



Agriculture & Natural Resources Subcommittee

**Tuesday, February 12, 2013
1:30 PM
Reed Hall (102 HOB)**

**Will Weatherford
Speaker**

**Matthew H. "Matt" Caldwell
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Agriculture & Natural Resources Subcommittee

Start Date and Time: Tuesday, February 12, 2013 01:30 pm
End Date and Time: Tuesday, February 12, 2013 03:30 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):



HB 109 Consumptive Use Permits for Development of Alternative Water Supplies by Young, Pilon
HB 137 Department of Citrus by Raburn
HB 203 Agricultural Lands by Beshears
HB 333 Fish and Wildlife Conservation Commission by Steube

Presentations on Water Supply Planning

NOTICE FINALIZED on 02/05/2013 16:00 by Sims-Davis.Linda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 109 Consumptive Use Permits for Development of Alternative Water Supplies
SPONSOR(S): Young and Pilon
TIED BILLS: None **IDEN./SIM. BILLS:** SB 364

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

SUMMARY ANALYSIS

Under current Florida law, the water management districts (WMDs) may require a consumptive use permit (CUP) for the development of alternative water supplies. These permits must be granted for a term of *at least 20 years*. If the permittee issues bonds for the construction of the project and requests an extension prior to the expiration of the permit, that permit *must* be extended for such additional time as is required for the retirement of bonds, not including any refunding or refinancing of such bonds, provided that the WMD determines that the use will continue to meet the conditions for the issuance of the permit. These permits are subject to periodic compliance reports where necessary to maintain reasonable assurance that the conditions for issuance of a 20-year permit can continue to be met.

This bill establishes a new type of CUP for the development of alternative water supplies (Extended Permit). Extended Permits approved by the state after July 1, 2013, for the development of alternative water supplies must have a term of *at least 30 years* if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit. Any public or private entity that wishes to develop an alternative water supply may be eligible to receive an Extended Permit regardless of the manner in which the water project will be financed.

If, within 7 years after an Extended Permit is granted, the permittee issues bonds to finance the project, completes construction of the project, and requests an extension of the permit duration, the permit must be extended to expire upon the retirement of such bonds or 30 years after the date construction of the project is complete, whichever occurs later. However, a permit's duration may not be extended more than 7 years after the permit's original expiration date regardless of whether any bonds issued to finance the project will be outstanding at the end of the 7 years.

Extended Permits will be subject to periodic compliance reviews; however, if the permittee demonstrates that bonds issued to finance the project are outstanding, a WMD may not reduce the quantity of alternative water allocated by an Extended Permit unless a reduction is needed to address unanticipated harm to the water resources or to existing legal uses present when the permit was issued. Thus, during a compliance review, if bonds to finance the project are outstanding, a WMD may not reduce the amount of water allocated by the permit if the permittee does not demonstrate a need for the allocated water due to lower than expected population growth or demand. However, reductions in water allocations required by an applicable water shortage order will apply to Extended Permits.

Extended Permits may not authorize the use of non-brackish groundwater supplies or non-alternative water supplies.

The availability of Extended Permits, if utilized, may result in an indeterminate reduction in permit fees collected by WMDs. Please see Fiscal Comments for the fiscal impact on local government and private sector expenditures.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Consumptive Use Permitting

Section 373.236(5), F.S., authorizes consumptive use permits (CUP) for the development of alternative water supplies. The WMD or DEP may impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of WMD or DEP and is not harmful to the water resources of the area.¹

A CUP establishes the duration and type of water use as well as the maximum amount that may be used. Pursuant to s. 373.219, F.S., each CUP must be consistent with the objectives of the WMD and not harmful to the water resources of the area. To obtain a CUP, an applicant must establish that the proposed use of water satisfies the statutory test, commonly referred to as "the three-prong test." Specifically, the proposed water use: 1) must be a "reasonable-beneficial use" as defined in s. 373.019, F.S.; 2) must not interfere with any presently existing legal use of water; and 3) must be consistent with the public interest.

