal  
209 consisting of approximately 14,000 acres of land to the east of  
210 the Miami Canal which is bordered to the north by private  
211 agricultural lands, to the east by the A-1 parcel, and to the  
212 south by the Holey Land Wildlife Management Area.

213 (c) "Board" means the Board of Trustees of the Internal  
214 Improvement Trust Fund.

215 (d) "Central Everglades Planning Project" or "CEPP" means  
216 the suite of CERP projects authorized as the "Central  
217 Everglades" project in the Water Infrastructure Improvements for  
218 the Nation Act, Public Law No: 114-322.

219 (e) "Comprehensive Everglades Restoration Plan" or "CERP"  
220 has the same meaning as the term "comprehensive plan" as defined  
221 in s. 373.470.

222 (f) "Corps" means the United States Army Corps of  
223 Engineers.

224 (g) "District" means the South Florida Water Management  
225 District.

226 (h) "Everglades Agricultural Area" or "EAA" has the same  
227 meaning as in s. 373.4592.

228 (i) "EAA reservoir project" means the Everglades  
229 Agricultural Area storage reservoir, known as Component G of  
230 CERP. The term includes any necessary water quality features  
231 that are required to meet state and federal water quality  
232 standards.

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233 (j) "Lake" means Lake Okeechobee.

234 (k) "Option agreement" means the Second Amended and  
235 Restated Agreement for Sale and Purchase between the seller,  
236 United States Sugar Corporation, SBG Farms, Inc., and Southern  
237 Garden Groves Corporation, and the buyer, the South Florida  
238 Water Management District, dated August 12, 2010.

239 (3) EAA LEASE AGREEMENTS.—

240 (a) The district and the board are authorized to negotiate  
241 the amendment or termination of leases on lands within the EAA  
242 for exchange or use for the EAA reservoir project. Any such  
243 lease must be terminated in accordance with the lease terms or  
244 upon the voluntary agreement of the lessor and lessee. In the  
245 event of any such lease termination, the lessee must be  
246 permitted to continue to farm on a field-by-field basis until  
247 such time as the lessee's operations are incompatible with  
248 implementation of the EAA reservoir project, as reasonably  
249 determined by the lessor. The district and the board may include  
250 the swapping of land, assignment of leases, and other methods of  
251 providing valuable consideration in negotiating the amendments  
252 to or termination of such lease agreements.

253 (b) Any lease agreement relating to land in the EAA leased  
254 to the Prison Rehabilitative Industries and Diversified  
255 Enterprises, Inc., (PRIDE Enterprises) for an agricultural work  
256 program is required to be terminated in accordance with the  
257 terms of the lease agreement. Any such land previously leased  
258 may be made available by the board to the district for exchange  
259 for lands suitable for the EAA reservoir project or may be  
260 leased for agricultural purposes. The terms of any such lease  
261 must include provisions authorizing the lessor to terminate the

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262 lease at any time during the lease term as to any portion, or  
263 all of the premises, to be used for an environmental restoration  
264 purpose. The terms of the lease may not require more than 1  
265 years' notice in order for such termination to be effective. Any  
266 agricultural owner managing lands subject to an agreement with  
267 PRIDE shall be given the right of first refusal in leasing any  
268 such lands.

269 (c) If, after any termination of an EAA lease agreement,  
270 ratoon, stubble, or residual crop remaining on the lease  
271 premises is harvested or otherwise used by the lessor or any  
272 third party, the lessee is entitled to be compensated for any  
273 documented, unamortized planting costs, and any unamortized  
274 capital costs associated with the lease and incurred before  
275 notice.

276 (4) LAND ACQUISITION.—The Legislature declares that  
277 acquiring land to increase water storage south of the lake is in  
278 the public interest and that the governing board of the district  
279 may acquire land, if necessary, to implement the EAA reservoir  
280 project with the goal of providing at least 240,000 acre-feet of  
281 water storage south of the lake. The use of eminent domain in  
282 the EAA for the purpose of implementing the EAA reservoir  
283 project is prohibited.

284 (a) Upon the effective date of this act, the district shall  
285 identify the lessees of the approximately 3,200 acres of land  
286 owned by the state or the district west of the A-2 parcel and  
287 east of the Miami Canal and the private property owners of the  
288 approximately 500 acres of land surrounded by such lands.

289 (b) By July 31, 2017, the district shall contact the  
290 lessors and landowners of the land identified pursuant paragraph

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291 (a) to express the district's interest in acquiring land through  
292 the purchase or exchange of lands or by the amendment or  
293 termination of lease agreements. If land swaps or purchases are  
294 necessary to assemble the required acreage, the participation of  
295 private landowners must be voluntary. The district shall contact  
296 the board to request that any lease of land identified pursuant  
297 to paragraph (a), the title to which is vested in the board, be  
298 amended or terminated. All appraisal reports, offers, and  
299 counteroffers in relation to this subsection are confidential  
300 and exempt from s. 119.07(1), as provided in s. 373.139.

301 (c) The board shall provide to the district, through direct  
302 acquisition in fee or by a supplemental agreement, any land, the  
303 title to which is vested in the board, that the district  
304 identifies as necessary to construct the EAA reservoir project.

305 (d) The total acreage necessary for additional water  
306 treatment may not exceed the amount reasonably required to meet  
307 state and federal water quality standards as determined using  
308 the water quality modeling tools of the district. The district  
309 shall use the latest version of the Dynamic Model for Stormwater  
310 Treatment Areas Model modeling tool and other modeling tools  
311 that will be required in the planning and design of the EAA  
312 reservoir project. If additional land not identified in  
313 paragraph (a) is necessary for the EAA reservoir project, the  
314 district shall acquire that land from willing sellers of  
315 property in conjunction with the development of the post-  
316 authorization change report.

317 (5) POST-AUTHORIZATION CHANGE REPORT.-

318 (a) The district is directed to request, by July 1, 2017,  
319 that the corps jointly develop a post-authorization change

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320 report with the district for CEPP to revise the project  
321 component located on the A-2 parcel with the goal of increasing  
322 water storage provided by the project component to a minimum of  
323 240,000 acre-feet. Upon agreement with the corps, development of  
324 the report must begin by August 1, 2017, and does not preclude  
325 the implementation of the remaining CEPP project components.

326 (b) Using the A-2 parcel and the additional land identified  
327 pursuant to subsection (4) and without modifying the A-1 parcel,  
328 the report must evaluate:

329 1. The optimal configuration of the EAA reservoir project  
330 for providing at least 240,000 acre-feet of water storage; and

331 2. Any necessary increases in canal conveyance capacity to  
332 reduce the discharges to the St. Lucie or Caloosahatchee  
333 estuaries.

334 (c) If the district and the corps determine that an  
335 alternate configuration of water storage and water quality  
336 features providing for significantly more water storage, but no  
337 less than 360,000 acre-feet of water storage, south of the lake  
338 can be implemented on a footprint that includes modification to  
339 the A-1 parcel, the district is authorized to recommend such an  
340 alternative configuration in the report. Any such recommendation  
341 must include sufficient water quality treatment capacity to meet  
342 state and federal water quality standards.

343 (d) Pending congressional approval of the report, the  
344 district may begin the preliminary planning or construction of,  
345 or modification to, the project site to the extent appropriate,  
346 subject to the availability of funding. Upon receipt of  
347 congressional approval of the report, construction of the EAA  
348 reservoir project shall be completed parallel with construction

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349 of the other CEPP project components, subject to the  
350 availability of funding.

351 (e) The district must report the status of the post-  
352 authorization change report to the Legislature by January 9,  
353 2018. The status report must include information on the  
354 district's ability to obtain lease modifications and land  
355 acquisitions as provided in subsection (4). If the district in  
356 good faith believes that the post-authorization change report  
357 will receive ultimate approval but that an extension of the  
358 deadline provided in paragraph (7)(a) is needed, the district  
359 must include such a request in its status report and may be  
360 granted an extension by the Legislature. Any such extension must  
361 include a corresponding date by which the district must request  
362 the corps to initiate the project implementation report for the  
363 EAA reservoir project and may proceed with the implementation of  
364 CEPP project components in accordance with the final project  
365 implementation report.

366 (6) OPTION AGREEMENT.—The district must terminate the  
367 option agreement at the request of the seller if:

368 (a) The post-authorization change report receives  
369 congressional approval; or

370 (b) The district certifies to the board, the President of  
371 the Senate, and the Speaker of the House of Representatives that  
372 the acquisition of the land necessary for the EAA reservoir  
373 project, as provided in subsection (4), has been completed.

374 (7) PROJECT IMPLEMENTATION REPORT.—

375 (a) If, for any reason, the post-authorization change  
376 report is not approved by the corps and submitted for  
377 congressional approval by October 1, 2018, or the post-



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378 authorization change report has not received congressional  
379 approval by December 31, 2019, the district, unless granted an  
380 extension by the Legislature, must request the corps to initiate  
381 a project implementation report, as defined in s. 373.470, for  
382 the EAA reservoir project and the district may proceed with the  
383 implementation of CEPP project components in accordance with the  
384 final project implementation report.

385 (b) The district, when developing the project  
386 implementation report, must focus on the goals of the EAA  
387 reservoir project as identified in CERP, which include providing  
388 additional water storage and conveyance south of the lake to  
389 reduce the volume of regulatory discharges of water from the  
390 lake to the east and west.

391 (c) Upon finalization of the project implementation report,  
392 as defined in s. 373.470, the district, in coordination with the  
393 corps, shall seek congressional authorization for the EAA  
394 reservoir project.

395 (8) AGRICULTURAL WORKERS.—The district shall give  
396 preferential consideration to the hiring of former agricultural  
397 workers primarily employed during 36 of the past 60 months in  
398 the Everglades Agricultural Area, consistent with their  
399 qualifications and abilities, for the construction and operation  
400 of the EAA reservoir project. Any contract or subcontract for  
401 the construction and operation of the EAA reservoir project in  
402 which 50 percent or more of the cost is paid from state-  
403 appropriated funds must provide preference and priority in the  
404 hiring of such agricultural workers. The district shall give  
405 preferential consideration to contract proposals that include in  
406 the contractor's hiring practices training programs for such

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407 workers.

408 (9) C-51 RESERVOIR PROJECT.—

409 (a) The C-51 reservoir project is a water storage facility  
410 as defined in s. 373.475. The C-51 reservoir project is located  
411 in western Palm Beach County south of the lake and consists of  
412 in-ground reservoirs and conveyance structures that will provide  
413 water supply and water management benefits to participating  
414 water supply utilities and will also provide environmental  
415 benefits by reducing freshwater discharges to tide and making  
416 water available for natural systems.

417 (b) Phase I of the project will provide approximately  
418 14,000 acre-feet of water storage and will hydraulically connect  
419 to the district's L-8 Flow Equalization Basin. Phase II of the  
420 project will provide approximately 46,000 acre-feet of water  
421 storage, for a total increase of 60,000 acre-feet of water  
422 storage.

423 (c) For Phase II of the C-51 reservoir project, the  
424 district may negotiate with the owners of the C-51 reservoir  
425 project site for the acquisition of the project or to enter into  
426 a public-private partnership. The district may acquire land near  
427 the C-51 reservoir through the purchase or exchange of land that  
428 is owned by the district or the state as necessary to implement  
429 Phase II of the project. The state and the district may consider  
430 potential swaps of land that is owned by the state or the  
431 district to achieve an optimal combination of water quality and  
432 water storage. The district may not exercise eminent domain for  
433 the purpose of implementing the C-51 reservoir project.

434 (d) If state funds are appropriated for Phase I or Phase II  
435 of the C-51 reservoir project:

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436 1. The district shall operate the reservoir to maximize the  
437 reduction of high-volume Lake Okeechobee regulatory releases to  
438 the St. Lucie or Caloosahatchee estuaries, in addition to  
439 providing relief to the Lake Worth Lagoon;

440 2. Water made available by the reservoir shall be used for  
441 natural systems in addition to any allocated amounts for water  
442 supply; and

443 3. Any water received from Lake Okeechobee may not be  
444 available to support consumptive use permits.

445 (e) Phase I of the C-51 reservoir project may be funded by  
446 appropriation or through the water storage facility revolving  
447 loan fund as provided in s. 373.475. Phase II of the C-51  
448 reservoir project may be funded pursuant to this section,  
449 pursuant to s. 373.475, as a project component of CERP, or  
450 pursuant to s. 375.041(3)(b)4.

451 (10) FUNDING.—

452 (a) The Legislature determines that the authorization and  
453 issuance of Florida Forever bonds for the purposes of this  
454 section is in the best interest of the state and determines that  
455 water storage reservoir projects should be implemented.

456 (b) Any cost related to this section, including, but not  
457 limited to, the costs for land acquisition, planning, and  
458 construction may be funded using proceeds from Florida Forever  
459 bonds issued under s. 215.618, in an amount of up to \$800  
460 million, as authorized under that section. The bond proceeds  
461 from bonds issued for the purposes of this section shall be  
462 deposited into the Everglades Trust Fund.

463 (c) Notwithstanding s. 373.026(8)(b) or any other provision  
464 of law, the use of state funds is authorized for the EAA

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465 reservoir project.

466 (d) The district shall actively seek additional sources of  
467 funding, including federal funding, for the reservoir project.

468 (11) LAKE OKEECHOBEE REGULATION SCHEDULE.—The district  
469 shall request that the corps pursue the reevaluation of the Lake  
470 Okeechobee Regulation Schedule as expeditiously as possible,  
471 taking into consideration the repairs made to the Herbert Hoover  
472 Dike and implementation of projects designed to reduce high-  
473 volume freshwater discharges from the lake, in order to  
474 optimally utilize the added water storage capacity to reduce the  
475 high-volume freshwater discharges to the St. Lucie and  
476 Caloosahatchee estuaries.

477 Section 4. Section 373.475, Florida Statutes, is created to  
478 read:

479 373.475 Water storage facility revolving loan fund.—

480 (1) (a) In recognition that waters of the state are among  
481 the state's most basic resources, the Legislature declares that  
482 such waters should be managed to conserve and protect water  
483 resources and to realize the full beneficial use of such  
484 resources.

485 (b) As natural storage within the system has been lost due  
486 to development, the Legislature finds that additional natural or  
487 man-made water storage is required to capture and prevent water  
488 from being discharged to tide or otherwise lost.

489 (c) The Legislature finds that establishing infrastructure  
490 financing and providing technical assistance to local  
491 governments or water supply entities for water storage  
492 facilities is necessary to conserve and protect the waters of  
493 the state.

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494 (2) For purposes of this section, the term:

495 (a) "Local governmental agency" means any municipality,  
496 county, district, or authority, or any agency thereof, or a  
497 combination of such, acting jointly in connection with a  
498 project, which has jurisdiction over a water storage facility.

499 (b) "Water storage facility" or "facility" means all  
500 facilities, including land, necessary for an above-ground or in-  
501 ground reservoir. Such facilities may be publicly owned,  
502 privately owned, investor-owned, or cooperatively held.

503 (3) The state, through the department, shall provide  
504 funding assistance to local governments or water supply entities  
505 for the development and construction of water storage facilities  
506 to increase the availability of sufficient water for all  
507 existing and future reasonable-beneficial uses and natural  
508 systems.

509 (a) The department may make loans, provide loan guarantees,  
510 purchase loan insurance, and refinance local debt through the  
511 issue of new loans for water storage facilities approved by the  
512 department. Local governments or water supply entities may  
513 borrow funds made available pursuant to this section and may  
514 pledge any revenues or other adequate security available to them  
515 to repay any funds borrowed.

516 (b) The department may award loan amounts for up to 75  
517 percent of the costs of planning, designing, constructing,  
518 upgrading, or replacing water resource infrastructure or  
519 facilities, whether natural or man-made, including the  
520 acquisition of real property for water storage facilities.

521 (4) The department shall adopt rules to carry out the  
522 purposes of this section. Such rules must:

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523       (a) Establish a priority system for loans based on  
524 compliance with state requirements. The priority system must  
525 give special consideration to:

526       1. Projects that provide for the development of alternative  
527 water supply projects and management techniques in areas where  
528 existing source waters are limited or threatened by saltwater  
529 intrusion, excessive drawdowns, contamination, or other  
530 problems;

531       2. Projects that contribute to the sustainability of  
532 regional water sources;

533       3. Projects that produce additional water available for  
534 consumptive uses or natural systems;

535       4. Projects that diversify water supply so that the needs  
536 of consumptive uses and the natural system are met during wet  
537 and dry conditions; or

538       5. Projects that provide flexibility in addressing the  
539 unpredictability of water conditions from water year to water  
540 year.

541       (b) Establish the requirements for the award and repayment  
542 of financial assistance.

543       (c) Require evidence of credit worthiness and adequate  
544 security, including an identification of revenues to be pledged  
545 and documentation of their sufficiency for loan repayment and  
546 pledged revenue coverage to ensure that each loan recipient can  
547 meet its loan repayment requirements.

548       (d) Require each project receiving financial assistance to  
549 be cost-effective, environmentally sound, and implementable.

550       (e) Require each project to be self-supporting if the  
551 project is primarily for the purpose of water supply for

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552 consumptive use.

553 (5) Before approval of a loan, the local government or  
554 water supply entity must, at a minimum, submit all of the  
555 following to the department:

556 (a) A repayment schedule.

557 (b) Evidence of the permissibility or implementability of  
558 the facility proposed for financial assistance.

559 (c) Plans and specifications, biddable contract documents,  
560 or other documentation of appropriate procurement of goods and  
561 services.

562 (d) Written assurance that records will be kept using  
563 generally accepted accounting principles and that the department  
564 or its agents and the Auditor General will have access to all  
565 records pertaining to the loan.

566 (e) If the facility is required to be self-supporting  
567 according to paragraph (4)(e), documentation that it will be  
568 self-supporting.

569 (f) Documentation that the water management district within  
570 whose boundaries the facility will be located has approved the  
571 facility. If the facility crosses jurisdictional boundaries,  
572 approval from each applicable district must be documented and  
573 provided to the department.

574 (6) The department and water management districts are  
575 authorized to provide technical assistance to local governments  
576 or water supply entities for water storage facilities funded  
577 pursuant to this section.

578 (7) The minimum amount of a loan is \$75,000. The term of  
579 loans made pursuant to this section may not exceed 30 years.

580 (8) As part of the report required under s. 403.8532, the

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581 department shall prepare a report at the end of each fiscal year  
582 which details the financial assistance provided under this  
583 section, service fees collected, interest earned, and loans  
584 outstanding.

585 (9) The department may conduct an audit of the loan project  
586 upon completion, or may require that a separate project audit,  
587 prepared by an independent certified public accountant, be  
588 submitted.

589 (10) The department may require reasonable service fees on  
590 loans made to local governments or water supply entities to  
591 ensure that the program will be operated in perpetuity and to  
592 implement the purposes authorized under this section. Service  
593 fees may not be less than 2 percent or greater than 4 percent of  
594 the loan amount exclusive of the service fee. Service fee  
595 revenues shall be deposited into the department's Grants and  
596 Donations Trust Fund. The fee revenues, and interest earnings  
597 thereon, shall be used exclusively for the purposes of this  
598 section.

599 (11) The Water Protection and Sustainability Program Trust  
600 Fund established under s. 403.891 shall be used for the purposes  
601 of this section. Any funds that are not needed for immediate  
602 financial assistance shall be invested pursuant to s. 215.49.  
603 State funds and investment earnings shall be deposited into the  
604 fund. The principal and interest of all loans repaid, and  
605 investment earnings thereon, shall be deposited into the fund.

606 (12) (a) If a local governmental agency defaults under the  
607 terms of its loan agreement, the department shall so certify to  
608 the Chief Financial Officer, who shall forward the amount  
609 delinquent to the department from any unobligated funds due to



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610 the local governmental agency under any revenue-sharing or tax-  
611 sharing fund established by the state, except as otherwise  
612 provided by the State Constitution. Certification of delinquency  
613 does not preclude the department from pursuing other remedies  
614 available for default on a loan, including accelerating loan  
615 repayments, eliminating all or part of the interest rate subsidy  
616 on the loan, and court appointment of a receiver to manage the  
617 public water system.

618 (b) If a water storage facility owned by a person other  
619 than a local governmental agency defaults under the terms of its  
620 loan agreement, the department may take all actions available  
621 under law to remedy the default.

622 (c) The department may impose a penalty for delinquent loan  
623 payments in the amount of 6 percent of the amount due, in  
624 addition to charging the cost to handle and process the debt.  
625 Penalty interest accrues on any amount due and payable beginning  
626 on the 30th day following the date that the payment was due.

627 (13) The department may terminate or rescind a financial  
628 assistance agreement if the recipient fails to comply with the  
629 terms and conditions of the agreement.

630 Section 5. Subsection (3) of section 375.041, Florida  
631 Statutes, is amended to read:

632 375.041 Land Acquisition Trust Fund.—

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

635 (a) First, to pay debt service or to fund debt service  
636 reserve funds, rebate obligations, or other amounts payable with  
637 respect to Florida Forever bonds issued under s. 215.618; and  
638 pay debt service, provide reserves, and pay rebate obligations

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639 and other amounts due with respect to Everglades restoration  
640 bonds issued under s. 215.619; and

641 (b) Of the funds remaining after the payments required  
642 under paragraph (a), but before funds may be appropriated,  
643 pledged, or dedicated for other uses:

644 1. A minimum of the lesser of 25 percent or \$200 million  
645 shall be appropriated annually for Everglades projects that  
646 implement the Comprehensive Everglades Restoration Plan as set  
647 forth in s. 373.470, including the Central Everglades Planning  
648 Project subject to Congressional authorization; the Long-Term  
649 Plan as defined in s. 373.4592(2); and the Northern Everglades  
650 and Estuaries Protection Program as set forth in s. 373.4595.  
651 From these funds, \$32 million shall be distributed each fiscal  
652 year through the 2023-2024 fiscal year to the South Florida  
653 Water Management District for the Long-Term Plan as defined in  
654 s. 373.4592(2). After deducting the \$32 million distributed  
655 under this subparagraph, from the funds remaining, a minimum of  
656 the lesser of 76.5 percent or \$100 million shall be appropriated  
657 each fiscal year through the 2025-2026 fiscal year for the  
658 planning, design, engineering, and construction of the  
659 Comprehensive Everglades Restoration Plan as set forth in s.  
660 373.470, including the Central Everglades Planning Project, the  
661 Everglades Agricultural Area Storage Reservoir Project, the Lake  
662 Okeechobee Watershed Project, the C-43 West Basin Storage  
663 Reservoir Project, the Indian River Lagoon-South Project, the  
664 Western Everglades Restoration Project, and the Picayune Strand  
665 Restoration Project ~~subject to Congressional authorization~~. The  
666 Department of Environmental Protection and the South Florida  
667 Water Management District shall give preference to those

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668 Everglades restoration projects that reduce harmful discharges  
669 of water from Lake Okeechobee to the St. Lucie or Caloosahatchee  
670 estuaries in a timely manner. For the purpose of performing the  
671 calculation provided in this subparagraph, the amount of debt  
672 service paid pursuant to paragraph (a) for bonds issued after  
673 July 1, 2016, for the purposes set forth under paragraph (b)  
674 shall be added to the amount remaining after the payments  
675 required under paragraph (a). The amount of the distribution  
676 calculated shall then be reduced by an amount equal to the debt  
677 service paid pursuant to paragraph (a) on bonds issued after  
678 July 1, 2016, for the purposes set forth under this  
679 subparagraph.

680         2. A minimum of the lesser of 7.6 percent or \$50 million  
681 shall be appropriated annually for spring restoration,  
682 protection, and management projects. For the purpose of  
683 performing the calculation provided in this subparagraph, the  
684 amount of debt service paid pursuant to paragraph (a) for bonds  
685 issued after July 1, 2016, for the purposes set forth under  
686 paragraph (b) shall be added to the amount remaining after the  
687 payments required under paragraph (a). The amount of the  
688 distribution calculated shall then be reduced by an amount equal  
689 to the debt service paid pursuant to paragraph (a) on bonds  
690 issued after July 1, 2016, for the purposes set forth under this  
691 subparagraph.

692         3. The sum of \$5 million shall be appropriated annually  
693 each fiscal year through the 2025-2026 fiscal year to the St.  
694 Johns River Water Management District for projects dedicated to  
695 the restoration of Lake Apopka. This distribution shall be  
696 reduced by an amount equal to the debt service paid pursuant to

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697 paragraph (a) on bonds issued after July 1, 2016, for the  
698 purposes set forth in this subparagraph.

699 4. The sum of \$64 million is appropriated and shall be  
700 transferred to the Everglades Trust Fund for the 2018-2019  
701 fiscal year, and each fiscal year thereafter, for the EAA  
702 reservoir project pursuant to s. 373.4598. Any funds remaining  
703 in any fiscal year shall be made available only for Phase II of  
704 the C-51 reservoir project or projects identified in  
705 subparagraph 1. and must be used in accordance with laws  
706 relating to such projects. Any funds made available for such  
707 purposes in a fiscal year is in addition to the amount  
708 appropriated under subparagraph 1. This distribution shall be  
709 reduced by an amount equal to the debt service paid pursuant to  
710 paragraph (a) on bonds issued after July 1, 2017, for the  
711 purposes set forth in this subparagraph.

712 Section 6. Section 403.890, Florida Statutes, is amended to  
713 read:

714 403.890 Water Protection and Sustainability Program.—

715 (1) Revenues deposited into or appropriated to the Water  
716 Protection and Sustainability Program Trust Fund shall be  
717 distributed by the Department of Environmental Protection for  
718 the following purposes ~~in the following manner:~~

719 (a) ~~(1) Sixty-five percent to the Department of~~  
720 ~~Environmental Protection for The implementation of an~~  
721 alternative water supply program as provided in s. 373.707.

722 (b) The water storage facility revolving loan fund as  
723 provided in s. 373.475.

724 (2) Revenues deposited into or appropriated to the Water  
725 Protection and Sustainability Program Trust Fund for purposes of

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726 the water storage facility revolving loan fund may only be used  
727 for such purposes.

728 ~~(2) Twenty-two and five-tenths percent for the~~  
729 ~~implementation of best management practices and capital project~~  
730 ~~expenditures necessary for the implementation of the goals of~~  
731 ~~the total maximum daily load program established in s. 403.067.~~  
732 ~~Of these funds, 83.33 percent shall be transferred to the credit~~  
733 ~~of the Department of Environmental Protection Water Quality~~  
734 ~~Assurance Trust Fund to address water quality impacts associated~~  
735 ~~with nonagricultural nonpoint sources. Sixteen and sixty-seven~~  
736 ~~hundredths percent of these funds shall be transferred to the~~  
737 ~~Department of Agriculture and Consumer Services General~~  
738 ~~Inspection Trust Fund to address water quality impacts~~  
739 ~~associated with agricultural nonpoint sources. These funds shall~~  
740 ~~be used for research, development, demonstration, and~~  
741 ~~implementation of the total maximum daily load program under s.~~  
742 ~~403.067, suitable best management practices or other measures~~  
743 ~~used to achieve water quality standards in surface waters and~~  
744 ~~water segments identified pursuant to s. 303(d) of the Clean~~  
745 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~  
746 ~~Implementation of best management practices and other measures~~  
747 ~~may include cost share grants, technical assistance,~~  
748 ~~implementation tracking, and conservation leases or other~~  
749 ~~agreements for water quality improvement. The Department of~~  
750 ~~Environmental Protection and the Department of Agriculture and~~  
751 ~~Consumer Services may adopt rules governing the distribution of~~  
752 ~~funds for implementation of capital projects, best management~~  
753 ~~practices, and other measures. These funds shall not be used to~~  
754 ~~abrogate the financial responsibility of those point and~~

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755 ~~nonpoint sources that have contributed to the degradation of~~  
756 ~~water or land areas. Increased priority shall be given by the~~  
757 ~~department and the water management district governing boards to~~  
758 ~~those projects that have secured a cost-sharing agreement~~  
759 ~~allocating responsibility for the cleanup of point and nonpoint~~  
760 ~~sources.~~

761 ~~(3) Twelve and five tenths percent to the Department of~~  
762 ~~Environmental Protection for the Disadvantaged Small Community~~  
763 ~~Wastewater Grant Program as provided in s. 403.1838.~~

764 ~~(3)(4)~~ On June 30, 2009, and every 24 months thereafter,  
765 the Department of Environmental Protection shall request the  
766 return of all unencumbered funds distributed for the purposes of  
767 the alternative water supply program pursuant to this section.  
768 These funds shall be deposited into the Water Protection and  
769 Sustainability Program Trust Fund and redistributed for such  
770 purposes pursuant to the provisions of this section.

771 Section 7. Section 446.71, Florida Statutes, is created to  
772 read:

773 446.71 Everglades Restoration Agricultural Community  
774 Employment Training Program.—

775 (1) The Department of Economic Opportunity, in cooperation  
776 with CareerSource Florida, Inc., shall establish the Everglades  
777 Restoration Agricultural Community Employment Training Program  
778 within the Department of Economic Opportunity. The Department of  
779 Economic Opportunity shall use funds appropriated to the program  
780 by the Legislature to provide grants to stimulate and support  
781 training and employment programs that seek to match persons who  
782 complete such training programs to nonagricultural employment  
783 opportunities in areas of high agricultural unemployment, and to

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784 provide other training, educational, and information services  
785 necessary to stimulate the creation of jobs in the areas of high  
786 agricultural unemployment. In determining whether to provide  
787 funds to a particular program, the Department of Economic  
788 Opportunity shall consider the location of the program in  
789 proximity to the program's intended participants.

790 (2) The Legislature supports projects that improve the  
791 economy in the Everglades Agricultural Area. In recognition of  
792 the employment opportunities and economic development generated  
793 by new and expanding industries in the area, such as the  
794 Airglades Airport in Hendry County and the development of an  
795 inland port in Palm Beach County, the Legislature finds that  
796 training the citizens of the state to fill the needs of these  
797 industries significantly enhances the economic viability of the  
798 region.

799 (3) Funds may be used for grants for tuition for public or  
800 private technical or vocational programs and matching grants to  
801 employers to conduct employer-based training programs, or for  
802 the purchase of equipment to be used for training purposes, the  
803 hiring of instructors, or any other purpose directly associated  
804 with the program.

805 (4) The Department of Economic Opportunity may not award a  
806 grant to any given training program which exceeds 50 percent of  
807 the total cost of the program, unless the training program is  
808 located within a rural area of opportunity, in which case the  
809 grant may exceed 50 percent of the total cost of the program and  
810 up to 100 percent. Matching contributions may include in-kind  
811 services, including, but not limited to, the provision of  
812 training instructors, equipment, and training facilities.

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813           (5) Before granting a request for funds made in accordance  
814 with this section, the Department of Economic Opportunity shall  
815 enter into a grant agreement with the requestor of funds and the  
816 institution receiving funding through the program. Such  
817 agreement must include all of the following information:

818           (a) An identification of the personnel necessary to conduct  
819 the instructional program, the qualifications of such personnel,  
820 and the respective responsibilities of the parties for paying  
821 costs associated with the employment of such personnel.

822           (b) An identification of the estimated length of the  
823 instructional program.

824           (c) An identification of all direct, training-related  
825 costs, including tuition and fees, curriculum development, books  
826 and classroom materials, and overhead or indirect costs.

827           (d) An identification of special program requirements that  
828 are not otherwise addressed in the agreement.

829           (6) The Department of Economic Opportunity may grant up to  
830 100 percent of the tuition for a training program participant  
831 who currently resides, and has resided for at least 3 of the 5  
832 immediately preceding years within the Everglades Agricultural  
833 Area as described in s. 373.4592 and in counties that provide  
834 for water storage and dispersed water storage that is located in  
835 Rural Areas of Opportunity as described in s. 288.0656.

836           (7) Programs established in the Everglades Agricultural  
837 Area must include opportunities to obtain the qualifications and  
838 skills necessary for jobs related to federal and state  
839 restoration projects, the Airglades Airport in Hendry County, an  
840 inland port in Palm Beach County, or other industries with  
841 verifiable, demonstrated interest in operating within the



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842 Everglades Agricultural Area and in counties that provide for  
843 water storage and dispersed water storage that is located in  
844 Rural Areas of Opportunity as described in s. 288.0656.

845 (8) The Department of Economic Opportunity shall adopt  
846 rules to implement this section.

847 Section 8. Subsection (3) is added to section 946.511,  
848 Florida Statutes, to read:

849 946.511 Inmate labor to operate correctional work  
850 programs.—

851 (3) Beginning July 1, 2017, the use of inmates for  
852 correctional work programs in the agricultural industry in the  
853 Everglades Agricultural Area or in any area experiencing high  
854 unemployment rates in the agricultural sector is prohibited. Any  
855 lease agreement relating to land in the Everglades Agricultural  
856 Area leased to the Prison Rehabilitative Industries and  
857 Diversified Enterprises, Inc., (PRIDE Enterprises) for an  
858 agricultural work program is required to be terminated in  
859 accordance with the terms of the lease agreement.

860 Section 9. The Division of Law Revision and Information is  
861 directed to replace the phrase "the effective date of this act"  
862 wherever it occurs in this act with the date the act becomes a  
863 law.

864 Section 10. For the 2017-2018 fiscal year, the sum of \$30  
865 million in nonrecurring funds from the Land Acquisition Trust  
866 Fund is appropriated to the Everglades Trust Fund for the  
867 purposes of acquiring land or negotiating leases to implement  
868 the Everglades Agricultural Area reservoir project pursuant to  
869 s. 373.4598, Florida Statutes, or for any cost related to the  
870 planning or construction of the Everglades Agricultural Area

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871 reservoir project as defined in s. 373.4598, Florida Statutes.

872 Section 11. For the 2017-2018 fiscal year, the sum of \$3  
873 million in nonrecurring funds from the Land Acquisition Trust  
874 Fund is appropriated to the Everglades Trust Fund for the  
875 purposes of developing the post-authorization change report  
876 pursuant to s. 373.4598, Florida Statutes, and the sum of \$1  
877 million in nonrecurring funds from the Land Acquisition Trust  
878 Fund is appropriated to the Everglades Trust Fund for the  
879 purposes of negotiating Phase II of the C-51 reservoir project  
880 pursuant to s. 373.4598, Florida Statutes.

881 Section 12. For the 2017-2018 fiscal year, the sum of \$30  
882 million in nonrecurring funds from the General Revenue Trust  
883 Fund is appropriated to the Water Resource Protection and  
884 Sustainability Program Trust Fund for the purpose of providing a  
885 loan to implement Phase I of the C-51 reservoir project. The  
886 loan must have a 30-year term, may be prepaid at any time, and  
887 shall accrue interest until repayment. The loan shall be repaid  
888 from the proceeds of the sale of unreserved capacity in the  
889 water storage facility, or other appropriate payment, at time of  
890 receipt less reasonable expenses. The loan must be secured by a  
891 first mortgage lien on the water storage facility and a  
892 collateral assignment of unreserved capacity as adequate  
893 security for the loan. The loan does not reserve for use by the  
894 state or the district any capacity authorized pursuant to the  
895 consumptive use permit for Phase I of the C-51 Reservoir. Once  
896 the Department of Environmental Protection adopts rules pursuant  
897 to s. 373.475, Florida Statutes, the department may modify the  
898 terms of the loan agreement to ensure that the loan agreement is  
899 in accordance with such rules, except that any terms

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900 specifically stated herein may not be modified.

901 Section 13. This act shall take effect upon becoming a law.

## Committee on Environmental Preservation And Conservation

### **CS/SB 10 — Water Resources**

by Appropriations Committee and Senators Bradley and Flores

#### *Everglades Agricultural Area reservoir project*

The bill (Chapter 2017-10, L.O.F.) directs the expedited design and construction of a water storage reservoir in the Everglades Agricultural Area (EAA) to provide for a significant increase in southern storage to reduce the high-volume discharges from Lake Okeechobee. The reservoir is a project component of the Comprehensive Everglades Restoration Plan (CERP) and is designed to hold at least 240,000 acre-feet of water and include water quality features necessary to meet state and federal water quality standards. Upon the effective date of the act, the bill requires the South Florida Water Management District (SFWMD) to identify the lessees and landowners of specified land in the EAA near the A-2 parcel.

The SFWMD is required to contact such lessees and landowners by July 31, 2017, to express its interest in acquiring land through the purchase or exchange of lands or by the amendment or termination of lease agreements. The bill authorizes the SFWMD and the Board of Trustees of the Internal Improvement Trust Fund (TIITF) to negotiate the amendment or termination of leases on lands within the EAA for exchange or use for the EAA reservoir project. The bill requires that lease agreements relating to land in the EAA leased to the Prison Rehabilitative Industries and Diversified Enterprises, Inc., for an agricultural work program be terminated in accordance with the terms of the lease agreement.

The SFWMD is required to request that the United States Army Corps of Engineers (USACE) jointly develop a post-authorization change report for the A-2 project component of the Central Everglades Planning Project, using the additional land identified, with the goal of increasing the water storage provided by such project component to a minimum of 240,000 acre-feet. The post-authorization change report may include modification to the A-1 parcel if the SFWMD and the USACE determine that such configuration would provide for a minimum of 360,000 acre-feet of water storage. If the post-authorization change report does not receive the approval of USACE or Congressional approval by certain dates, the SFWMD is required to request that the USACE initiate a project implementation report for the EAA reservoir project.

The SFWMD is required to terminate the Second Amended and Restated Agreement for Sale and Purchase between U.S. Sugar and the SFWMD at the request of the seller if:

- The post-authorization change report receives Congressional approval; or
- The SFWMD certifies to the TIITF and the Legislature that the acquisition of land necessary for the EAA reservoir project has been completed.

The SFWMD is required to give preferential consideration to displaced agricultural workers for the construction and operation of the EAA reservoir project. The bill creates the Everglades Restoration Agricultural Community Employment Training Program within the Department of

Economic Opportunity to provide grants to stimulate and support training and employment programs.

The bill provides a total appropriation of \$33 million for the 2017-2018 fiscal year to the SFWMD to implement the EAA reservoir project. Additionally, beginning in the 2018-2019 fiscal year, and each fiscal year thereafter, the sum of \$64 million is available for the EAA reservoir project and is authorized to be used for debt service payments on up to \$800 million in Florida Forever bonds.

### ***C-51 reservoir project***

The C-51 reservoir project is located in western Palm Beach County and is designed to provide 60,000 acre-feet of water storage. The bill authorizes the SFWMD to negotiate with the owners of the C-51 reservoir project for the acquisition of the project or to enter into a public-private partnership. The SFWMD is authorized to acquire land near the C-51 reservoir as necessary to implement Phase II of the project. If state funds are appropriated for the C-51 reservoir project:

- The district shall operate the reservoir to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries, in addition to providing relief to the Lake Worth Lagoon;
- Water made available by the reservoir shall be used for natural systems in addition to any allocated amounts for water supply; and
- Any water received from Lake Okeechobee may not be available to support consumptive use permits.

The bill appropriates \$30 million for the 2017-2018 fiscal year from the General Revenue Fund to the Water Resource Protection and Sustainability Program Trust Fund for the purpose of providing a loan to implement Phase I of the C-51 reservoir project. Additionally, \$1 million is provided to the SFWMD to negotiate Phase II of the project.

The bill creates the water storage facility revolving loan fund within the Department of Environmental Protection (DEP). Under the program, the DEP will provide funding assistance to local governments or water supply entities for the development and construction of water storage facilities, including water storage reservoirs, to increase the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems. The loan for Phase I of the C-51 reservoir project is provided through the water storage facility revolving loan fund.

These provisions became law upon approval by the Governor on May 9, 2017.

*Vote: Senate 33-0; House 99-19*

ENROLLED

HB 1031

2017 Legislature

1  
 2 An act relating to marine turtle protection; amending  
 3 s. 921.0022, F.S.; ranking and revising the  
 4 description of criminal violations of the Marine  
 5 Turtle Protection Act in the offense severity ranking  
 6 chart of the Criminal Punishment Code; providing an  
 7 effective date.  
 8

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

10  
 11 Section 1. Paragraph (c) of subsection (3) of section  
 12 921.0022, Florida Statutes, is amended to read:

13 921.0022 Criminal Punishment Code; offense severity  
 14 ranking chart.—

15 (3) OFFENSE SEVERITY RANKING CHART

16 (c) LEVEL 3

17

Florida	Felony	Description
Statute	Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066	3rd	Unlawfully obtaining or using

18  
 19

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HB 1031

2017 Legislature

20	(3) (b) - (d)		confidential crash reports.
21	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
22	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
23	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
24	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
25	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
26	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

ENROLLED

HB 1031

2017 Legislature

27	327.35 (2) (b)	3rd	Felony BUI.
28	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
29	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
30	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
31	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.