Reasonable-Beneficial Use

"Reasonable-beneficial use," as defined in statute, is the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner that is both reasonable and consistent with the public interest.² In the words of the drafters of *A Model Water Code*, from which the reasonable-use standard was taken, "[w]asteful use of water will not be permitted under the reasonable-beneficial use standard, regardless of whether or not there is sufficient water to meet the needs of other riparian owners."³ Rather, the reasonable-beneficial use standard requires efficient economic use of water and consideration of the rights of the general public.⁴

To that end, DEP has promulgated the Water Resource Implementation Rule that incorporates interpretive criteria for implementing the reasonable-beneficial use standard based on common law and on water management needs.⁵ These criteria include consideration of the quantity of water requested; the need, purpose, and value of the use; and the suitability of the use of the source. The criteria also consider the extent and amount of harm caused, whether that harm extends to other lands, and the practicality of mitigating that harm by adjusting the quantity or method of use. Particular consideration is given to the use or reuse of lower quality water, and the long-term ability of the source to supply water without sustaining harm to the surrounding environment and natural resources through such adverse impacts as salt water intrusion. Notwithstanding DEP's rather broad discretion when interpreting these criteria, the district court in *Florida Water Management District v. Charlotte County*⁶ nonetheless upheld DEP's use of these criteria for implementing the reasonable-beneficial use standard.

Existing Legal Users

The second criterion of the three-prong test protects the rights of existing legal water users for the duration of their permits.⁷ Essentially, new users cannot obtain a CUP to use water if the use conflicts with existing permits. But, when the permit is up for renewal, the competing use that the WMD determines best serves the public interest will be permitted, irrespective of which use was previously permitted.

¹ Section 373.219, F.S. (2011).

² Section 373.019(16), F.S. (2011).

³ Richard Hamann, *Consumptive Use Permitting Criteria*, 14.2-1, 14.2-2 (Fla. Env. & Land Use Law, 2001) (citing Frank E. Maloney, et al., *A Model Water Code*, 86-87 (Univ. of Fla. Press, 1972)).

⁴ *Id.*

⁵ Chapter 62-40, F.A.C. (2010).

⁶ *Florida Water Management District v. Charlotte County*, 774 So. 2d 903, 911 (Fla. 2d DCA 2001).

⁷ Section 373.223(1)(b), F.S. (2011).

This criterion only protects water users that actually withdraw water. Illustrative of this point, the court in *Harloff v. Sarasota*⁸ held that a municipal wellfield was an existing legal use entitled to protection from interference by a new use. In contrast, a farmer who passively depended on the water table to maintain the soil moisture necessary for nonirrigated crops and the standing surface water bodies for watering cattle was denied protection as an "existing user."⁹

Public Interest

The third element of the three-prong test requires water use to be consistent with the "public interest." While the DEP's Water Resource Implementation Rule provides criteria for determining the "public interest",¹⁰ determination of public interest is made on a case-by-case basis during the permitting process. For example, in *Friends of Fort George v. Fairfield Communities*,¹¹ the Division of Administrative Hearings considered the following factors in finding that water use was in the public interest: water conservation and reuse, total amount of water allocated, lack of salt water intrusion, reduction of estuarine pollution, and development of new water source. In a separate case, *Church of Jesus Christ of Latter Day Saints v. St. John's Water Management District*,¹² the St. John's WMD stated that the determination of whether a water use is in the public interest requires a determination of whether the use is "beneficial or detrimental to the overall collective well-being of the people or to the water resource in the area, the [WMD], and the State."

Duration of Permits and Compliance Reviews

According to s. 373.236(1), F.S., CUPs must be granted *for a period of 20 years* if: (1) requested by the applicant and (2) there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit. If either of these requirements is not met, a CUP with a shorter duration may be issued to reflect the period for which reasonable assurances can be provided. The WMDs and DEP may determine the duration of permits based upon a reasonable system of classification according to the water source, type of use, or both.

Pursuant to s. 373.326(4), F.S., when necessary to maintain "reasonable assurance" that initial conditions for issuance of a 20-year CUP can continue to be met, a WMD or DEP *may* require a permittee to produce a compliance report every 10 years.¹³ A compliance report must contain sufficient data to maintain reasonable assurance that the initial permit conditions are met. After reviewing a compliance report, the WMD or DEP may modify the permit, including reductions or changes in the initial allocations of water, to ensure that the water use comports with initial conditions for issuance of the permit. Permit modifications made by a WMD or DEP during a compliance review cannot be subject to competing applications for water use if the permittee is not seeking additional water allocations or changes in water sources.