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HB 1031

2017 Legislature

32	379.2431 (1) (e) 6.	3rd	<u>Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in <del>Soliciting to commit or conspiring to commit a violation</del> of the Marine Turtle Protection Act.</u>
33	<u>379.2431(1) (e) 7.</u>	3rd	<u>Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.</u>
34	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
35	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
	440.1051 (3)	3rd	False report of workers' compensation fraud or

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HB 1031

2017 Legislature

			retaliation for making such a report.
36	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
37	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
38	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
39	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
40	697.08	3rd	Equity skimming.
41	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
42			

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HB 1031

2017 Legislature

43	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
44	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
45	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
46	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
47	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
48	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud

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HB 1031

2017 Legislature

			Act), property valued at less than \$20,000.
49	817.233	3rd	Burning to defraud insurer.
50	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
51	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
52	817.236	3rd	Filing a false motor vehicle insurance application.
53	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
54	817.413 (2)	3rd	Sale of used goods as new.
55	817.505 (4)	3rd	Patient brokering.
56	828.12 (2)	3rd	Tortures any animal with intent

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HB 1031

2017 Legislature

57			to inflict intense pain, serious physical injury, or death.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
58			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
59			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
60			
	843.19	3rd	Injure, disable, or kill police dog or horse.
61			
	860.15 (3)	3rd	Overcharging for repairs and parts.
62			
	870.01 (2)	3rd	Riot; inciting or encouraging.
63			
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver

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HB 1031

2017 Legislature

64	893.13(1)(d)2.	2nd	<p>cannabis (or other s.              893.03(1)(c), (2)(c)1.,              (2)(c)2., (2)(c)3., (2)(c)5.,              (2)(c)6., (2)(c)7., (2)(c)8.,              (2)(c)9., (3), or (4) drugs).</p>
65	893.13(1)(f)2.	2nd	<p>Sell, manufacture, or deliver              s. 893.03(1)(c), (2)(c)1.,              (2)(c)2., (2)(c)3., (2)(c)5.,              (2)(c)6., (2)(c)7., (2)(c)8.,              (2)(c)9., (3), or (4) drugs              within 1,000 feet of              university.</p>
66	893.13(4)(c)	3rd	<p>Use or hire of minor; deliver              to minor other controlled              substances.</p>

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HB 1031

2017 Legislature

67	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
68	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
69	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
70	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
71	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
72	893.13 (8) (a) 1.	3rd	Knowingly assist a patient,

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2017 Legislature

73	893.13(8)(a)2.	3rd	<p>other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.</p>
74	893.13(8)(a)3.	3rd	<p>Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.</p>
75	893.13(8)(a)4.	3rd	<p>Knowingly write a prescription for a controlled substance for a fictitious person.</p> <p>Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the</p>



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HB 1031

2017 Legislature

76			practitioner.
	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
77			
	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
78			
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
79			
	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
80			
81	Section 2. This act shall take effect July 1, 2017.		

## Committee on Criminal Justice

### HB 1031 — Marine Turtle Protection

by Rep. Altman and others (SB 1228 by Senators Gainer and Hutson)

The bill amends the offense severity ranking chart provided in s. 921.0022(3), F.S., to:

- Update the cross-reference to s. 379.2431(1)(e)7., F.S., relating to soliciting or conspiring to commit a violation of the Marine Turtle Protection Act; and
- Add s. 379.2431(1)(e)6., F.S., relating to the possession of a marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species.

Under the bill, both offenses are Level 3 offenses.

If approved by the Governor, these provisions take effect July 1, 2017.

*Vote: Senate 36-2; House 117-0*

ENROLLED

HB 7077, Engrossed 2

2017 Legislature

1  
2 An act relating to the Gulf Coast Economic Corridor;  
3 amending s. 288.80, F.S.; conforming provisions to  
4 changes made by the act; amending s. 288.8012, F.S.;  
5 defining and redefining terms; amending s. 288.8013,  
6 F.S.; deleting the creation and identification of  
7 purposes of the recovery fund; requiring a specified  
8 percentage of payments made to the state under a  
9 specified settlement of litigation related to the  
10 Deepwater Horizon oil spill be immediately transferred  
11 from the General Revenue Fund to the Triumph Gulf  
12 Coast Trust Fund; providing an appropriation and for  
13 the transfer of funds; providing requirements for the  
14 allocation of funds; requiring Triumph Gulf Coast,  
15 Inc., to make awards for projects or programs within  
16 disproportionately affected counties based on  
17 specified minimum allocations; requiring each board of  
18 county commissioners for such counties to solicit  
19 certain projects and programs from certain elected  
20 local governing boards; requiring such boards of  
21 county commissioners to provide Triumph Gulf Coast,  
22 Inc., with a list of projects and programs that are  
23 consistent with certain awards and priorities;  
24 providing a requirement for the list; providing for  
25 the disposition of any remaining funds; limiting

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26 | administrative costs; requiring interest in the  
27 | Triumph Gulf Coast, Inc., trust account to be  
28 | deposited into the Triumph Gulf Coast Trust Fund;  
29 | revising provisions related to the investment of funds  
30 | in the trust account; limiting the annual salary of  
31 | employees or contracted staff of Triumph Gulf Coast,  
32 | Inc.; revising annual reporting requirements; amending  
33 | s. 288.8014, F.S.; expanding the membership of the  
34 | board of directors; specifying conditions for  
35 | appointing additional board members; deleting  
36 | references to the recovery fund; deleting obsolete  
37 | language; revising conflict of interest restrictions  
38 | imposed on board members of Triumph Gulf Coast, Inc.;  
39 | removing the requirement that Triumph Gulf Coast,  
40 | Inc., retain an independent financial advisor and an  
41 | economic advisor; revising provisions relating to  
42 | conflict of interest restrictions imposed on retained  
43 | staff; amending s. 288.8015, F.S.; conforming a  
44 | provision to changes made by the act; amending s.  
45 | 288.8016, F.S.; requiring Triumph Gulf Coast, Inc., to  
46 | publish on its website specified information before  
47 | making an award; amending s. 288.8017, F.S.;  
48 | conforming provisions to changes made by the act;  
49 | revising provisions governing the uses of awards from  
50 | Triumph Gulf Coast, Inc.; repealing s. 377.43, F.S.,

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51 relating to the disbursement of funds received for  
 52 damages caused by the Deepwater Horizon oil spill;  
 53 specifying that certain conflict of interest  
 54 restrictions imposed on board members of the Triumph  
 55 Gulf Coast, Inc., apply to members appointed on or  
 56 after a specified date; providing a directive to the  
 57 Division of Law Revision and Information; providing an  
 58 effective date.

59

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

61

62 Section 1. Section 288.80, Florida Statutes, is amended to  
 63 read:

64 288.80 Short title.—This section and ss. 288.8011-288.8018  
 65 ~~ss. 288.8011-288.8017~~ may be cited as the "Gulf Coast Economic  
 66 Corridor Act."

67 Section 2. Section 288.8012, Florida Statutes, is amended  
 68 to read:

69 288.8012 Definitions.—As used in ss. 288.8011-288.8018 ~~ss.~~  
 70 ~~288.80-288.8017~~, the term:

71 (1) "Awardee" means a person, organization, or local  
 72 government granted an award of funds as authorized in s.  
 73 288.8017 ~~from the Recovery Fund~~ for a project or program.

74 (2) "Department" means the Department of Economic  
 75 Opportunity.

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76           ~~(3)(2)~~ "Disproportionately affected county" means Bay  
 77 County, Escambia County, Franklin County, Gulf County, Okaloosa  
 78 County, Santa Rosa County, Walton County, or Wakulla County.

79           ~~(3) "Earnings" means all the income generated by~~  
 80 ~~investments and interest.~~

81           (4) "Settlement agreement" means the agreement entitled  
 82 "Settlement Agreement Between the Gulf States and the BP  
 83 Entities with Respect to Economic and Other Claims Arising from  
 84 the Deepwater Horizon Incident," which was entered into on  
 85 October 5, 2015, in the case styled *In re: Oil Spill by the Oil*  
 86 *Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20,*  
 87 *2010, MDL 2179 in the United States District Court for the*  
 88 *Eastern District of Louisiana* ~~"Recovery Fund" means a trust~~  
 89 ~~account established by Triumph Gulf Coast, Inc., for the benefit~~  
 90 ~~of the disproportionately affected counties.~~

91           Section 3. Section 288.8013, Florida Statutes, is amended  
 92 to read:

93           288.8013 Triumph Gulf Coast, Inc.; ~~Recovery Fund;~~  
 94 ~~creation; funding; investment.-~~

95           (1) There is created ~~within the department of Economic~~  
 96 ~~Opportunity~~ a nonprofit corporation, to be known as Triumph Gulf  
 97 Coast, Inc., which shall be registered, incorporated, organized,  
 98 and operated in compliance with chapter 617, and which is not a  
 99 unit or entity of state government. ~~Triumph Gulf Coast, Inc.,~~  
 100 ~~may receive, hold, invest, and administer the Recovery Fund in~~

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101 ~~support of this act. Triumph Gulf Coast, Inc., is a separate~~  
102 ~~budget entity and is not subject to control, supervision, or~~  
103 ~~direction by the department of Economic Opportunity in any~~  
104 ~~manner, including, but not limited to, personnel, purchasing,~~  
105 ~~transactions involving real or personal property, and budgetary~~  
106 ~~matters.~~

107 (2) Seventy-five percent of all payments to the state  
108 pursuant to the settlement agreement shall be transferred  
109 immediately by the Chief Financial Officer from the General  
110 Revenue Fund to the Triumph Gulf Coast Trust Fund ~~Triumph Gulf~~  
111 ~~Coast, Inc., must create and administer the Recovery Fund for~~  
112 ~~the benefit of the disproportionately affected counties. The~~  
113 ~~principal of the fund shall derive from 75 percent of all funds~~  
114 ~~recovered by the Attorney General for economic damage to the~~  
115 ~~state resulting from the Deepwater Horizon disaster, after~~  
116 ~~payment of reasonable and necessary attorney fees, costs, and~~  
117 ~~expenses, including such attorney fees, costs, and expenses~~  
118 ~~pursuant to s. 16.0155.~~

119 (a) Such funds are appropriated to Triumph Gulf Coast,  
120 Inc., and shall be released by the department for deposit into  
121 the trust account established by Triumph Gulf Coast, Inc.,  
122 pursuant to subsection (3) as follows:

123 1. Seventy-five percent of the moneys received by the  
124 state pursuant to the settlement agreement on or before July 1,  
125 2017, shall be immediately released to Triumph Gulf Coast, Inc.

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126        2. Seventy-five percent of the moneys received by the  
 127 state pursuant to the settlement agreement after July 1, 2017,  
 128 shall be released to Triumph Gulf Coast, Inc., no later than 30  
 129 days after such funds are transferred to the Triumph Gulf Coast  
 130 Trust Fund.

131        (b) Triumph Gulf Coast, Inc., shall make awards for  
 132 projects or programs within the geographic boundaries of each  
 133 disproportionately affected county based on the following  
 134 minimum allocations:

135        1. At least 40 percent of the moneys transferred to  
 136 Triumph Gulf Coast, Inc., pursuant to subparagraph (a)1., must  
 137 be allocated equally among the eight disproportionately affected  
 138 counties based on a minimum allocation of at least 5 percent per  
 139 county.

140        2. For each transfer of funds to Triumph Gulf Coast, Inc.,  
 141 pursuant to subparagraph (a) 2., at least 32 percent of the  
 142 moneys must be allocated equally among the eight  
 143 disproportionately affected counties based on a minimum  
 144 allocation of at least 4 percent per county.

145        (c) Each board of county commissioners shall solicit  
 146 proposed projects and programs from other elected local  
 147 governing boards within the county and shall provide Triumph  
 148 Gulf Coast, Inc., with a list of proposed projects and programs  
 149 located within its county. The submitted list of proposed  
 150 projects and programs must include projects and programs



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151 submitted by other elected local governing boards and projects  
 152 and programs recommended by the board of county commissioners.

153 (d) Any remaining funds shall be allocated by Triumph Gulf  
 154 Coast, Inc., for administrative costs and to make awards  
 155 pursuant to s. 288.8017. Administrative costs may not exceed  
 156 0.75 percent of the funds released to Triumph Gulf Coast, Inc.

157 ~~(3) The Recovery Fund must be maintained as a long-term~~  
 158 ~~and stable source of revenue, which shall decline over a 30-year~~  
 159 ~~period in equal amounts each year. Triumph Gulf Coast, Inc.,~~  
 160 shall establish a trust account at a federally insured financial  
 161 institution to hold funds received from the Triumph Gulf Coast  
 162 Trust Fund and make deposits and payments. Interest earned in  
 163 the trust account shall be deposited monthly into the Triumph  
 164 Gulf Coast Trust Fund. Triumph Gulf Coast, Inc., may invest  
 165 surplus funds in the Local Government Surplus Funds Trust Fund,  
 166 pursuant to s. 218.407, and interest earned, net of fees, shall  
 167 be transferred monthly into the Triumph Gulf Coast Trust Fund  
 168 ~~Earnings generated by investments and interest of the fund, plus~~  
 169 ~~the amount of principal available each year, shall be available~~  
 170 ~~to make awards pursuant to this act and pay administrative~~  
 171 ~~costs. Earnings shall be accounted for separately from principal~~  
 172 ~~funds set forth in subsection (2). Administrative costs may are~~  
 173 ~~limited to 2.25 percent of the earnings in a calendar year.~~  
 174 ~~Administrative costs include payment of investment fees, travel~~  
 175 ~~and per diem expenses of board members, audits, salary or other~~

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176 costs for employed or contracted staff, including required staff  
 177 under s. 288.8014(9), and other allowable costs. The annual  
 178 salary for any employee or contracted staff may not exceed  
 179 \$130,000 and associated benefits may not exceed 35 percent of  
 180 salary Any funds remaining in the Recovery Fund after 30 years  
 181 shall revert to the State Treasury.

182 ~~(4) Triumph Gulf Coast, Inc., shall invest and reinvest~~  
 183 ~~the principal of the Recovery Fund in accordance with s.~~  
 184 ~~617.2104, in such a manner not to subject the funds to state or~~  
 185 ~~federal taxes, and consistent with an investment policy~~  
 186 ~~statement adopted by the corporation.~~

187 ~~(a) The board of directors shall formulate an investment~~  
 188 ~~policy governing the investment of the principal of the Recovery~~  
 189 ~~Fund. The policy shall pertain to the types, kinds, or nature of~~  
 190 ~~investment of any of the funds, and any limitations, conditions~~  
 191 ~~or restrictions upon the methods, practices, or procedures for~~  
 192 ~~investment, reinvestments, purchases, sales, or exchange~~  
 193 ~~transactions, provided such policies shall not conflict with nor~~  
 194 ~~be in derogation of any state constitutional provision or law.~~  
 195 ~~The policy shall be formulated with the advice of the financial~~  
 196 ~~advisor in consultation with the State Board of Administration.~~

197 ~~(b) Triumph Gulf Coast, Inc., must competitively procure~~  
 198 ~~one or more money managers, under the advice of the financial~~  
 199 ~~advisor in consultation with the State Board of Administration,~~  
 200 ~~to invest the principal of the Recovery Fund. The applicant~~

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201 ~~manager or managers may not include representatives from the~~  
 202 ~~financial institution housing the trust account for the Recovery~~  
 203 ~~Fund. The applicant manager or managers must present a plan to~~  
 204 ~~invest the Recovery Fund to maximize earnings while prioritizing~~  
 205 ~~the preservation of Recovery Fund principal. Any agreement with~~  
 206 ~~a money manager must be reviewed by Triumph Gulf Coast, Inc.,~~  
 207 ~~for continuance at least every 5 years. Plans should include~~  
 208 ~~investment in technology and growth businesses domiciled in, or~~  
 209 ~~that will be domiciled in, this state or businesses whose~~  
 210 ~~principal address is in this state.~~

211 ~~(c) Costs and fees for investment services shall be~~  
 212 ~~deducted from the earnings as administrative costs. Fees for~~  
 213 ~~investment services shall be no greater than 150 basis points.~~

214 ~~(d) Annually, Triumph Gulf Coast, Inc., shall cause an~~  
 215 ~~audit to be conducted of the investment of the Recovery Fund by~~  
 216 ~~the independent certified public accountant retained in s.~~  
 217 ~~288.8014. The expense of such audit shall be paid from earnings~~  
 218 ~~for administrative purposes.~~

219 ~~(4)~~(5) Triumph Gulf Coast, Inc., shall report on June 30  
 220 and December 30 of each year to the Governor, the President of  
 221 the Senate, and the Speaker of the House of Representatives on  
 222 ~~the financial status of the Recovery Fund and its investments,~~  
 223 ~~the established priorities;~~ the project and program selection  
 224 process, including a list of all submitted projects and programs  
 225 and reasons for approval or denial; and the status of all

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226 approved awards.

227 (5)~~(6)~~ The Auditor General shall conduct an operational  
 228 audit of ~~the Recovery Fund and~~ Triumph Gulf Coast, Inc.,  
 229 annually. Triumph Gulf Coast, Inc., shall provide to the Auditor  
 230 General any detail or supplemental data required.

231 Section 4. Subsections (2), (3), (4), (7), and (9) of  
 232 section 288.8014, Florida Statutes, are amended to read:

233 288.8014 Triumph Gulf Coast, Inc.; organization; board of  
 234 directors.—

235 (2) Triumph Gulf Coast, Inc., shall initially be governed  
 236 by a five-member ~~5-member~~ board of directors. Each of the  
 237 Trustees of the State Board of Administration, the President of  
 238 the Senate, and the Speaker of the House of Representatives  
 239 shall each appoint one member from the private sector. As of the  
 240 effective date of this act, the number of board members is  
 241 increased to seven, with the President of the Senate and the  
 242 Speaker of the House of Representatives each appointing an  
 243 additional member from the private sector in one of the four  
 244 least populous disproportionately affected counties, as  
 245 identified by the United States Census Bureau in its April 2016  
 246 estimates of county populations, to ensure that two such  
 247 counties are represented on the board. The board of directors  
 248 shall annually elect a chairperson from among the board's  
 249 members. The chairperson may be removed by a majority vote of  
 250 the members. His or her successor shall be elected to serve for

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251 the balance of the removed chairperson's term. The chairperson  
 252 is responsible to ensure records are kept of the proceedings of  
 253 the board of directors and is the custodian of all books,  
 254 documents, and papers filed with the board; the minutes of  
 255 meetings of the board; and the official seal of Triumph Gulf  
 256 Coast, Inc.

257 (3) Notwithstanding s. 20.052(4)(c), each initial  
 258 appointment to the board of directors by the Board of Trustees  
 259 of the State Board of Administration shall serve for a term that  
 260 ends 4 years after the Legislature appropriates funds to Triumph  
 261 Gulf Coast, Inc. ~~the Recovery Fund.~~ To achieve staggered terms  
 262 among the members of the board, each initial appointment to the  
 263 board of directors by the President of the Senate and the  
 264 Speaker of the House of Representatives shall serve for a term  
 265 that ends 5 years after the Legislature appropriates funds to  
 266 Triumph Gulf Coast, Inc. ~~the Recovery Fund.~~ Thereafter, each  
 267 member of the board of directors shall serve for a term of 4  
 268 years. A member is not eligible for reappointment to the board;  
 269 ~~except,~~ however, any member appointed to fill a vacancy for a  
 270 term of 2 years or less may be reappointed for an additional  
 271 term of 4 years. ~~The initial appointments to the board must be~~  
 272 ~~made by November 15, 2013.~~ Vacancies on the board of directors  
 273 shall be filled by the officer who originally appointed the  
 274 member. A vacancy that occurs before the scheduled expiration of  
 275 the term of the member shall be filled for the remainder of the

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276 unexpired term.

277 (4) The Legislature determines that it is in the public  
278 interest for the members of the board of directors to be subject  
279 to the requirements of ss. 112.313, 112.3135, and 112.3143,  
280 notwithstanding the fact that the board members are not public  
281 officers or employees. For purposes of those sections, the board  
282 members shall be considered to be public officers or employees.  
283 In addition to the postemployment restrictions of s. 112.313(9),  
284 a person appointed to the board of directors must agree to  
285 refrain from having any direct interest in any contract,  
286 franchise, privilege, project, program, or other benefit arising  
287 from an award by Triumph Gulf Coast, Inc., during the term of  
288 his or her appointment and for 6 ~~2~~ years after the termination  
289 of such appointment. It is a misdemeanor of the first degree,  
290 punishable as provided in s. 775.082 or s. 775.083, for a person  
291 to accept appointment to the board of directors in violation of  
292 this subsection or to accept a direct interest in any contract,  
293 franchise, privilege, project, program, or other benefit granted  
294 by Triumph Gulf Coast, Inc., to an awardee within 6 ~~2~~ years  
295 after the termination of his or her service on the board.  
296 Further, each member of the board of directors who is not  
297 otherwise required to file financial disclosure under s. 8, Art.  
298 II of the State Constitution or s. 112.3144 shall file  
299 disclosure of financial interests under s. 112.3145.

300 (7) The board of directors shall meet at least quarterly,

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301 upon the call of the chairperson or at the request of a majority  
 302 of the membership, to ~~review the Recovery Fund,~~ establish and  
 303 review priorities for economic recovery, diversification, and  
 304 enhancement of the in disproportionately affected counties, and  
 305 determine use of funds ~~the earnings~~ available. A majority of the  
 306 members of the board of directors constitutes a quorum. Members  
 307 may not vote by proxy.

308 (9) (a) Triumph Gulf Coast, Inc., is permitted to hire or  
 309 contract for all staff necessary to the proper execution of its  
 310 powers and duties to implement this act. The corporation is  
 311 required to retain:

312 1. An independent certified public accountant licensed in  
 313 this state pursuant to chapter 473 to inspect the records of and  
 314 to annually audit the expenditure of funds ~~the earnings and~~  
 315 ~~available principal~~ disbursed by Triumph Gulf Coast, Inc.

316 ~~2. An independent financial advisor to assist Triumph Gulf~~  
 317 ~~Coast, Inc., in the development and implementation of a~~  
 318 ~~strategic plan consistent with the requirements of this act.~~

319 ~~3. An economic advisor who will assist in the award~~  
 320 ~~process, including the development of priorities, allocation~~  
 321 ~~decisions, and the application and process; will assist the~~  
 322 ~~board in determining eligibility of award applications and the~~  
 323 ~~evaluation and scoring of applications; and will assist in the~~  
 324 ~~development of award documentation.~~

325 2.4. A legal advisor with expertise in not-for-profit

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326 ~~investing and~~ contracting ~~and~~ who is a member of The Florida Bar  
 327 to assist with contracting and carrying out the intent of this  
 328 act.

329 (b) ~~All Triumph Gulf Coast, Inc., shall require all~~  
 330 employees of the corporation shall ~~to~~ comply with the code of  
 331 ethics for public employees under part III of chapter 112.  
 332 Retained staff under paragraph (a) must agree to refrain from  
 333 having any direct interest in any contract, franchise,  
 334 privilege, project, program, or other benefit arising from an  
 335 award of funds by Triumph Gulf Coast, Inc., during the term of  
 336 his or her appointment and for 6 ~~2~~ years after the termination  
 337 of such appointment.

338 ~~(c) Retained staff under paragraph (a) shall be available~~  
 339 ~~to consult with the board of directors and shall attend meetings~~  
 340 ~~of the board of directors. These individuals shall not be~~  
 341 ~~permitted to vote on any matter before the board.~~

342 Section 5. Subsection (2) of section 288.8015, Florida  
 343 Statutes, is amended to read:

344 288.8015 Board of directors; powers.—In addition to the  
 345 powers and duties prescribed in chapter 617 and the articles and  
 346 bylaws adopted in compliance with that chapter, the board of  
 347 directors may:

348 (2) Make expenditures including any necessary  
 349 administrative expenditure ~~from earnings~~ consistent with its  
 350 powers.



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351  
 352 Under no circumstances may the credit of the State of Florida be  
 353 pledged on behalf of Triumph Gulf Coast, Inc.

354 Section 6. Subsection (4) of section 288.8016, Florida  
 355 Statutes, is amended to read:

356 288.8016 Triumph Gulf Coast, Inc.; duties.—Triumph Gulf  
 357 Coast, Inc., shall have the following duties:

358 (4) Operate in a transparent manner, providing public  
 359 access to information, notice of meetings, awards, and the  
 360 status of projects and programs. To this end, Triumph Gulf  
 361 Coast, Inc., shall maintain a website that provides public  
 362 access to this information. At least 14 calendar days before  
 363 approving an award pursuant to s. 288.8017, Triumph Gulf Coast,  
 364 Inc., shall publish on the website a summary of the project or  
 365 program and indicate its intent to approve the award.

366 Section 7. Section 288.8017, Florida Statutes, is amended  
 367 to read:

368 288.8017 Awards.—

369 (1) Triumph Gulf Coast, Inc., shall make awards from  
 370 available funds ~~earnings and principal derived under s.~~  
 371 ~~288.8013(2)~~ to projects or programs that meet the priorities for  
 372 economic recovery, diversification, and enhancement of the  
 373 disproportionately affected counties, ~~notwithstanding s. 377.43.~~

374 Awards may be provided for:

375 (a) Ad valorem tax rate reduction within

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376 disproportionately affected counties;

377 ~~(b) Payment of impact fees adopted pursuant to s.~~  
 378 ~~163.31801 and imposed within disproportionately affected~~  
 379 ~~counties;~~

380 ~~(c) Administrative funding for economic development~~  
 381 ~~organizations located within the disproportionately affected~~  
 382 ~~counties;~~

383 (b) ~~(d)~~ Local match requirements of s. 288.0655 ~~ss.~~  
 384 ~~288.0655, 288.0659, 288.1045, and 288.106~~ for projects in the  
 385 disproportionately affected counties;

386 ~~(e) Economic development projects in the~~  
 387 ~~disproportionately affected counties;~~

388 (c) ~~(f)~~ Public infrastructure projects for construction,  
 389 expansion, or maintenance which ~~that~~ are shown to enhance  
 390 economic recovery, diversification, and enhancement of  
 391 ~~development in~~ the disproportionately affected counties;

392 (d) ~~(g)~~ Grants to local governments in the  
 393 disproportionately affected counties to establish and maintain  
 394 equipment and trained personnel for local action plans of  
 395 response to respond to disasters, such as plans created for the  
 396 Coastal Impacts Assistance Program;

397 (e) ~~(h)~~ Grants to support programs ~~of excellence~~ that  
 398 prepare students for future occupations and careers at K-20  
 399 institutions that have ~~home~~ campuses in the disproportionately  
 400 affected counties. Eligible programs include those that increase

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401 students' technology skills and knowledge; encourage industry  
 402 certifications; provide rigorous, alternative pathways for  
 403 students to meet high school graduation requirements; strengthen  
 404 career readiness initiatives; fund high-demand programs of  
 405 emphasis at the bachelor's and master's level designated by the  
 406 Board of Governors; and, similar to or the same as talent  
 407 retention programs created by the Chancellor of the State  
 408 University System and the Commission of Education, encourage  
 409 students with interest or aptitude for science, technology,  
 410 engineering, mathematics, and medical disciplines to pursue  
 411 postsecondary education at a state university or a Florida  
 412 College System institution within the disproportionately  
 413 affected counties; ~~and~~

414 (f) Grants to support programs that provide participants  
 415 in the disproportionately affected counties with transferrable,  
 416 sustainable workforce skills that are not confined to a single  
 417 employer; and

418 (g)(i) Grants to the tourism entity created under s.  
 419 288.1226 for the purpose of advertising and promoting tourism  
 420 and Fresh From Florida, and grants to promote workforce and  
 421 infrastructure, ~~or related content~~ on behalf of ~~one~~ ~~or~~ all of  
 422 the disproportionately affected counties.

423 (2) Triumph Gulf Coast, Inc., shall establish an  
 424 application procedure for awards and a scoring process for the  
 425 selection of projects and programs that have the potential to

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426 generate increased economic activity in the disproportionately  
 427 affected counties, giving priority to projects and programs  
 428 that:

429 (a) Generate maximum estimated economic benefits, based on  
 430 tools and models not generally employed by economic input-output  
 431 analyses, including cost-benefit, return-on-investment, or  
 432 dynamic scoring techniques to determine how the long-term  
 433 economic growth potential of the disproportionately affected  
 434 counties may be enhanced by the investment.

435 (b) Increase household income in the disproportionately  
 436 affected counties above national average household income.

437 ~~(c) Expand high growth industries or establish new high~~  
 438 ~~growth industries in the region.~~

439 ~~1. Industries that are supported must have strong growth~~  
 440 ~~potential in the disproportionately affected counties.~~

441 ~~2. An industry's growth potential is defined based on a~~  
 442 ~~detailed review of the current industry trends nationally and~~  
 443 ~~the necessary supporting asset base for that industry in the~~  
 444 ~~disproportionately affected counties region.~~

445 (c)~~(d)~~ Leverage or further enhance key regional assets,  
 446 including educational institutions, research facilities, and  
 447 military bases.

448 (d)~~(e)~~ Partner with local governments to provide funds,  
 449 infrastructure, land, or other assistance for the project.

450 ~~(f) Have investment commitments from private equity or~~

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451 ~~private venture capital funds.~~

452 ~~(g) Provide or encourage seed stage investments in start-~~  
 453 ~~up companies.~~

454 ~~(h) Provide advice and technical assistance to companies~~  
 455 ~~on restructuring existing management, operations, or production~~  
 456 ~~to attract advantageous business opportunities.~~

457 (e)~~(i)~~ Benefit the environment, in addition to the  
 458 economy.

459 (f)~~(j)~~ Provide outcome measures ~~for programs of excellence~~  
 460 ~~support, including terms of intent and metrics.~~

461 (g)~~(k)~~ Partner with K-20 educational institutions or  
 462 school districts located within the disproportionately affected  
 463 counties as of January 1, 2017.

464 (h) Are recommended by the board of county commissioners  
 465 of the county in which the project or program will be located.

466 (i)~~(l)~~ Partner with convention and visitor bureaus,  
 467 tourist development councils, or chambers of commerce located  
 468 within the disproportionately affected counties.

469 (3) Triumph Gulf Coast, Inc., may make awards as  
 470 applications are received or may establish application periods  
 471 for selection. Awards may not be used to finance 100 percent of  
 472 any project or program. Triumph Gulf Coast, Inc., may require a  
 473 one-to-one private-sector match or higher for an award, if  
 474 applicable and deemed prudent by the board of directors. An  
 475 awardee may not receive all of the funds ~~earnings or~~ available

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476 | ~~principal~~ in any given year. An award may supplement but may not  
 477 | supplant existing funding sources.

478 | (4) A contract executed by Triumph Gulf Coast, Inc., with  
 479 | an awardee must include provisions requiring a performance  
 480 | report on the contracted activities, must account for the proper  
 481 | use of funds provided under the contract, and must include  
 482 | provisions for recovery of awards in the event the award was  
 483 | based upon fraudulent information or the awardee is not meeting  
 484 | the performance requirements of the award. Awardees must  
 485 | regularly report to Triumph Gulf Coast, Inc., the expenditure of  
 486 | funds and the status of the project or program on a schedule  
 487 | determined by the corporation.

488 | Section 8. Section 377.43, Florida Statutes, is repealed.

489 | Section 9. The revision made by this act to s.  
 490 | 288.8014(4), Florida Statutes, applies only to persons who are  
 491 | appointed to serve on the board of directors of Triumph Gulf  
 492 | Coast, Inc., on or after July 1, 2017.

493 | Section 10. The Division of Law Revision and Information  
 494 | is directed to replace the phrase "the effective date of this  
 495 | act" where it occurs in this act with the date this act takes  
 496 | effect.

497 | Section 11. This act shall take effect upon becoming a  
 498 | law.

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	HB 7077	<b>FINAL HOUSE FLOOR ACTION:</b>		
<b>SUBJECT/SHORT TITLE</b>	Gulf Coast Economic Corridor	119	Y's 0	N's
<b>SPONSOR(S):</b>	Select Committee on Triumph Gulf Coast; Trumbull	<b>GOVERNOR'S ACTION:</b>	Pending	
<b>COMPANION BILLS:</b>	HB 7079, CS/CS/SB 364			

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**SUMMARY ANALYSIS**

HB 7077 passed the House on March 23, 2017. The bill was amended in the Senate on May 1, 2017, and was returned to the House. The House concurred with the Senate amendment and passed the bill as amended on May 2, 2017.

The bill substantially amends the Gulf Coast Economic Corridor Act (act) to require seventy-five percent of all payments Florida receives pursuant to the settlement agreement between the five gulf states and the BP entities be immediately transferred from the General Revenue Fund to Triumph Gulf Coast Trust Fund (trust fund), which is created by HB 7079 within the Department of Economic Opportunity. The bill provides for the automatic appropriation of funds transferred to the trust fund to the Triumph Gulf Coast, Inc. (corporation). Seventy-five percent of the BP settlement payment already received by the state is immediately released to the corporation, and funds appropriated after July 1, 2017, will be released to the corporation 30 days after such funds are received by the state and deposited into the trust fund. From this year's appropriation, a minimum allocation of at least 5 percent per county must be used for projects in each of the eight counties. A minimum allocation of at least 4 percent per county of future appropriations to the corporation must be used for projects in each of the eight counties. The Board of County Commissioners of each of the eight counties is required to submit to the corporation a list of projects it or other elected local governing boards recommend for funding.

The corporation is required to establish a trust account at a federally insured financial institution, and is authorized to invest funds in the Local Government Surplus Funds Trust Fund. The corporation is required to deposit interest and earnings into the trust fund on a monthly basis.

The bill revises provisions in the act governing the corporation's board of directors and its operations. The bill provides for the Speaker of the House of Representatives and the President of the Senate to each appoint one additional private sector member from one of the four least populous disproportionately affected counties so that two such counties are represented on the board. The current requirement that a member of the board refrain from having any direct interest in any contract, franchise, privilege, project, program, or other benefit arising from an award by the corporation is extended from two years to six years after termination of appointment. The same change is applied to the corporation's staff. Additional changes address administrative expenses and the corporation's staff. The bill revises the type of awards the corporation is authorized to make and the criteria used to prioritize projects and programs. The bill provides that an award from the corporation may supplement, but may not supplant existing funding sources.

The bill repeals s. 377.43, F.S., relating to the disbursement of funds received for damages caused by the Deepwater Horizon oil spill, which was passed during the 2011 Legislative Session.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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

**STORAGE NAME:** h7077z.SOT

**DATE:** May 9, 2017

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Present Situation**

##### **Deepwater Horizon Oil Spill**

On April 20, 2010, an offshore drilling rig known as the Deepwater Horizon exploded, caught fire, and eventually sank, resulting in a massive release of oil and other substances from BP's Macondo well. Initial efforts to cap the well following the explosion were unsuccessful, and for 87 days the well blasted oil and natural gas continuously and uncontrollably into the northern Gulf of Mexico.<sup>1</sup> According to the U.S. District Court's findings of fact, approximately 3.19 million barrels (134 million gallons) of oil were released into the ocean (U.S. v. BP et al. 2015), resulting in the largest offshore marine oil spill in U.S. history.

Cumulatively, over the course of the spill, oil was detected on over 43,300 square miles of the ocean, an area about the size of Virginia. Currents, winds, and tides carried these surface oil slicks to the Gulf states, fouling more than 1,300 miles of shoreline, including beaches, bays, estuaries, and marshes from eastern Texas to the Florida Panhandle.<sup>2</sup>

##### **Deepwater Horizon Settlement - Economic Damages**

On April 4, 2016, a federal court in New Orleans entered a consent decree resolving civil claims against BP arising from the April 20, 2010 Macondo well blowout and the resulting oil spill in the Gulf of Mexico. The settlement resolves the economic loss claims asserted by Florida, Alabama, Louisiana, Mississippi, and Texas; the natural resources claims of the various state and federal trustees; and the Clean Water Act penalties sought by the federal government. Taken together the resolution of claims is worth more than \$20 billion, with Florida receiving a total of \$2 billion for economic damages alone.

Under the economic damages settlement, BP will pay Florida \$2 billion that resolves the economic damage claims arising from Deepwater Horizon incident. Florida will receive payments over the course of several years per an agreed schedule. An initial payment of \$400 million was received in 2016 and, beginning in 2019, Florida will receive annual payments of approximately \$106,666,666 through 2033.<sup>3</sup>

##### **Disbursement of funds received for damages caused by the Deepwater Horizon oil spill**

In 2011, to address the negative economic impacts of the Deepwater Horizon oil spill, the Legislature established section 377.43, F.S., which broadly addressed the use of any funds that the state may receive from any government or private entity for damages caused by the Deepwater Horizon oil spill. Specifically, the legislation:

- Defined the term "disproportionately affected county" to mean Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County;

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<sup>1</sup> Deepwater Horizon Natural Resource Damage Assessment Trustees. (2016). *Deepwater Horizon oil spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement*. Retrieved from <http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan>

<sup>2</sup> *Id.*

<sup>3</sup> *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, No. 2:10-md-02179-CJB-SS, Doc. No. 15435-2, Joint Motion for Dismissal at 42 (E.D. La. Oct., 5, 2015).



- Allowed seventy-five percent of funds received for damages from the oil spill to be used for specified types of expenditures in any disproportionately affected county;
- Allowed the remaining twenty-five percent of such funds to be used for the same specified types of expenditures in any non-disproportionately affected county; and
- Designated the Department of Environmental Protection as the lead agency for expending funds designated for environmental restoration efforts and the Department of Economic Opportunity as the lead agency for expending funds designated for economic incentives and diversification efforts.

### **Gulf Coast Economic Corridor Act**

Subsequent to the 2011 legislation, new legislation known as the “Gulf Coast Economic Corridor Act”<sup>4</sup> was enacted by the 2013 Legislature, and amended in 2014. Unlike the 2011 legislation, this act specifically addresses the use of funds recovered by the Attorney General for economic damages to the state resulting from the Deepwater Horizon oil spill. The intent was to provide a long-term source of funding for efforts of economic recovery and enhancement to the Gulf Coast region.<sup>5</sup>

#### Creation of Triumph Gulf Coast, Inc.

Created within the act is a nonprofit corporation, to be known as Triumph Gulf Coast, Inc. (corporation), administratively housed within the Department of Economic Opportunity. The corporation is directed to create and administer a trust or “recovery fund” for the benefit of the disproportionately affected counties. The principal of the fund is derived from seventy-five percent of all funds recovered by the Attorney General for economic damage to the state resulting from the Deepwater Horizon oil spill.<sup>6</sup> The corporation is a separate budget entity and is not subject to control, supervision, or direction by the Department of Economic Opportunity in any manner.<sup>7</sup>

Anticipating a lump-sum payment of damages, the Recovery Fund is set in law to be maintained as a long-term and stable source of revenue, which shall decline over a 30-year period in equal amounts each year.<sup>8</sup> Earnings generated by investments and interest of the fund, plus the principal available each year, shall be used by the corporation to make awards and pay administrative costs. After a 30-year period, any funds remaining within the recovery fund are to revert to the State Treasury.<sup>9</sup>

Triumph Gulf Coast, Inc., is required to report on June 30 and December 30 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the financial status of the recovery fund and its investments, established priorities, project and program selection process, including a list of all submitted projects and reasons for approval or denial, and the status of all approved awards.<sup>10</sup> The duties of the corporation include the monitor, review, and annual evaluation of awardees and their projects or programs to determine whether an award should be continued, terminated, reduced, or increased.<sup>11</sup>

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<sup>4</sup> ss. 288.80–288.8017, F.S.

<sup>5</sup> s. 288.8011, F.S.

<sup>6</sup> After payment of reasonable and necessary attorney fees, costs, and expenses, including such attorney fees, costs, and expenses pursuant to s. 16.0155, F.S., relating to contingency fee agreements.

<sup>7</sup> s. 288.8013(1), F.S.

<sup>8</sup> s. 288.8013(3), F.S.

<sup>9</sup> s. 288.8013(3), F.S.

<sup>10</sup> s. 288.8013(5), F.S.

<sup>11</sup> s. 288.8016, F.S.