Consumptive Use Permits for the Development of Alternative Water Supplies

Section 373.019(5), F.S., defines "alternative water supplies" as "salt water; brackish surface and groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan."

⁸ *Harloff v. Sarasota*, 575 So. 2d 1324 (Fla. 2d DCA 1991).

⁹ *West Coast Regional Water Supply Authority v. Southwest Florida Water Management District*, 89 ER F.A.L.R. 166 (Final Order, August 30, 1989).

¹⁰ See, e.g., Rule 62-40.422, F.A.C. (2010) (criteria to determine whether transport of water between districts is consistent with the public interest).

¹¹ *Friends of Fort George v. Fairfield Communities*, 24 Fla. Supp. 2d 192-223, DOAH Case No. 85-3537, 85-3596 (Final Order dated Oct. 6, 1986).

¹² *Church of Jesus Christ of Latter Day Saints v. St. John's Water Management District*, 92 ER. F.A.L.R. 34 (Final Order, Dec. 13, 1990).

¹³ In limited instances, the statute authorizes more frequent "look backs". For example, the Suwannee River WMD may require a compliance report every 5 years through July 1, 2015; but on that date the "look-back" period returns to 10 years.

CUPS issued under s. 373.326(5), F.S., for the development of alternative water supplies must be issued for a term of *at least 20 years*.¹⁴ If the permittee issues bonds to finance construction of the alternative water supply project, the permit term *must* be extended to expire upon retirement of the bonds if two conditions are met: 1) the permittee requests an extension during the term of the permit, and 2) the WMD determines that the use will continue to meet the conditions for issuance of the permit. As a matter of general practice in Florida, WMDs have historically issued CUPS with a maximum term of 20 years for the development of alternative water supplies.

During the term of these permits, compliance reports may be required by the WMD or DEP every 10 years (every 5 years if within the Suwannee River WMD). A compliance report must contain sufficient data to maintain reasonable assurance that the initial permit conditions are met. During a compliance review, permits are subject to modification, including reductions or changes in water allocations.

Effects of proposed changes

The current text of s. 373.236(5), F.S., is designated as new subsection (5)(a) and amended to clarify that a CUP issued under that paragraph for the development of alternative water supplies may be approved only "if there is sufficient data to provide for reasonable assurance that the conditions for permit issuance will be met for the duration of the permit."

Additionally, the bill creates subsection (5)(b) in order to establish a new type of CUP for the development of alternative water supplies (for purposes of this analysis only, these permits will be referred to as "Extended Permits"). Under this new subsection, CUPS approved by the state after July 1, 2013, for the development of alternative water supplies must have a term of *at least 30 years* if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit. Any public or private entity that wishes to develop an alternative water supply may be eligible to receive an Extended Permit regardless of the manner in which the water project will be financed.

If, within 7 years after an Extended Permit is granted, the permittee issues bonds to finance the project, completes construction of the project, and requests an extension of the permit duration, the permit *must* be extended to expire upon the retirement of such bonds or 30 years after the date construction of the project is complete, whichever occurs later. However, a permit's duration may not be extended more than 7 years after the permit's original expiration date regardless of whether any bonds used to finance the project are outstanding at the end of 7 years.

Extended Permits are subject to periodic compliance report reviews as described in s. 373.236(4), F.S.; however, during a compliance review, the WMDs may not reduce the quantity of alternative water allocated under an Extended Permit if the permittee demonstrates that bonds issued to finance the project are outstanding unless a reduction is needed to address unanticipated harm to the water resources or to existing legal uses present when the permit was issued. Thus, if bonds are outstanding, a WMD may no longer reduce the amount of water allocated if the permittee does not demonstrate a need for the allocated water due to lower than expected population growth or demand. However, reductions in water allocations required by an applicable water shortage order apply to Extended Permits.

Applicants may choose to apply for a CUP under subsection (5)(a), which is essentially current law authorizing CUPS with a duration of *at least 20 years*, or under new subsection (5)(b), which authorizes Extended Permits with a duration of *at least 30 years*.¹⁵ Because WMDs have historically issued initial CUPS with a maximum term of 20 years, this bill effectively increases the minimum duration of an initial CUP for the development of alternative water supplies from 20 to 30 years. In addition, entities that issue bonds to finance a project are entitled to a 7-year extension of an Extended Permit if certain conditions are met; however, the duration of an Extended Permit may not be extended more than 7 years after the original expiration date even if bonds remain outstanding.