## Organization; Board of Directors

The act provides general authority for Triumph Gulf Coast, Inc., to hire or contract necessary staff, but specifically requires the corporation to retain the following staff persons: a certified public accountant, a financial advisor, an economic advisor, and a legal advisor.<sup>12</sup> The corporation is limited to total administrative costs of 2.25 percent of annual earnings, which includes payment of investment fees, travel and per diem expenses, audits, salary for employed and contracted staff, and other allowable costs.<sup>13</sup> Employees of the corporation are required to comply with the code of ethics standards for public employees and must refrain from having a direct financial interest in contract, franchise, privilege, project, program, or other benefit arising from an award by Triumph Gulf Coast, Inc., during the term of his or her appointment and for two years after the termination of such appointment.<sup>14</sup>

A five-member board of directors is to govern Triumph Gulf Coast, Inc., comprised of individuals from the private sector, with the Trustees of the State Board of Administration<sup>15</sup>, the President of the Senate and the Speaker of the House of Representatives each appointing one member to the board.<sup>16</sup> Terms of the initial board of directors appointed by the State Board of Administration shall end 4 years after the Legislature appropriates funds to Triumph Gulf Coast, Inc. Terms of the initial board of directors appointed by the President of the Senate and the Speaker of the House of Representatives shall end 5 years after the Legislature appropriates funds to the Recovery Fund. Thereafter, each member of the board of directors shall serve for a term of 4 ears. A member is not eligible for reappointment to the board, however, any member appointed to fill a vacancy for a term of 2 years or less may be reappointed for an additional term of 4 years. Members of the board serve without compensation.<sup>17</sup>

The board is required to meet at least quarterly to review the Recovery Fund, establish and review priorities for economic recovery in disproportionately affected counties, and determine use of the earnings available.<sup>18</sup> The executive director of the Department of Economic Opportunity, the secretary of the Department of Environmental Protection, and the chair of the Committee of 8 Disproportionately Affected Counties<sup>19</sup>, or their designee, are required to be available for consult with the board of directors and may be requested to attend meetings. These members do not have the authority to vote on matters before the board.<sup>20</sup>

In addition to the powers and duties prescribed to non-profit corporations in ch. 617, F.S., and in the articles and by laws of corporation, the board of directors may:

- Enter into certain contracts or instruments;
- Make expenditures from earnings consistent with its powers;
- Adopt, use, and alter a common corporate seal; and
- In certain cases, when appropriate, use the state seal for standard corporate identity applications.<sup>21</sup>

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<sup>12</sup> s. 288.8014(9)(a)1.-4., F.S.

<sup>13</sup> s. 288.8013(3), F.S.

<sup>14</sup> s. 288.8014(9)(b), F.S.

<sup>15</sup> The Governor, the Chief Financial Officer, and the Attorney General are the Trustees of the State Board of Administration.

<sup>16</sup> s. 288.8014(2), F.S.

<sup>17</sup> To achieve staggered terms, the initial appointments to the board of directors made by the President of the Senate and the Speaker of the House of Representatives will be for a term of five years, other appointees will serve four year terms.

<sup>18</sup> s. 288.8014(7), F.S.

<sup>19</sup> The federal RESTORE Act directs Florida's share to "a consortia of local political subdivisions that include at least one representative of each affected county" which is known as the Gulf Consortium. The Committee of 8 Disproportionately Affected Counties is an advisory committee established within the Gulf Consortium.

<sup>20</sup> s. 288.8014(8), F.S.

<sup>21</sup> s. 288.8015, F.S.

Under no circumstances may the board pledge the credit of the State of Florida on behalf of Triumph Gulf Coast, Inc.<sup>22</sup>

### Awards Criteria

Triumph Gulf Coast, Inc., is authorized to make awards for projects or programs that provide for economic recovery, diversification, and enhancement of the disproportionately affected counties.

Awards may be provided for:

- Ad valorem tax reduction;
- Payment of impact fees;
- Administrative funding economic development organizations;
- Local match requirements for projects related to the:
  - Rural Infrastructure Fund (s. 288.0655, F.S.)
  - Local Government Distressed Area Matching Grant Program (s. 288.0659, F.S.)
  - Qualified Defense Contractor and Space Flight Business Tax Refund Program (s. 288.1045, F.S.)
  - Tax Refund Program for Qualified Target Industry Businesses (s. 288.106, F.S.)
- Economic development projects;
- Infrastructure projects shown to enhance economic development; and
- Grants related to:
  - Local government emergency preparedness and disaster response
  - Programs of excellence at K-20 institutions
  - Advertising and tourism promotion by Visit Florida (s. 288.1226, F.S.).<sup>23</sup>

The corporation must establish an application procedure for awards and a scoring process for the selection of projects and programs with priority given to projects and programs that:

- Generate maximum estimated economic benefit, based on certain tools and models;
- Increase household income above the national average household income;
- Expand high growth industries or establish new high growth industries;
- Leverage key regional assets, including educational institutions, research facilities, and military bases;
- Partner with local governments to provide funds, infrastructure, land, or other assistance;
- Receive investment commitments from private equity or venture capital funds;
- Provide seed stage investments in start-up companies;
- Provide advice and technical assistance to companies related to management or production;
- Benefit the environment and the economy;
- Provide outcome measures and metrics for programs of excellence support;
- Partner with K-20 educational institutions or school districts; and
- Partner with convention and visitor bureaus, tourist development councils, or chambers of commerce.<sup>24</sup>

The corporation may distribute awards as applications are received or after established application periods. Triumph Gulf Coast, Inc., has the flexibility to require a private-sector match as an application condition. An award may not finance 100 percent of any project or program nor shall an awardee receive all of the earnings or available principle in any given year.<sup>25</sup> Awarded contracts must include a required performance report on contracted activities, an accounting of the proper use of funds, and a

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

<sup>23</sup> s. 288.8017(1), F.S.

<sup>24</sup> s. 288.8017(2), F.S.

<sup>25</sup> s. 288.8017(3), F.S.

provision for the recovery of the award if warranted. The status of the project or program must be regularly reported to Triumph Gulf Coast, Inc. by an awardee based on a determined schedule.<sup>26</sup>

### Audit and Reporting Requirements

The Auditor General must conduct an operational audit of the Recovery Fund and Triumph Gulf Coast, Inc., annually.<sup>27</sup> Additionally, the independent certified public accountant, required to be retained by Triumph Gulf Coast, Inc., must annually conduct an audit of the investment of the Recovery Fund and the expenditure of earnings and available principle disbursed by the corporation.<sup>28</sup>

Any local government entity which receives or expends funds related to the Deepwater Horizon oil spill, including funds provided through the RESTORE Act and by Triumph Gulf Coast, Inc., must include an accounting of such funds when conducting their annual financial audit pursuant to s. 218.39, F.S. The Auditor General must biennially conduct an operational audit of any oil spill funds received or expended by a local government entity and is authorized to report findings to the Secretary of the Treasury of the United States in addition to reporting requirements mandated by state law.<sup>29</sup>

### Effect of Proposed Changes

#### **Triumph Gulf Coast, Inc.**

##### Funding

The bill requires seventy-five percent of all payments to the State of Florida pursuant to the "Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the *Deepwater Horizon* Incident," which was entered into on October 5, 2015, in the case styled *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico*, on April 20, 2010, MDL 2179 in the United States District Court for the Eastern District of Louisiana, be immediately transferred by the Chief Financial Officer from the General Revenue Fund to the Triumph Gulf Coast Trust Fund (created in HB 7079) within the Department of Economic Opportunity (department).

The bill appropriates such funds to Triumph Gulf Coast, Inc. (corporation), and provides for the appropriated funds to be released by the department for deposit into the trust account established by the corporation as follows:

- Seventy-five percent of the moneys received by the state pursuant to the settlement agreement on or before July 1, 2017, shall be immediately released to Triumph Gulf Coast, Inc.
- Seventy-five percent of the moneys received by the state pursuant to the settlement agreement after July 1, 2017, shall be released to Triumph Gulf Coast, Inc., no later than 30 days after such funds are transferred to the Triumph Gulf Coast Trust Fund.

Triumph Gulf Coast, Inc., is required to make awards for projects or programs within the geographic boundaries of each disproportionately affected county based on the following minimum allocations:

- At least 40 percent of the moneys transferred to Triumph Gulf Coast, Inc., before July, 2017, must be allocated equally among the eight disproportionately affected counties based on a minimum allocation of at least 5 percent per county.

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<sup>26</sup> s. 288.8017(4), F.S.

<sup>27</sup> s. 288.8013(6), F.S.

<sup>28</sup> s. 288.8013(4)(d), F.S. and s. 288.8014(9)(a)1., F.S.

<sup>29</sup> s. 288.8018, F.S.

- For each subsequent transfer of funds to Triumph Gulf Coast, Inc., at least 32 percent of the moneys must be allocated equally among the eight disproportionately affected counties based on a minimum allocation of at least 4 percent per county.

Each board of county commissioners is required to solicit proposed projects and programs from other elected local governing boards within the county and must provide Triumph Gulf Coast, Inc., with a list of proposed projects and programs located within its county. The submitted list of proposed projects and programs must include projects and programs submitted by other elected local governing boards and projects and programs recommended by the board of county commissioners.

Any remaining funds must be allocated by Triumph Gulf Coast, Inc., for administrative costs and to make awards pursuant to s. 288.8017. Administrative costs may not exceed 0.75 percent of the funds released to Triumph Gulf Coast, Inc.

Triumph Gulf Coast, Inc., is required to establish a trust account at a federally insured financial institution to hold funds released to it from the Triumph Gulf Coast Trust Fund and make deposits and payments. The bill requires interest earned in the corporation's trust account be deposited monthly into the Triumph Gulf Coast Trust Fund. The bill authorizes the corporation to invest funds in the Local Government Surplus Funds Trust Fund, and requires the corporation to deposit earnings from such investments into the Triumph Gulf Coast Trust Fund on a monthly basis.

The bill repeals provisions in the Gulf Coast Economic Corridor Act (act) relating to the recovery fund, the investment of funds, money managers, and investment earnings that were enacted by the 2013 Legislature under the assumption the corporation would receive a single payment from any settlement agreement to manage and spend over a thirty year period. Since, as explained in the Present Situation, the settlement payments are spread over 18 years, this approach is no longer applicable.

### Board of Directors

The bill makes several changes to provisions in the act relating to the corporation's board of directors and their responsibilities. These changes include:

- As of the effective date of this act, increasing the number of board members to seven, with the President of the Senate and the Speaker of the House of Representatives each appointing an additional private sector member from one of the four least populous disproportionately affected counties as identified by the United States Census Bureau in its April 2016 estimates of county population, so that two such counties are represented on the board.
- Extending from two years to six years after termination of appointment, the current requirement that a member of the board of directors refrain from having any direct interest in any contract, franchise, privilege, project, program, or other benefit arising from an award by the corporation. This revision applies only to members serving on the corporation's board of directors on or after July 1, 2017.
- Revising the list of staff the corporation is required to retain to delete the requirement to retain a financial advisor and an economic advisor, but leaving in place the requirement to retain an independent certified public accountant and a legal advisor.
- Limiting the annual salary for any single employee or contracted staff to no more than \$130,000, and limiting associated benefits to not more than thirty-five percent of salary.
- Explicitly requiring, rather than directing the corporation to require, all employees of the corporation to comply with the code of ethics for public employees under part III of ch. 112, F.S.
- Extending from two years to six years after termination of appointment, the current requirement that retained staff refrain from having any direct interest in any contract, franchise, privilege, project, program, or other benefit arising from an award by the corporation.
- Limiting the corporation's allowed administrative costs to amounts appropriated for this purpose.

## Awards

The bill substantially revises provisions in the act governing awards the corporation is authorized to make. As revised, the following types of awards are allowed:

- Ad valorem tax rate reduction within disproportionately affected counties.
- Local match requirements of s. 288.0655, F.S., (Rural Infrastructure Fund) for projects in the disproportionately affected counties.
- Public infrastructure projects for construction, expansion, or maintenance which are shown to enhance economic recovery, diversification, and enhancement of the disproportionately affected counties.
- Grants to local governments in the disproportionately affected counties to establish and maintain equipment and trained personnel for local action plans of response to respond to disasters, such as plans created for the Coastal Impacts Assistance Program.
- Grants to support programs that prepare students for future occupations and careers at K-20 institutions that have campuses in the disproportionately affected counties.
- Grants to support programs that provide participants in the disproportionately affected counties with transferrable, sustainable workforce skills that are not confined to a single employer.
- Grants to the tourism entity created under s. 288.1226, F.S., for the purpose of advertising and promoting tourism and Fresh From Florida, and grants to promote workforce and infrastructure on behalf of all of the disproportionately affected counties.

The following currently authorized types of programs and projects are deleted:

- Payment of impact fees imposed within disproportionately affected counties.
- Administrative funding for economic development organizations located within the disproportionately affected counties.
- Local match requirements of ss. 288.0659, F.S., (Local Government Distressed Area Matching Grant Program), 288.1045, F.S., (Qualified Defense Contractor and Space Flight Business Tax Refund Program), and 288.106, F.S., (Tax Refund Program for Qualified Target Industry Businesses).
- Economic development projects in the disproportionately affected counties.

The bill also revises provisions requiring the scoring process for the selection of projects and programs to give priority to projects and programs meeting specified criteria. The criteria is revised to reflect the deletion of some types of projects and programs from the list of eligible programs and projects and to add an additional criterion to the list to include projects and programs recommended by the board of county commissioners of the county in which the project or program will be located. The existing priority criterion related to partnering with a K-20 educational institution or school district is limited to those partnering with such institutions or districts located within a disproportionately affected county as of January 1, 2017. Current provisions governing contracts with awardees are revised to require awardees to regularly report to the corporation the expenditure of funds on a schedule determined by the corporation.

The bill requires the corporation to publish on its website, no less than 14 calendar days prior to making an award, its intent to make the award and a summary of the proposed project or program to be funded. The bill also provides that an award from the corporation may supplement, but may not supplant existing funding sources.

## Repeal of 2011 Statute

The bill repeals s. 377.43, F.S., which was passed during the 2011 Legislative Session and, for purposes of the eight disproportionately affected counties, was supplanted by the passage of the act in 2013. The net effect is to repeal language that addresses the uses of the remaining 25 percent of funds received by the state from any governmental or private entity for damages caused by the Deepwater Horizon oil spill.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Pursuant to the provisions in section 3 of the bill, upon taking effect the bill requires the transfer of \$300,000,000 from the General Revenue Fund to the Triumph Gulf Coast Trust Fund, appropriates these funds to Triumph Gulf Coast, Inc., and immediately releases the funds to the corporation. Administrative costs may not exceed 0.75 percent of the funds released to Triumph Gulf Coast, Inc.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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

None.

### D. FISCAL COMMENTS:

The bill requires seventy-five percent of all payments to the State of Florida pursuant to the settlement agreement entered into on October 5, 2015, in the case styled *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico*, on April 20, 2010, MDL 2179 in the United States District Court for the Eastern District of Louisiana, be immediately transferred from the General Revenue Fund to the Triumph Gulf Coast Trust Fund (created in HB 7079) within the Department of Economic Opportunity (department).

An initial payment of \$400 million was received in 2016 and, beginning in 2019, Florida will receive annual payments of approximately \$106,666,666 through 2033. Pursuant to the provisions in section 3 of the bill, upon taking effect the bill requires the transfer of \$300,000,000 from the General Revenue Fund to the Triumph Gulf Coast Trust Fund, appropriates these funds to Triumph Gulf Coast, Inc., and immediately releases the funds to the corporation. Beginning in 2019 through 2033, the bill provides for the immediate transfer of approximately \$80 million each year from the General Revenue Fund to the Triumph Gulf Coast Trust Fund, appropriates the funds to Triumph Gulf Coast, Inc., and releases the funds to the corporation 30 days after they are transferred to the Triumph Gulf Coast Trust Fund.

ENROLLED

HB 7079

2017 Legislature

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An act relating to trust funds; creating s. 288.80125, F.S.; creating the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity; exempting the trust fund from the general revenue service charge; providing for purpose of trust fund and source of funds; providing for future review and termination or re-creation of trust fund; providing a contingent effective date.

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

Section 1. Section 288.80125, Florida Statutes, is created to read:

288.80125 Triumph Gulf Coast Trust Fund.—

(1) The Triumph Gulf Coast Trust Fund is created within the department. The trust fund is established as a depository for funds transferred, as set forth in s. 288.8013, from the General Revenue Fund pursuant to the "Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the Deepwater Horizon Incident," which was entered into on October 5, 2015, in the case styled *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 in the United States District Court for the Eastern District of



ENROLLED

HB 7079

2017 Legislature

26 | Louisiana. The trust fund is exempt from the general revenue  
27 | service charge provided in s. 215.20.

28 | (2) Funds from the trust fund shall be used for the  
29 | purposes described in ss. 288.8011-288.8018.

30 | (3) In accordance with s. 19(f)(2), Art. III of the State  
31 | Constitution, the Triumph Gulf Coast Trust Fund shall, unless  
32 | terminated sooner, be terminated on July 1, 2021. Before its  
33 | scheduled termination, the trust fund shall be reviewed as  
34 | provided in s. 215.3206(1) and (2).

35 | Section 2. This act shall take effect on the same date  
36 | that HB 7077 or similar legislation takes effect, if such  
37 | legislation is enacted in the same legislative session or an  
38 | extension thereof and becomes law, and only if this act is  
39 | enacted by a three-fifths vote of the membership of each house  
40 | of the Legislature.

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	HB 7079	<b>FINAL HOUSE FLOOR ACTION:</b>		
<b>SUBJECT/SHORT TITLE</b>	Trust Funds/Creation/Triumph Gulf Coast Trust Fund/DEO	112	Y's 0	N's
<b>SPONSOR(S):</b>	Select Committee on Triumph Gulf Coast; Trumbull	<b>GOVERNOR'S ACTION:</b>	Pending	
<b>COMPANION BILLS:</b>	HB 7077, SB 2518			

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**SUMMARY ANALYSIS**

HB 7079 passed the House on March 23, 2017, and subsequently passed the Senate on May 1, 2017. Section 19(f), Art. III of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund.

The companion bill to this bill, HB 7077, relates to the Gulf Coast Economic Corridor. That bill amends s. 288.8013, F.S., to require that seventy-five percent of all payments to the State of Florida pursuant to the "Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the *Deepwater Horizon* Incident," which was entered into on October 5, 2015, in the case styled *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 in the United States District Court for the Eastern District of Louisiana be immediately transferred from the General Revenue Fund to the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity. That bill also amends s. 288.8017, F.S., to authorize Triumph Gulf Coast Inc., to make awards to projects or programs for certain specified purposes.

This bill creates the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity and provides that the trust fund is established as a depository for the settlement funds described above. The bill also provides that the funds shall be used in conformity with the requirements of ss. 288.8011-288.8018, F.S., as amended by HB 7077, and exempts the trust fund from the general revenue service charge provided in s. 215.20, F.S.

This bill has no fiscal impact.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that HB 7077 or similar legislation takes effect.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

*Constitutional requirements:* Section 19(f), Art. III of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. State trust funds terminate not more than four years after the initial creation unless re-created.

*Provisions of companion bill:* The companion bill to this bill, HB 7077, relates to the Gulf Coast Economic Corridor. That bill amends s. 288.8013, F.S., to require that seventy-five percent of all payments to the State of Florida pursuant to the "Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the *Deepwater Horizon* Incident," which was entered into on October 5, 2015, in the case styled *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 in the United States District Court for the Eastern District of Louisiana be immediately transferred from the General Revenue Fund to the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity. The bill also amends s. 288.8017, F.S., to authorize Triumph Gulf Coast Inc., to make awards to projects or programs for certain specified purposes.

*Creation of trust fund:* This bill creates the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity for the deposit of the settlement funds described above. This bill provides that funds from the trust fund shall be used for the purposes described in ss. 288.8011-288.8018, F.S., as amended by the companion bill.

Pursuant to the requirements of the Florida Constitution, the trust fund will terminate on July 1, 2021, unless re-created by the Legislature.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
None.
2. Expenditures:  
None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:  
None.
2. Expenditures:  
None.

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

None.

### D. FISCAL COMMENTS:

None.

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1  
 2 An act relating to vessel registrations; amending s.  
 3 328.72, F.S.; revising a reduction of vessel  
 4 registration fees for recreational vessels equipped  
 5 with certain position indicating and locating beacons;  
 6 deleting a registration date limitation; deleting an  
 7 expiration date; providing an effective date.  
 8

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

10  
 11 Section 1. Subsection (18) of section 328.72, Florida  
 12 Statutes, is amended to read:

13 328.72 Classification; registration; fees and charges;  
 14 surcharge; disposition of fees; fines; marine turtle stickers.-

15 (18) REDUCED VESSEL REGISTRATION FEE.-

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

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

19 a. Transmits distress signals at a frequency between 406.0  
 20 and 406.1 MHz;

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

23 c. Is registered with the United States National Oceanic  
 24 and Atmospheric Administration.

25 2. "Full registration fee amount" means the registration

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26 fee as provided in subsection (1) and not the reduced vessel  
 27 registration fee specified in this subsection.

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

30 a. Transmits distress signals at a frequency between 406.0  
 31 and 406.1 MHz;

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

34 c. Is registered with the United States National Oceanic  
 35 and Atmospheric Administration.

36 (b) The registration certificate fee imposed under  
 37 subsection (1) for a recreational vessel equipped with an  
 38 emergency position-indicating radio beacon, or for a  
 39 recreational vessel the owner of which owns a personal locator  
 40 beacon, shall be reduced to the following amounts for each 12-  
 41 month period registered:

- 42 1. Class A-1-~~\$2.95~~ \$4.24.
- 43 2. Class A-2-~~\$11.00~~ \$13.77.
- 44 3. Class 1-~~\$20.40~~ \$24.83.
- 45 4. Class 2-~~\$57.50~~ \$68.56.
- 46 5. Class 3-~~\$94.95~~ \$112.31.
- 47 6. Class 4-~~\$113.40~~ \$134.41.
- 48 7. Class 5-~~\$141.15~~ \$167.11.

49 (c) A person who owns a personal locator beacon and who  
 50 owns more than one recreational vessel qualifies to pay the

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51 reduced fee under paragraph (b) for only one such vessel.

52 (d) In order to qualify for reduced registration fees  
53 under this subsection, a vessel owner must, at the time of  
54 registration, demonstrate that the vessel is equipped with an  
55 emergency position-indicating radio beacon or that the vessel  
56 owner owns a personal locator beacon. The Department of Highway  
57 Safety and Motor Vehicles may adopt rules specifying what  
58 constitutes sufficient proof to qualify for reduced registration  
59 fees under this subsection, but such proof must contain, at a  
60 minimum, the following:

- 61 1. The name of the beacon owner.
- 62 2. The expiration date of the beacon's registration.
- 63 3. The unique identification number of the beacon.
- 64 4. For vessels equipped with an emergency position-  
65 indicating radio beacon, identification of the vessel equipped  
66 with the beacon.

67 (e) For each vessel registration qualifying for reduced  
68 registration fees under this subsection, an amount equal to the  
69 difference between the full registration fee amount and the  
70 actual amount of registration fee paid for such vessel  
71 registration shall be transferred from the General Revenue Fund  
72 to the Department of Highway Safety and Motor Vehicles and shall  
73 be distributed pursuant to s. 328.76.

74 ~~(f) The reduced registration certificate fee amounts~~  
75 ~~provided in this subsection apply only to applicable vessels~~

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76 | ~~registered during the period beginning July 1, 2016, and ending~~  
77 | ~~June 30, 2017.~~

78 | ~~(g) This subsection expires July 1, 2017.~~

79 | Section 2. This act shall take effect July 1, 2017.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 711 Vessel Registrations  
**SPONSOR(S):** Transportation & Infrastructure Subcommittee; Magar  
**TIED BILLS:**           **IDEN./SIM. BILLS:** CS/SB 718

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	14 Y, 0 N, As CS	Johnson	Vickers
2) Agriculture & Natural Resources Appropriations Subcommittee	13 Y, 0 N	White	Pigott
3) Government Accountability Committee	23 Y, 0 N	Johnson	Williamson

### SUMMARY ANALYSIS

In 2016, the Legislature created s. 328.72(18), F.S., which provides for reduced vessel registration fees for certain recreational vessels equipped with an emergency position-indicating radio beacon or for certain recreational vessels where the owner of which owns a personal locator beacon. The reduced rates expire July 1, 2017.

The bill reduces state vessel registration fees for recreational vessels equipped with an emergency position-indicating radio beacon, or for recreational vessels where the owner owns a personal locator beacon. A person who owns a personal locator beacon and more than one recreational vessel qualifies to pay the reduced fee for only one of the vessels. The bill also removes the July 1, 2017, repeal date.

The bill is expected to have an insignificant negative fiscal impact to the General Revenue Fund.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### Vessel Registration

Vessels operated, used, or stored on the waters of this state must be registered with the Department of Highway Safety and Motor Vehicles (DHSMV) as a commercial or recreational<sup>1</sup> vessel, unless:

- The vessel is operated, used, and stored exclusively on private lakes and ponds;
- The vessel is owned by the United States Government;
- The vessel is used exclusively as a ship's lifeboat; or
- The vessel is non-motor-powered and less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.<sup>2</sup>

Vessels are classified by their length which determines the base registration fee. The vessel registration fee for a 12-month period is as follows:

- *Class A-1*: Less than 12 feet in length, and all canoes to which propulsion motors have been attached, regardless of length: \$5.50;
- *Class A-2*: 12 feet or more and less than 16 feet in length: \$16.25, with \$2.85 going to the county;
- *Class 1*: 16 feet or more and less than 26 feet in length: \$28.75, with \$8.85 going to the county;
- *Class 2*: 26 feet or more and less than 40 feet in length: \$78.25, with \$32.85 going to the county;
- *Class 3*: 40 feet or more and less than 65 feet in length: \$127.75, with 56.85 going to the county;
- *Class 4*: 65 feet or more and less than 110 feet in length: \$152.75, with \$68.85 going to the county;
- *Class 5*: 110 feet or more in length: \$189.75, with \$86.85 going to the county; and
- *Dealer registration certificate*: \$25.50.<sup>3</sup>

Section 328.76(1), F.S., provides for the appropriation and distribution of vessel registration funds. All funds collected from the registration of vessels through DHSMV except for those funds designated as the county portion are deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1), F.S., are transferred as follows:

- An amount equal to \$1.50 for each commercial and recreational vessel registered is transferred to the Save the Manatee Trust Fund.
- An amount equal to \$2 from each recreational vessel registration fee, except that for class A-1 vessels, is transferred to the Invasive Plant Control Trust Fund for aquatic weed research and control.
- An amount equal to 40 percent of the registration fees from commercial vessels is transferred to the Invasive Plant Control Trust Fund for aquatic plant research and control.
- An amount equal to 40 percent of the registration fees from commercial vessels is transferred to the Department of Agriculture and Consumer Services' (DACS) General Inspection Trust Fund for shellfish and aquaculture development and quality control programs.

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<sup>1</sup> Section 327.02(37), F.S., defines a "recreational vessel" as a vessel manufactured and used primarily for noncommercial purposes, or a vessel leased, rented, or chartered to a person for his or her noncommercial use.

<sup>2</sup> Section 328.48(2), F.S.

<sup>3</sup> Section 328.72(1), F.S.

After all administrative costs are funded and the above distributions have been made, up to \$400,000 is transferred to DACS' General Inspection Trust Fund to fund activities relating to the protection, restoration, and research of the natural oyster reefs and beds of the state. Additionally, up to \$300,000 may be used by the Fish and Wildlife Conservation Commission for boating safety education. These two provisions expire July 1, 2017.

Additionally, any county may impose an annual registration fee on vessels registered, operated, used, or stored on the waters of this state within its jurisdiction. This fee is 50 percent of the applicable state registration fee; however, the first \$1 of every registration is remitted to the state for deposit in the Save the Manatee Trust Fund.<sup>4</sup> This optional county fee is retained by the county where the vessel is registered and is used for patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities within the municipality or county.<sup>5</sup>

#### NOAA Search and Rescue Satellite Aided Tracking

The National Oceanic and Atmospheric Administration (NOAA) operates the nation's Search and Rescue Satellite Aided Tracking (SARSAT) system to detect mariners, aviators, and others throughout the world using satellites in low-earth and geostationary orbits to detect and locate beacon-users in distress.<sup>6</sup>

The United States and the governments of Canada, France, and Russia have an agreement to provide for the long-term operation of the COSPAS<sup>7</sup>-SARSAT<sup>8</sup> Program, which also provides space-based relay of distress signals or alerts from emergency beacons. The program provides alerts to search and rescue authorities internationally.

Ground stations, called Local User Terminals (LUTs), are satellite receiving units. LUTs are fully automated and unmanned. When a LUT receives a distress signal detected by satellite, it is transmitted to the mission control center (MCC) that operates that particular LUT. The MCC collects, stores, and sorts alerts from LUTs and other MCCs and distributes the alerts to search and rescue authorities and other MCCs.<sup>9</sup>

#### Locator Beacons

The emergency beacons used to detect those in distress operate only in the 406.0 to 406.1 megahertz (MHz) frequency band to transmit digital messages to satellites for transmission to the appropriate LUT. The frequency is restricted to low power satellite emergency position-indicating beacons in the mobile satellite service. According to NOAA, two types of 406 MHz emergency beacons are emergency position-indicating radio beacons and personal locator beacons.

#### *Emergency Position-Indicating Radio Beacons, or "EPIRBs"*

An EPIRB is an emergency position-indicating radio beacon used in maritime watercraft that can be automatically or manually activated to transmit a distress signal to a satellite. EPIRBs that activate automatically typically have a hydro-static release mechanism that when immersed allows the beacon to release from its bracket, float to the surface, and start transmitting. The beacon, along with the bracket, has to sink to approximately three meters before it will activate automatically, which should be taken into account when mounting an automatic EPIRB.

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<sup>4</sup> Section 328.66, F.S.

<sup>5</sup> *Id.*

<sup>6</sup> NOAA, *Welcome to SARSAT*, <http://www.sarsat.noaa.gov/index.html>. (last visited March 30, 2017).

<sup>7</sup> COSPAS is a Russian acronym for "Space System for Search of Vessels in Distress."

<sup>8</sup> See the SARSAT FAQ website: <http://www.sarsat.noaa.gov/faq%202.html>. (last visited March 30, 2017).

<sup>9</sup> *Id.*

### *Personal Locator Beacons, or “PLBs”*

A PLB is a personal locator beacon designed to be carried by an individual that can only be activated manually. PLBs can be used by people operating in remote areas.<sup>10</sup>

The price of these devices varies from \$230 to \$470 or higher depending on the size purchased.

### Registration of Beacons with NOAA

Registration of a 406 MHz emergency beacon, and subsequent updating if the information changes, is free and required by Title 47 of the Code of Federal Regulations, part 80 for EPIRBs and part 95 for PLBs. Information provided in the registration of such a device, along with the distress signal from the device, is used by search and rescue authorities solely to help locate and rescue those in distress. NOAA provides an online system for initial and updated beacon registrations, and registration must be renewed every two years.<sup>11</sup>

### 2016 Legislation

In 2016, the Legislature created s. 328.72(18), F.S., providing for reduced vessel registration fees. The section provides for reduced registration certificate fees for recreational vessels equipped with an emergency position-indicating radio beacon, or for a recreational vessel the owner of which owns a personal locator beacon, to the following amounts for each 12-month period registered:

Class A-1:	\$ 4.24
Class A-2:	\$ 13.77
Class 1:	\$ 24.83
Class 2:	\$ 68.56
Class 3:	\$112.31
Class 4:	\$134.41
Class 5:	\$167.11 <sup>12</sup>

A person who owns a personal locator beacon and who owns more than one recreational vessel qualifies to pay the reduced fees for only one such vessel.

In order to qualify for reduced registration fees, a vessel owner must, at the time of registration, demonstrate that the vessel is equipped with an emergency position-indicating radio beacon or that the vessel owner owns a personal locator beacon. DHSMV may adopt rules specifying what constitutes sufficient proof to qualify for the reduced registration fee, but such proof must contain, at a minimum, the following:

- The name of the beacon owner.
- The expiration date of the beacon's registration.
- The unique identification number of the beacon.
- For vessels equipped with an emergency position-indicating radio beacon, identification of the vessel equipped with the beacon.

For each vessel registration qualifying for reduced registration fees, an amount equal to the difference between the full registration fee amount and the actual amount of registration fee paid for such vessel is transferred from the General Revenue Fund to DHSMV and is distributed pursuant to s. 328.76, F.S.<sup>13</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.* NOAA prefers owners to register their beacons online at [www.beaconregistration.noaa.gov](http://www.beaconregistration.noaa.gov); however, individuals may mail or fax signed registration forms.

<sup>12</sup> The percentage discounts range between 12 and 23 percent, depending upon the size of the vessel.

<sup>13</sup> Section 328.76, F.S., relates to the Marine Resources Conservation Trust Fund; vessel registration funds; appropriations and distribution.

The reduced registration certificate fee amounts are only applicable for vessels registered during the period beginning July 1, 2016, and ending June 30, 2017.

Section 328.72(18), F.S., expires on July 1, 2017.

### **Proposed Changes**

The bill amends s. 328.72, F.S., reducing the vessel registration fees for recreational vessels equipped with locator beacons or the vessel owner owns a personal locator beacon. The discounts range between 25 and 46 percent, depending on the size of the vessel. The fees are reduced to the following:

Class A-1:	\$ 2.95
Class A-2:	\$ 11.00
Class 1:	\$ 20.40
Class 2:	\$ 57.50
Class 3:	\$ 94.94
Class 4:	\$113.50
Class 5:	\$141.15

The bill removes the provision making the fee reduction only applicable for vessels registered between July 1, 2016, and June 30, 2017, and removes the scheduled repeal of the vessel registration discounts for vessels equipped with locator beacons on July 1, 2017.

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

Section 1 amends s. 328.72, F.S., relating to the classification, registration, fees, and charges of vessels.

Section 2 provides an effective date of July 1, 2017.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

On March 24, 2017, the Revenue Estimating Conference analyzed this bill. It determined that on an annualized basis in Fiscal Year 2016-2017, 768 vessels with registered emergency position indication beacons would be registered in Florida.<sup>14</sup> The REC determined an insignificant negative recurring fiscal impact to the General Revenue Fund.<sup>15</sup>

##### **2. Expenditures:**

DHSMV estimates that \$25,328 in FTE and contracted resources will be required with the change in vessel registration fees provided for in the bill. These costs can be absorbed within existing resources.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

None

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<sup>14</sup> For reference purposes, there are approximately 900,000 vessels registered in Florida.

<sup>15</sup> [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/\\_pdf/Impact0324.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/_pdf/Impact0324.pdf), at Page 177.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons who purchase the emergency rescue devices provided for in the bill will see a reduction in their vessel registration fees.

D. FISCAL COMMENTS:

For each vessel registration qualifying for reduced registration fees, s. 328.72(18)(e), F.S., provides a transfer from the General Revenue Fund to DHSMV to make up the difference between the full registration fee amount and the actual amount of registration fee paid.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 14, 2017, the Transportation & Infrastructure Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removed a \$500,000 appropriation from General Revenue to the Marine Resources Conservation Trust Fund.

This analysis is drafted to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.

# MIAF Bill Tracking

## Sorted by Bill Number

<a href="#"><u>HB 9</u></a>	<b>Relating to Florida Tourism Industry Marketing Corporation</b>	Renner
	Florida Tourism Industry Marketing Corporation: Authorizes Florida Tourism Industry Marketing Corporation to enter into agreement with DEO for certain purposes & to use certain funds; provides that certain funds shall be transferred to or deposited in General Revenue Fund; transfers certain responsibilities from Enterprise Florida, Inc., to DEO; terminates certain trust funds; revises provisions relating to expenses, funds, duties, & transparency of corporation & requires one-to-one match of private to public contributions to corporation; terminates Division of Tourism Marketing of Enterprise Florida, Inc. Effective Date: July 1, 2017 5/8/2017 SENATE Died in Commerce and Tourism	
<a href="#"><u>SB 10</u></a>	<b>Relating to Water Resources</b>	Bradley
	Water Resources; Authorizing the South Florida Water Management District and the Board of Trustees of the Internal Improvement Trust Fund to negotiate the amendment and termination of leases on lands within the Everglades Agricultural Area for exchange or use for the reservoir project; requiring certain lease agreements for agricultural work programs to be terminated in accordance with the lease terms; requiring the district to request that the United States Army Corps of Engineers jointly develop a post-authorization change report for the Central Everglades Planning Project; providing requirements for the C-51 reservoir project if state funds are appropriated for the project; prohibiting the use of inmates for correctional work programs in the agricultural industry in certain areas, etc. APPROPRIATION: Indeterminate Effective Date: Upon becoming a law 5/9/2017 Approved by Governor; Chapter No. 2017-010	
<a href="#"><u>HB 13</u></a>	<b>Relating to Community Redevelopment Agencies</b>	Raburn
	Community Redevelopment Agencies: Provides reporting requirements; revises requirements for operating community redevelopment agencies; prohibits creation of new community redevelopment agencies after date certain; provides phase-out period; creates criteria for determining whether community redevelopment agency is inactive; provides hearing procedures; authorizes certain financial activity from inactive community redevelopment agencies; revises requirements for use of redevelopment trust fund proceeds; revises county & municipal government reporting requirements; revises criteria for finding that county or municipality failed to file report; requires DFS to provide report to DEO concerning community redevelopment agencies with no revenues, no expenditures, & no debts. Effective Date: October 1, 2017 5/8/2017 SENATE Died in Community Affairs	
<a href="#"><u>HB 17</u></a>	<b>Relating to Local Regulation Preemption</b>	Fine
	Local Regulation Preemption: Prohibits certain local governments from imposing or adopting certain regulations on businesses, professions, & occupations after certain date; preempts to state regulations concerning businesses, professions, & occupations; provides exceptions to preemption. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Commerce Committee	
<a href="#"><u>SB 64</u></a>	<b>Relating to State Park Fees</b>	Bean
	State Park Fees; Providing certain discounts on state park fees to specified foster and adoptive families; requiring the Division of Recreation and Parks within the Department of Environmental Protection to establish certain documentation standards and create a procedure for obtaining the discounts; requiring the division to continue a partnership with the Department of Children and Families to promote fostering and adoption of special needs children with certain events, etc. Effective Date: 7/1/2017 4/27/2017 SENATE Read Third Time; Substituted for HB 0185; Laid on Table, Refer to HB 0185	
<a href="#"><u>HB 99</u></a>	<b>Relating to Internship Tax Credit Program</b>	Jones
	Internship Tax Credit Program: Authorizes corporate income tax credit of up to specified amount for degree-seeking student hired by certain businesses after internship by student; provides eligibility criteria; authorizes DOR to adopt rules governing applications & establish qualification requirements; authorizes business to carry forward tax credit for specified period. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Post-Secondary Education Subcommittee	
<a href="#"><u>HB 139</u></a>	<b>Relating to Local Tax Referenda</b>	Ingollia
	Local Tax Referenda: Requires local government discretionary sales surtax referenda to be held on the date of a primary or general election and requires a specified percentage of votes for passage; requires notice of intent to levy certain local government discretionary sales surtaxes; prohibits certain entities for a specified period from increasing taxes that were reduced at the time a discretionary sales surtax was levied. Effective Date: July 1, 2018 5/8/2017 SENATE Died in Ethics and Elections	
<a href="#"><u>SB 140</u></a>	<b>Relating to Openly Carrying a Handgun</b>	Steube
	Openly Carrying a Handgun; Authorizing a compliant licensee to openly carry a handgun, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Judiciary	
<a href="#"><u>SB 160</u></a>	<b>Relating to Minimum Wage</b>	Rodriguez (J)
	Minimum Wage; Revising the formula for the adjusted state minimum wage, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Commerce and Tourism	

<b><u>HB 181</u></b>	<b>Relating to Natural Hazards</b>	Jacobs
	Natural Hazards: Creates interagency workgroup to share information, coordinate efforts, & collaborate on initiatives relating to natural hazards; requires certain agencies to designate liaisons to the workgroup; requires the Division of Emergency Management to prepare annual report; requires report to be posted on agency websites & submitted to the Governor & Legislature; providing an appropriation. APPROPRIATION: \$88,784.00 Effective Date: July 1, 2017 5/3/2017 HOUSE Enrolled Text (ER) Filed	
<b><u>HB 185</u></b>	<b>Relating to State Park Fees</b>	Lee Jr. (L)
	State Park Fees: Provides certain discounts on state park fees to specified foster & adoptive families; requires Division of Recreation & Parks within DEP & DCF to establish certain standards & procedures & to hold certain events. Effective Date: July 1, 2017 5/8/2017 Signed by Officers and presented to Governor (Governor must act on this bill by 05/23/17)	
<b><u>SB 198</u></b>	<b>Relating to Environmental Regulation Commission</b>	Stewart
	Environmental Regulation Commission; Requiring the Governor to appoint a new member to the commission within a certain timeframe after the occurrence of a vacancy; requiring certain proposed rules submitted to the commission to receive specified vote totals for approval or modification, etc. Effective Date: 7/1/2017 5/8/2017 HOUSE Died in Messages	
<b><u>SB 230</u></b>	<b>Relating to Nonnative Animals</b>	Steube
	Nonnative Animals; Directing the Fish and Wildlife Conservation Commission, in consultation with the Department of Environmental Protection, to establish a pilot program for the eradication of specific species; requiring the commission to enter into specified contracts, etc. APPROPRIATION: \$600,000.00 Effective Date: 7/1/2017 5/8/2017 SENATE Died in Appropriations	
<b><u>SB 234</u></b>	<b>Relating to Land Acquisition Trust Fund</b>	Bradley
	Land Acquisition Trust Fund ; Requiring a specified appropriation for certain projects related to the St. Johns River and its tributaries or the Keystone Lake Region, etc. APPROPRIATION: Indeterminate Effective Date: 7/1/2017 5/8/2017 HOUSE Died in Messages	
<b><u>SB 236</u></b>	<b>Relating to Sports Development</b>	Lee (T)
	Sports Development; Repealing provisions relating to state funding for sports facility development by a unit of local government, or by a certified beneficiary or other applicant, on property owned by the local government, etc. Effective Date: 7/1/2017 4/18/2017 SENATE Laid on Table	
<b><u>HB 269</u></b>	<b>Relating to High-Speed Passenger Rail</b>	Magar
	High-Speed Passenger Rail: Provides powers & duties of DOT; authorizes DOT to regulate railroads & collect information; requires DOT to keep records, offer accident response training, & adopt rules; provides reporting requirements for railroad companies; provides minimum safety standards & requirements for operating high-speed passenger rail system; requires compliance w/federal laws & regulations; requires construction, maintenance, & repair of infrastructure; provides railroad inspector certification requirements; requires coordination w/federal inspectors; requires DOT to adopt rules for conducting field surveys & to hold public meetings; requires railroad companies to construct & maintain fences, be liable for certain damages, & be responsible for certain improvements/upgrades; prohibits local government/state from being responsible for certain costs; provides for calculation & disposition of administrative fines; authorizes certain suits; provides for attorney fees & costs; authorizes local governments to enact certain railroad speed ordinances. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Transportation and Infrastructure Subcommittee	
<b><u>HB 275</u></b>	<b>Relating to State Work Opportunity Tax Credit</b>	Alexander
	State Work Opportunity Tax Credit: Provides credit against corporate income tax for businesses hiring certain persons convicted of felony; provides requirements & limitations; requires DOR & DEO to adopt rules & authorizes certain guidelines. Effective Date: upon becoming a law 5/8/2017 HOUSE Died in Ways and Means Committee	
<b><u>SB 276</u></b>	<b>Relating to State Work Opportunity Tax Credit</b>	Bracy
	State Work Opportunity Tax Credit; Providing an additional credit against the corporate income tax, beginning on a specified date and under certain circumstances, for businesses hiring certain persons convicted of a felony, etc. Effective Date: Upon becoming a law 5/8/2017 SENATE Died in Appropriations Subcommittee on Finance and Tax	
<b><u>SB 278</u></b>	<b>Relating to Local Tax Referenda</b>	Steube
	Local Tax Referenda; Requiring local government discretionary sales surtax referenda to be held on the date of a primary election or on the date of a general election and specifying the required approval of voters for passage, etc. Effective Date: 7/1/2019 5/8/2017 SENATE Died in Appropriations	
<b><u>SB 282</u></b>	<b>Relating to Towing and Storage Fees</b>	Steube
	Towing and Storage Fees; Prohibiting counties and municipalities from enacting certain ordinances or rules to impose a fee or charge on wrecker operators or vehicle storage companies, etc. Effective Date: 7/1/2017	

<a href="#"><u>HB 333</u></a>	<b>Relating to Rural Economic Development Initiative</b>	Clemons (C)
	Rural Economic Development Initiative: Revises legislative intent relating to Rural Economic Development Initiative (REDI); redefines term "rural area of opportunity"; revises duties, responsibilities, & membership of REDI; revises reporting requirements. Effective Date: upon becoming a law 5/8/2017 HOUSE Died in Transportation and Tourism Appropriations Subcommittee	
<a href="#"><u>HB 349</u></a>	<b>Relating to Legislation by Initiative</b>	Geller
	Legislation by Initiative: Proposes amendment to State Constitution to allow proposal of laws by initiative without legislative or gubernatorial approval; prescribe requirements for subject matter, proposal, & approval of such initiatives; require extraordinary vote of each house of Legislature to amend or repeal laws approved by voters; require Legislature to adopt procedures for initiatives; provide for Supreme Court review of initiative petitions; require ballot statements for such initiatives to include statement of economic impact. 5/8/2017 HOUSE Died in Oversight, Transparency and Administration Subcommittee	
<a href="#"><u>SB 364</u></a>	<b>Relating to Gulf Coast Economic Corridor</b>	Gainer
	Gulf Coast Economic Corridor; Requiring a specified percentage of payments made to the state under a specified settlement of litigation related to the Deepwater Horizon oil spill be transferred from the General Revenue Fund to the Triumph Gulf Coast Trust Fund; requiring Triumph Gulf Coast, Inc., to ensure that a minimum percentage of funds appropriated for such awards from the trust fund be expended in certain affected counties; revising conflict of interest restrictions imposed on board members of Triumph Gulf Coast, Inc.; specifying that certain conflict of interest restrictions imposed on board members of the Triumph Gulf Coast, Inc., apply to members serving after a specified date, etc. Effective Date: Upon becoming a law 5/1/2017 SENATE Read Second Time; Substituted for HB 7077; Laid on Table, Refer to HB 7077	
<a href="#"><u>HB 365</u></a>	<b>Relating to Legislative Reauthorization of Agency Rulemaking Authority</b>	Eisnaugle
	Legislative Reauthorization of Agency Rulemaking Authority: Provides for suspension of certain rulemaking authority after specified period until reauthorized by general law; provides for expiration of reauthorization after specified period; requires legislative ratification of rules adopted while rulemaking authority is suspended; authorizes Governor to delay suspension of rulemaking authority for specified period upon declaration of public necessity; provides exceptions; revises circumstances for renewal of emergency rules. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Oversight, Transparency and Administration Subcommittee	
<a href="#"><u>SB 386</u></a>	<b>Relating to High-speed Passenger Rail</b>	Mayfield
	High-speed Passenger Rail; Citing this act as the "Florida High-Speed Passenger Rail Safety Act"; providing minimum safety standards for high-speed passenger rail; providing certain requirements for railroad companies before operating a high-speed passenger rail system; requiring a railroad company operating a high-speed passenger rail system to be solely responsible for all rail corridor improvements or upgrades relating to its operation and safety, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Community Affairs	
<a href="#"><u>SB 406</u></a>	<b>Relating to Compassionate Use of Low-THC Cannabis and Marijuana</b>	Bradley
	Compassionate Use of Low-THC Cannabis and Marijuana; Authorizing physicians to issue physician certifications to specified patients who meet certain conditions; requiring written consent of a parent or legal guardian for the treatment of minors; requiring that certain physicians annually reexamine and reassess patients and update patient information in the compassionate use registry; requiring the Department of Health to register caregivers meeting certain requirements on the compassionate use registry; Effective Date: Upon becoming a law 5/4/2017 SENATE Read Second Time; Substituted for HB 1397; Laid on Table, Refer to HB 1397	
<a href="#"><u>HB 419</u></a>	<b>Relating to Permits for Mangrove Alteration and Trimming</b>	Altman
	Permits for Mangrove Alteration and Trimming: Authorizes DEP to issue permits for mangrove alteration & trimming to owners of certain residential property; provides conditions for issuance of such permits. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Natural Resources and Public Lands Subcommittee	
<a href="#"><u>SB 532</u></a>	<b>Relating to Public Notification of Pollution</b>	Galvano
	Public Notification of Pollution; Creating the "Public Notice of Pollution Act"; specifying authority of the Department of Environmental Protection; specifying that the act does not alter or affect the emergency management responsibilities of certain other governmental entities; requiring the department to establish and publish the types and amounts of a substance that, if released, would constitute a reportable release; specifying that providing a notice does not constitute an admission of liability or harm, etc. Effective Date: 7/1/2017 5/8/2017 HOUSE Died in Messages	
<a href="#"><u>HB 551</u></a>	<b>Relating to Onsite Sewage Treatment and Disposal Systems</b>	Stone
	Onsite Sewage Treatment and Disposal Systems: Specifies appropriation from Land Acquisition Trust Fund for grant program to offset property owner costs to retrofit certain onsite sewage treatment & disposal systems, connect certain properties to central sewer systems, & for certain dredging & stormwater improvements; directs DEP to develop specified onsite sewage treatment & disposal system remediation plans under certain conditions. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Natural Resources and Public Lands Subcommittee	



<a href="#"><b>HB 555</b></a>	<b>Relating to Sales and Use Tax Exemptions</b>	Fischer
	Sales and Use Tax Exemptions: Provides tax exemption for certain tangible personal property related to disaster preparedness; provides expiration date & appropriation. Effective Date: upon becoming law 5/8/2017 HOUSE Died in Ways and Means Committee	
<a href="#"><b>HB 587</b></a>	<b>Relating to Nonnative Animals</b>	Beshears
	Nonnative Animals: Requires FWCC to establish pilot program for eradication of certain invasive species & to submit report to Governor & Legislature; requires certain nonnative species to be implanted with passive integrated transponder before sale, resale, or offer for sale by pet dealers. Effective Date: July 1, 2017 5/8/2017 SENATE Died in Environmental Preservation and Conservation	
<a href="#"><b>SB 600</b></a>	<b>Relating to Rural Economic Development Initiative</b>	Grimsley
	Rural Economic Development Initiative; Requiring an analysis of the Rural Economic Development Initiative and rural areas of opportunity; revising legislative intent relating to the Rural Economic Development Initiative; revising the duties, responsibilities, and membership of the Rural Economic Development Initiative, etc. Effective Date: Upon becoming a law 5/8/2017 SENATE Died in Rules	
<a href="#"><b>SB 614</b></a>	<b>Relating to Medical Marijuana</b>	Brandes
	Medical Marijuana; Creating the "Florida Medical Marijuana Act"; authorizing a qualifying patient or his or her caregiver to purchase, acquire, and possess up to the allowed amount of marijuana, medical marijuana products, and associated paraphernalia for a qualifying patient's medical use; providing that a physician must certify, on a specified form, that a patient is suffering from a debilitating medical condition and that the benefits to the patient of using marijuana outweigh the potential health risks before a patient may register with the department and obtain a registry identification card; requiring that the department create a secure, online, electronic medical marijuana patient registry containing a file containing specified information for each qualifying patient, caregiver, and certifying physician, etc. Effective Date: Upon becoming a law 5/8/2017 SENATE Died in Health Policy	
<a href="#"><b>SB 620</b></a>	<b>Relating to Concealed Weapons or Firearms</b>	Steube
	Concealed Weapons or Firearms; Authorizing a concealed weapons or concealed firearms licensee to carry a concealed weapon or firearm into any meeting or committee meeting of the Legislature, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Judiciary	
<a href="#"><b>SB 646</b></a>	<b>Relating to Weapons And Firearms</b>	Steube
	Weapons And Firearms; Providing that a person licensed to carry a concealed weapon or firearm who is lawfully carrying a firearm does not violate certain provisions if the firearm is temporarily and openly displayed; authorizing each member of the Florida Cabinet to carry a concealed weapon or firearm if he or she is licensed to carry a concealed weapon or firearm and does not have full-time security provided by the Department of Law Enforcement, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Judiciary	
<a href="#"><b>HB 663</b></a>	<b>Relating to Implementation of the Water and Land Conservation Constitutional Amendment</b>	Peters
	Implementation of the Water and Land Conservation Constitutional Amendment: Requires minimum specified percentage of funds within Land Acquisition Trust Fund to be appropriated to DEP for specified water supply, water restoration, & water resource development projects; requires distribution to be reduced by amount equal to debt service paid on certain bonds. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Agriculture and Natural Resources Appropriations Subcommittee	
<a href="#"><b>SB 664</b></a>	<b>Relating to Disaster Preparedness Tax Exemption</b>	Bean
	Disaster Preparedness Tax Exemption; Providing a sales and use tax exemption for certain tangible personal property related to disaster preparedness during a specified period, etc. APPROPRIATION: \$290,580.00 Effective Date: Upon becoming a law 5/8/2017 SENATE Died in Appropriations Subcommittee on Finance and Tax	
<a href="#"><b>HB 711</b></a>	<b>Relating to Vessel Registrations</b>	Magar
	Vessel Registrations: Revises reduction of vessel registration fees for recreational vessels equipped with certain position indicating & locating beacons; deletes registration date limitation; deletes expiration date. Effective Date: July 1, 2017 5/8/2017 Signed by Officers and presented to Governor (Governor must act on this bill by 05/23/17)	
<a href="#"><b>SB 718</b></a>	<b>Relating to Vessel Registrations</b>	Powell
	Vessel Registrations; Revising a reduction of vessel registration fees for recreational vessels equipped with certain position indicating and locating beacons, etc. APPROPRIATION: \$500,000.00 Effective Date: 7/1/2017 4/26/2017 SENATE Read Third Time; Substituted for HB 0711; Laid on Table, Refer to HB 0711	
<a href="#"><b>HB 753</b></a>	<b>Relating to Contaminated Site Cleanup</b>	Stone
	Contaminated Site Cleanup: Requires contractors to remit certain payments within specified time period; provides exceptions to certain application & cost-share requirements for advanced cleanup; specifies prioritization of requests;	

requires & authorizes DEP to make determinations & initiate activities relating to advanced clean up; increases the amount of certain tax credits. Effective Date: July 1, 2017  
5/2/2017 HOUSE Read Second Time; Substituted for SB 1018; Laid on Table, Refer to SB 1018

<b><u>SB 802</u></b>	<b>Relating to Regulated Professions and Occupations</b>	Passidomo
	Regulated Professions and Occupations; Requiring an individual applicant to apply for licensure in the name of the business organization that he or she proposes to operate under; requiring that a license be in the name of a qualifying agent rather than the name of a business organization; prohibiting a business organization from engaging in certain practices until it is qualified by a qualifying agent; requiring the board to certify an applicant to qualify one or more business organizations or to operate using a fictitious name under certain circumstances, etc. Effective Date: 10/1/2017 5/2/2017 SENATE Read Second Time; Substituted for HB 7047; Laid on Table, Refer to HB 7047	
<b><u>HB 823</u></b>	<b>Relating to Sharks</b>	Miller (A)
	Sharks: Prohibits certain possession or landing of shark fins unless authorized by FWCC rule; provides penalties. Effective Date: October 1, 2017 4/25/2017 HOUSE Read Second Time; Substituted for SB 0884; Laid on Table, Refer to SB 0884	
<b><u>HB 847</u></b>	<b>Relating to Implementation of Water and Land Conservation Constitutional Amendment</b>	Payne
	Implementation of Water and Land Conservation Constitutional Amendment: Requires specified funds within Land Acquisition Trust Fund appropriation for restoration projects related to St. Johns River & tributaries or Keystone Lake Region; authorizes use of funds for certain land management & acquisition; requires distribution to be reduced by amount equal to debt service paid on certain bonds. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Agriculture and Natural Resources Appropriations Subcommittee	
<b><u>HB 855</u></b>	<b>Relating to Sports Development</b>	Avila
	Sports Development: Repeals a provision relating to state funding for sports facility development by unit of local government, or by certified beneficiary or other applicant, on property owned by local government. Effective Date: July 1, 2017 2/17/2017 HOUSE Withdrawn prior to introduction	
<b><u>HB 861</u></b>	<b>Relating to Environmental Regulation Commission</b>	Willhite
	Environmental Regulation Commission: Requires Governor to make appointments to commission within certain time frame; requires certain proposed rules submitted to commission to receive certain vote total for approval or modification. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Oversight, Transparency and Administration Subcommittee	
<b><u>SB 884</u></b>	<b>Relating to Shark Fins</b>	Hutson
	Shark Fins; Prohibiting persons from possessing separated shark fins except under certain conditions; providing penalties; prohibiting persons with suspended or revoked saltwater license privileges from engaging in certain activities, etc. Effective Date: 10/1/2017 5/9/2017 Signed by Officers and presented to Governor (Governor must act on this bill by 05/24/17)	
<b><u>HB 889</u></b>	<b>Relating to Florida Government Support Organizations</b>	Gruters
	Florida Government Support Organizations: Revises responsibilities & duties of certain state government support organizations; requires DEO to perform certain responsibilities & duties regarding specified programs & organizations, rather than Enterprise Florida, Inc.; provides that Florida Tourism Industry Marketing Corporation is direct-support organization of DEO; requires DEO to establish Florida Sports Foundation as direct-support organization; requires Enterprise Florida, Inc., to develop, maintain, & market small business liaison service; repeals provisions relating to Division of Tourism Marketing. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Careers and Competition Subcommittee	
<b><u>HB 897</u></b>	<b>Relating to Public Notices by Local Governmental Entities</b>	Stark
	Public Notices by Local Governmental Entities: Authorizes certain local governmental entities to publish legally required notices & advertisements on publicly accessible websites under certain circumstances. Effective Date: October 1, 2017 5/8/2017 HOUSE Died in Local, Federal and Veterans Affairs Subcommittee	
<b><u>SB 940</u></b>	<b>Relating to Growth Management</b>	Perry
	Growth Management; Requiring local governments to address the protection of private property rights in their comprehensive plans; requiring the comprehensive plan to include a private property rights element that sets forth principles, guidelines, standards, and strategies to achieve certain objectives; requiring the state land planning agency to approve the private property rights element adopted by each local government if it is substantially in a specified form, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Environmental Preservation and Conservation	
<b><u>HB 945</u></b>	<b>Relating to Minimum Wage</b>	Jacquet
	Minimum Wage: Revises formula for adjusted state minimum wage. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Careers and Competition Subcommittee	
<b><u>SB 982</u></b>	<b>Relating to Land Acquisition Trust Fund</b>	Mayfield
	Land Acquisition Trust Fund; Requiring a specified appropriation for certain projects related to the Indian River Lagoon	

system; requiring the distribution to be reduced by an amount equal to the debt service paid on certain bonds, etc.  
APPROPRIATION: Indeterminate Effective Date: 7/1/2017  
5/8/2017 SENATE Died in Appropriations Subcommittee on the Environment and Natural Resources

<a href="#"><u>HB 983</u></a>	<b>Relating to Alcoholic Beverages</b>	Altman
	Alcoholic Beverages: Specifies persons who provide alcoholic beverages to certain identified persons are liable for injury or damage caused by intoxication; provides failure of person to check specified identification documents of minor to whom alcoholic beverage is served creates rebuttable presumption that person willfully & unlawfully sold or furnished alcoholic beverage; prohibits person from allowing party to take place if minor is in possession of or consuming alcohol or drugs; provides liability for damage or injury occurring as a result of allowing minor to possess or consume alcohol or drugs at open party. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Civil Justice and Claims Subcommittee	
<a href="#"><u>HB 995</u></a>	<b>Relating to Tax Incentive to Hire Veterans</b>	Silvers
	Tax Incentive to Hire Veterans: Creates "Florida Veterans Employment Act" to provide tax credit for hiring veterans & to establish additional credit for hiring disabled veterans; provides cap on total tax credits per calendar year; authorizes DOR to establish guidelines & to adopt emergency rules; revises "adjusted federal income" to include tax credit. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Local, Federal and Veterans Affairs Subcommittee	
<a href="#"><u>SB 996</u></a>	<b>Relating to Administrative Proceedings</b>	Perry
	Administrative Proceedings; Requiring an award of attorney fees and costs to be made to a prevailing party in specified administrative proceedings subject to certain requirements; requiring an administrative law judge to conduct an evidentiary hearing and issue a final order on application for such award, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Judiciary	
<a href="#"><u>HB 997</u></a>	<b>Relating to Florida Equal Access to Justice Act</b>	Killebrew
	Florida Equal Access to Justice Act: Provides legislative intent re: persons who may be unjustly affected by delay & expense caused by challenges to permits/orders issued by government agencies initiated through administrative proceedings; provides for award of attorney fees & costs to prevailing party in administrative proceeding initiated by party seeking to challenge permit; provides procedures for applying for award & limits award. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Oversight, Transparency and Administration Subcommittee	
<a href="#"><u>SB 1008</u></a>	<b>Relating to Public Records/Injured or Deceased Employee/Department of Financial Services</b>	Perry
	Public Records/Injured or Deceased Employee/Department of Financial Services; Providing an exemption from public records requirements for the personal identifying information of an injured or deceased employee which is contained in certain notices or reports filed with the Division of Workers' Compensation of the Department of Financial Services; authorizing the division to disclose such information under certain circumstances; providing for future review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: 10/1/2017 5/1/2017 SENATE Read Second Time; Substituted for HB 1107; Laid on Table, Refer to HB 1107	
<a href="#"><u>SB 1018</u></a>	<b>Relating to Pollution</b>	Grimsley
	Pollution; Citing this act as the "Public Notice of Pollution Act"; defining the term "reportable pollution release"; requiring an owner or operator of an installation at which a reportable pollution release occurred to provide certain information to the department within 24 hours after the discovery of the release; creating the State Watch Office within the Division of Emergency Management, etc. APPROPRIATION: \$25,000.00 Effective Date: 7/1/2017 5/3/2017 SENATE Enrolled Text (ER) Filed	
<a href="#"><u>HB 1031</u></a>	<b>Relating to Marine Turtle Protection</b>	Altman
	Marine Turtle Protection: Ranks & revises description of criminal violations of Marine Turtle Protection Act in offense severity ranking chart of Criminal Punishment Code. Effective Date: July 1, 2017 5/5/2017 HOUSE Enrolled Text (ER) Filed	
<a href="#"><u>SB 1036</u></a>	<b>Relating to Permits for Mangrove Alteration and Trimming</b>	Mayfield
	Permits for Mangrove Alteration and Trimming; Authorizing the Department of Environmental Protection to issue permits for mangrove alteration and trimming to the owner of certain residential property; providing conditions for issuance of such permits, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Environmental Preservation and Conservation	
<a href="#"><u>HB 1065</u></a>	<b>Relating to Public Notification of Pollution</b>	Peters
	Public Notification of Pollution: Requires owners & operators of certain installations to notify DEP of specified pollution releases; requires DEP to publish information for such releases; provides civil penalties. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Natural Resources and Public Lands Subcommittee	
<a href="#"><u>SB 1076</u></a>	<b>Relating to Florida Government Support Organizations</b>	Passidomo
	Florida Government Support Organizations; Prohibiting the Florida Commission on Community Service from entering into a contract if a commission member or his or her immediate family member would receive a direct financial benefit from such contract; authorizing the department, rather than Enterprise Florida, Inc., to establish a cooperative advertising matching grants program, make certain expenditures, and enter into contracts with local governments and nonprofit	

corporations for a specified purpose; requiring the department to establish a direct-support organization known as the Florida Sports Foundation to assist the department, rather than the Office of Tourism, Trade, and Economic Development, with specified duties, etc. Effective Date: 7/1/2017  
5/8/2017 SENATE Died in Commerce and Tourism

<a href="#"><u>SB 1082</u></a>	<b>Relating to Implementation of the Water and Land Conservation Constitutional Amendment</b>	Brandes
	Implementation of the Water and Land Conservation Constitutional Amendment; Requiring a minimum specified amount of funds within the Land Acquisition Trust Fund to be appropriated to the Department of Environmental Protection for specified water supply, water restoration, and water resource development projects, etc. APPROPRIATION: Indeterminate Effective Date: 7/1/2017 5/8/2017 SENATE Died in Environmental Preservation and Conservation	
<a href="#"><u>HB 1087</u></a>	<b>Relating to Annexation Procedures for Municipalities</b>	Silvers
	Annexation Procedures for Municipalities: Revises circumstances under which municipality is prohibited from annexing certain lands in contiguous, compact, or unincorporated areas without getting consent from specified landowners; specifies circumstances under which vote of electors in area to be annexed is not required. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Agriculture and Property Rights Subcommittee	
<a href="#"><u>HB 1089</u></a>	<b>Relating to Ocean Highway and Port Authority, Nassau County</b>	Byrd
	Ocean Highway and Port Authority, Nassau County: Updates powers of authority consistent with law. Effective Date: upon becoming a law 5/4/2017 HOUSE Enrolled Text (ER) Filed	
<a href="#"><u>HB 1107</u></a>	<b>Relating to Public Records/Workers' Compensation</b>	Albritton
	Public Records/Workers' Compensation: Providing an exemption from public records requirements for the personal identifying information of an injured or deceased employee which is contained in reports, notices, records, or supporting documentation held by the Department of Financial Services pursuant to the Workers' Compensation Law; providing a criminal penalty for willful and knowing disclosure of such information to an unauthorized person or entity; providing for future review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: July 1, 2017 5/3/2017 HOUSE Enrolled Text (ER) Filed	
<a href="#"><u>SB 1110</u></a>	<b>Relating to Economic Development</b>	Brandes
	Economic Development; Requiring the Department of Economic Opportunity to contract with a specified direct-support organization to guide, stimulate, and promote the sports industry, the participation of residents in amateur athletic competitions, and this state as a host for national and international athletic competitions; requiring the Office of Economic and Demographic Research to calculate the net state gross domestic product per state dollar of certain programs; creating the Quick Action Closing Fund Escrow Account within the State Economic Enhancement and Development Trust Fund; creating the Start-Up Florida Grant Program, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Commerce and Tourism	
<a href="#"><u>SB 1142</u></a>	<b>Relating to Tax Credit for Hiring Veterans</b>	Artiles
	Tax Credit for Hiring Veterans; Citing this act as the "Florida Veterans Employment Act; establishing a tax credit for hiring veterans; establishing an additional credit for hiring disabled veterans; revising the order in which credits against the corporate income tax or franchise tax may be taken to include credits for hiring veterans; revising the term "adjusted federal income" to include certain tax credits taken relating to hiring veterans, etc. Effective Date: 7/1/2017 5/1/2017 SENATE Withdrawn from further consideration	
<a href="#"><u>HB 1143</u></a>	<b>Relating to Coral Reefs</b>	Jacobs
	Coral Reefs: Establishes Southeast Florida Coral Reef Ecosystem Conservation Area. Effective Date: July 1, 2017 5/8/2017 SENATE Died in Environmental Preservation and Conservation	
<a href="#"><u>SB 1148</u></a>	<b>Relating to Unemployment Compensation</b>	Rader
	Unemployment Compensation; Requiring the Department of Economic Opportunity to designate an alternative base period in certain circumstances for benefit years commencing after a specified date; requiring employers to provide wage information to support an individual's eligibility for benefits upon request of the department; providing a penalty for employers who fail to timely provide that information; Effective Date: 7/1/2017 5/8/2017 SENATE Died in Commerce and Tourism	
<a href="#"><u>SB 1158</u></a>	<b>Relating to Regulation of Commerce, Trade, and Labor</b>	Passidomo
	Regulation of Commerce, Trade, and Labor; Reserving to the state the exclusive right to regulate matters of commerce, trade, and labor under certain circumstances; prohibiting counties, municipalities, and special districts from engaging in specified actions that regulate commerce, trade, or labor, unless otherwise expressly authorized to do so by special or general law; providing that an ordinance, rule, or regulation that violates a specified provision is null and void, etc. Effective Date: Upon becoming a law 5/8/2017 SENATE Died in Commerce and Tourism	
<a href="#"><u>HB 1163</u></a>	<b>Relating to Agency Rulemaking</b>	Spano
	Agency Rulemaking: Requires certain notices to include agency website address; requires agency to prepare statement of estimated regulatory costs before adopting or amending rule other than emergency rule or repealing rule in certain	

circumstances; requires DOS to include on Florida Administrative Register website agency website addresses where statements of estimated regulatory costs can be viewed in their entirety; requires agency to include in its notice of intended action agency website address where statement can be read; requires agency to provide notice of revision when agency revises statement of estimated regulatory cost. Effective Date: July 1, 2017  
5/8/2017 SENATE Died in Judiciary

<a href="#"><u>HB 1227</u></a>	<b>Relating to Boating in Salt Water</b>	Jacobs
	Boating in Salt Water; Prohibits certain minors from operating specified vessels; provides exceptions; provides that parents, guardians, & supervising persons are subject to penalties under certain conditions. Effective Date: October 1, 2017 5/8/2017 HOUSE Died in Transportation and Infrastructure Subcommittee	
<a href="#"><u>SB 1228</u></a>	<b>Relating to Marine Turtle Protection Act</b>	Gainer
	Marine Turtle Protection Act; Adding the existing offense of possession of any marine turtle species or hatchling, or parts thereof, or nests to level 3 of the offense severity ranking chart for the purpose of increasing sentencing points for conviction of the offense, etc. Effective Date: 7/1/2017 5/3/2017 SENATE Read Second Time; Substituted for HB 1031; Laid on Table, Refer to HB 1031	
<a href="#"><u>SB 1254</u></a>	<b>Relating to Drugs and Alcohol</b>	Rouson
	Drugs and Alcohol; Providing that a person who knowingly furnishes alcoholic beverages to a person who is visibly intoxicated is liable for injury or damage caused by or resulting from the furnishing of alcoholic beverages to such person; providing that a person who knowingly furnishes alcoholic beverages to a minor is liable for injury or damage caused by or resulting from the furnishing of alcoholic beverages to the minor, etc. Effective Date: 10/1/2017 5/8/2017 SENATE Died in Criminal Justice	
<a href="#"><u>SB 1262</u></a>	<b>Relating to Boating in Salt Water</b>	Farmer
	Boating in Salt Water; Prohibiting minors of a certain age from operating vessels powered by a motor of 10 horsepower or greater or certain sailboats or other rigged vessels in salt water, except under specified conditions; providing penalties for parents or guardians who knowingly permit their children or wards to violate the prohibition, etc. Effective Date: 10/1/2017 5/8/2017 SENATE Died in Criminal Justice	
<a href="#"><u>SB 1278</u></a>	<b>Relating to Fuel Storage</b>	Grimsley
	Fuel Storage; Specifying that funds in the Inland Protection Trust Fund may be used for certain purposes relating to damage or potential damage to petroleum storage systems caused by ethanol or biodiesel; specifying the process for petroleum storage system owners or operators to request approval for work and payment from the Department of Environmental Protection; requiring the department to ensure that petroleum storage systems approved after a certain date meet certain standards for ethanol blend, biodiesel blend, and other alternative fuel compatibility, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Appropriations	
<a href="#"><u>SB 1306</u></a>	<b>Relating to Economic Programs</b>	Montford
	Economic Programs; Requiring the Department of Economic Opportunity to contract with a direct-support organization to promote the sports industry and the participation of residents in certain athletic competitions in this state and to promote the state as a host for certain athletic competitions; requiring the department to establish a direct-support organization known as the "Florida Sport Foundation," rather than authorizing the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization, to assist the department in certain promotion and development activities; requiring the Office of Program Policy Analysis and Government Accountability to analyze and evaluate the first 3 years of certain programs, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Appropriations	
<a href="#"><u>HB 1309</u></a>	<b>Relating to Growth Management</b>	Payne
	Growth Management; Requires local governments to address protection of private property rights in their comprehensive plans; requires comprehensive plan to include private property rights element; requires counties & municipalities to adopt or amend land development regulations consistent with private property rights element; provides deadlines; requires state land planning agency to approve private property rights element if it is substantially in specified form. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Agriculture and Property Rights Subcommittee	
<a href="#"><u>SB 1338</u></a>	<b>Relating to Vessels</b>	Book
	Vessels; Providing that vessels without an effective means of propulsion are at risk of becoming derelict under certain conditions; prohibiting anchoring or mooring of vessels and floating structures in certain areas; providing for boating-restricted areas to protect seagrasses on privately owned submerged lands upon application by the owner and commission approval; authorizing a local government to enact and enforce certain regulations for sewage disposal by certain vessels and floating structures, etc. Effective Date: 7/1/2017 4/27/2017 SENATE Read Third Time; Substituted for HB 7043; Laid on Table, Refer to HB 7043	
<a href="#"><u>HB 1353</u></a>	<b>Relating to Fuel Storage</b>	Fant
	Fuel Storage: Authorizes funds in Inland Protection Trust Fund to be used for purposes relating to damage or potential damage to petroleum storage systems caused by ethanol or biodiesel, including costs for previously completed repairs,	

replacement, or other preventive measures; requires DEP to ensure that petroleum storage systems approved after certain date meet certain standards. Effective Date: July 1, 2017  
5/8/2017 HOUSE Died in Agriculture and Natural Resources Appropriations Subcommittee

<b><u>SB 1396</u></b>	<b>Relating to Regulated Professions and Occupations</b>	Brandes
	Regulated Professions and Occupations; Deleting a requirement that yacht and ship brokers maintain a separate license for each branch office and a requirement that the Division of Florida Condominiums, Timeshares, and Mobile Homes establish a certain fee; deleting provisions authorizing the Department of Business and Professional Regulation to access and inspect certain records of athlete agents, to take certain related disciplinary actions, and to exercise certain subpoena powers; revising the process by which a business organization obtains the requisite license to perform architectural services, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Regulated Industries	
<b><u>SB 1488</u></b>	<b>Relating to Annexation Procedures for Municipalities</b>	Clemens (J)
	Annexation Procedures for Municipalities; Revising circumstances under which a municipality is prohibited from annexing certain lands in contiguous, compact, or unincorporated areas without getting consent from a specified percent of landowners in the area, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Judiciary	
<b><u>SB 1542</u></b>	<b>Relating to Seagrass</b>	Artiles
	Seagrass; Permitting private owners of submerged lands to establish, upon application and approval of the Fish and Wildlife Conservation Commission, boating-restricted areas in certain seagrass areas to protect seagrasses, etc. Effective Date: 7/1/2017 3/3/2017 SENATE Withdrawn prior to introduction	
<b><u>SB 1624</u></b>	<b>Relating to Coral Reefs</b>	Farmer
	Coral Reefs; Establishing the Southeast Florida Coral Reef Ecosystem Protection Area; requiring the Coral Reef Conservation Program, in coordination with the Fish and Wildlife Conservation Commission, to develop a comprehensive management plan for the area using and building on previous stakeholder engagement and public comment, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Appropriations Subcommittee on the Environment and Natural Resources	
<b><u>SB 1640</u></b>	<b>Relating to Administrative Procedures</b>	Broxson
	Administrative Procedures; Requiring an agency to prepare a statement of estimated regulatory costs before adoption, amendment, or repeal of any rule other than an emergency rule, etc. Effective Date: 7/1/2017 5/8/2017 SENATE Died in Judiciary	
<b><u>HB 2349</u></b>	<b>Relating to Economic Analysis of Florida's Oceans and Coasts</b>	Latvala (C)
	Economic Analysis of Florida's Oceans and Coasts: Provides an appropriation for the Economic Analysis of Florida's Oceans and Coasts. APPROPRIATION: \$300,000.00. Effective Date: July 1, 2017 5/5/2017 HOUSE Indefinitely postponed and withdrawn from consideration	
<b><u>SB 2518</u></b>	<b>Relating to Triumph Gulf Coast Trust Fund/Department of Economic Opportunity</b>	Appropriations
	Triumph Gulf Coast Trust Fund/Department of Economic Opportunity; Creating the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity; exempting the trust fund from the general revenue service charge, etc. Effective Date: On the same date that SB 364 or similar legislation takes effect, if such legislation is enacted in the same legislative session or an extension thereof and becomes law, and only if this act is enacted by a three-fifths vote of the membership of each house of the Legislature 5/1/2017 SENATE Read Second Time; Substituted for HB 7079; Laid on Table, Refer to HB 7079	
<b><u>HB 6001</u></b>	<b>Relating to Concealed Weapons and Firearms</b>	Raburn
	Concealed Weapons and Firearms: Revises areas of an airport where person is prohibited from openly carrying handgun or from carrying concealed weapon or firearm. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Criminal Justice Subcommittee	
<b><u>HB 6005</u></b>	<b>Relating to Licenses to Carry Concealed Weapons or Firearms</b>	Plakon
	Licenses to Carry Concealed Weapons or Firearms: Removes provision prohibiting concealed carry licensees from openly carrying handgun or carrying concealed weapon or firearm into college or university facility. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Criminal Justice Subcommittee	
<b><u>HB 6023</u></b>	<b>Relating to Sports Development</b>	Avila
	Sports Development: Repeals provision relating to state funding for sports facility development by unit of local government, or by certified beneficiary or other applicant, on property owned by local government. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in Careers and Competition Subcommittee	
<b><u>HB 7005</u></b>	<b>Relating to Economic Programs</b>	Careers & Competition Subcommittee
	Economic Programs: Repeals specified programs; transfers duties, records, pending issues, rules, & unexpended	

balances of appropriations, allocations, & other public funds relating to certain programs to DEO; provides transitional provisions for terminated programs; provides for transfer of certain funds to General Revenue Fund; requires DEO to pay outstanding debts & obligations of certain trust funds & CFO to close out & remove such trust funds from state accounting systems. Effective Date: July 1, 2017  
5/8/2017 SENATE Died in Appropriations

<a href="#"><u>HB 7043</u></a>	<b>Relating to Vessels</b>	Natural Resources & Public Lands Subcommittee
	Vessels: Authorizes certain docks to exceed mooring restrictions; provides conditions under which vessel is at risk of becoming derelict; prohibits certain anchoring or mooring; provides for seagrass protection; authorizes local government to enact & enforce certain regulations; requires FWCC to review & approve such regulations; provides for issuance of uniform boating citations; revises provisions for certain registration, classification, title, & notice; provides penalties. Effective Date: July 1, 2017 4/28/2017 HOUSE Enrolled Text (ER) Filed	
<a href="#"><u>HB 7047</u></a>	<b>Relating to Deregulation of Professions and Occupations</b>	Careers & Competition Subcommittee
	Deregulation of Professions and Occupations: Removes regulations on specified DBPR professions, including labor organizations, hair braiders, hair wrappers & body wrappers, & boxing timekeepers & announcers; revises certain requirements for barbers, nail specialists, business organizations that provide architecture services and interior design, landscape architects, & geologists. Effective Date: July 1, 2017 5/8/2017 HOUSE Died in returning Messages	
<a href="#"><u>HB 7063</u></a>	<b>Relating to Local Government Fiscal Responsibility</b>	Ways & Means Committee
	Local Government Fiscal Responsibility: Revises dates & voting requirements for referenda related to most local government taxes & local option surcharges; prohibits certain local governments from enacting, extending, or increasing taxes otherwise authorized under specified conditions; requires local governments to receive voter approval for issuance of any new tax-supported debt with term of more than five years; provides dates & voting requirements for such referenda; authorizes referenda at times other than at general election if an emergency exists; provides exceptions for refunding or refinancing certain debt. Effective Date: October 1, 2018 5/8/2017 HOUSE Died in Government Accountability Committee	
<a href="#"><u>HB 7109</u></a>	<b>Relating to Taxation</b>	Ways & Means Committee
	Taxation; Discounting property taxes for properties that offer affordable housing to specified low-income persons and families; deleting requirements to pay license taxes for a terminal supplier license, an importer, exporter, or blender of motor fuels license, or a wholesaler of motor fuel license; providing that fingerprint services required for a license to carry a concealed weapon or firearm are not subject to the sales and use tax on detective and protection services; adding items in agricultural use to a list of such items exempt from the sales and use tax, etc. APPROPRIATION: \$681,598.00 5/17/2017 Signed by Officers and presented to Governor (Governor must act on this bill by 06/01/17)	
<a href="#"><u>CCS1</u></a>	<b>Relating to Economic Programs</b>	Careers & Competition Subcommittee
	PCB CCS 17-01 -- Economic Programs 2/14/2017 HOUSE Committee Bill Filed as H 7005	
<a href="#"><u>SOT1</u></a>	<b>Relating to Gulf Coast Economic Corridor</b>	Select Committee on Triumph Gulf Coast
	PCB SOT 17-01 -- Gulf Coast Economic Corridor 3/16/2017 HOUSE Committee Bill Filed as H 7077	
<a href="#"><u>SOT2</u></a>	<b>Relating to Triumph Gulf Coast Trust Fund</b>	Select Committee on Triumph Gulf Coast
	PCB SOT 17-02 -- Triumph Gulf Coast Trust Fund 3/16/2017 HOUSE Committee Bill Filed as H 7079	
<a href="#"><u>CCS2</u></a>	<b>Relating to Deregulation of Professions and Occupations</b>	Careers & Competition Subcommittee
	PCB CCS 17-02 -- Deregulation of Professions and Occupations 3/8/2017 HOUSE Committee Bill Filed as H 7047	
<a href="#"><u>GAC6</u></a>	<b>Relating to Florida Forever</b>	Government Accountability Committee
	PCB GAC 17-06 -- Florida Forever 4/24/2017 HOUSE Committee Bill Filed as H 7119	

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