¹⁴ Section 373.236(5), F.S. (2011).

¹⁵ One reason an applicant may wish to receive a permit under subsection (5)(a) rather than new (5)(b) is to have the option, *at the end of a permit's term*, of extending the permit's duration so the permit expires when the bonds used to finance the project are retired rather than prior to retirement of the bonds.

Extended Permits may not authorize the use of non-brackish groundwater supplies or non-alternative water supplies. Thus, a composite permit that authorizes both the use of traditional and alternative water supplies is not authorized under subsection 5(b).

B. SECTION DIRECTORY:

Section 1. Amends s. 373.236, F.S., specifying conditions for issuance, extension, and review of consumptive use permits for the development of alternative water supplies.

Section 2. Provides an effective date of July 1, 2013.

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:

The availability of Extended Permits, if utilized, may result in an indeterminate reduction in permit fees collected by WMDs.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

Current law authorizes WMDs to issue new CUPs with durations of 30 years for the development of alternative water supplies; however, proponents of the bill assert that, in practice, WMDs have authorized CUPs with maximum durations of only 20 years. Proponents of the bill assert that, if a public or private entity initially obtains an Extended Permit with a 30-year duration, and then finances the alternative water supply project by issuing bonds with a 30-year term, the interest rate of the bonds will be reduced because the expiration of the initial Extended Permit more closely aligns with the retirement of the bonds. Thus, proponents assert, the capital costs of developing alternative water supplies will be reduced if Extended Permits are authorized by this bill. In addition, by requiring a 7-year extension of an Extended Permit under certain circumstances, the permittee will avoid the costs and uncertainty associated with reapplying for a new permit at the end of the initial 30-year permit term.

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 expenditure of funds, reduce the authority that counties or municipalities have to

raise revenues in the aggregate, or reduce the percentage of state tax with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to consumptive use permits for
 3 development of alternative water supplies; amending s.
 4 373.236, F.S.; specifying conditions for issuance of
 5 permits; providing for issuance, extension, and review
 6 of permits approved after a specified date; providing
 7 for applicability and construction; providing an
 8 effective date.

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

11
 12 Section 1. Subsection (5) of section 373.236, Florida
 13 Statutes, is amended to read:

14 373.236 Duration of permits; compliance reports.—

15 (5) (a) Permits approved for the development of alternative
 16 water supplies shall be granted for a term of at least 20 years
 17 if there is sufficient data to provide reasonable assurance that
 18 the conditions for permit issuance will be met for the duration
 19 of the permit. However, if the permittee issues bonds for ~~the~~
 20 construction of the project, upon request of the permittee
 21 before ~~prior to the~~ expiration of the permit, the ~~that~~ permit
 22 shall be extended for such additional time as ~~is~~ required for
 23 the retirement of bonds, not including any refunding or
 24 refinancing of such bonds, if ~~provided that~~ the governing board
 25 determines that the use will continue to meet the conditions for
 26 the issuance of the permit. Such a permit is subject to
 27 compliance reports under subsection (4).

28 (b)1. Permits approved on or after July 1, 2013, for the

29 development of alternative water supplies shall be granted for a
 30 term of at least 30 years if there is sufficient data to provide
 31 reasonable assurance that the conditions for permit issuance
 32 will be met for the duration of the permit. If, within 7 years
 33 after a permit is granted, the permittee issues bonds to finance
 34 the project, completes construction of the project, and requests
 35 an extension of the permit duration, the permit shall be
 36 extended to expire upon the retirement of such bonds or 30 years
 37 after the date construction of the project is complete,
 38 whichever occurs later. However, a permit's duration may not be
 39 extended by more than 7 years beyond the permit's original
 40 expiration date.

41 2. Permits issued under this paragraph are subject to
 42 compliance reports under subsection (4). However, if the
 43 permittee demonstrates that bonds issued to finance the project
 44 are outstanding, the quantity of alternative water allocated in
 45 the permit may not be reduced during a compliance report review
 46 unless a reduction is needed to address unanticipated harm to
 47 water resources or to existing legal uses present when the
 48 permit was issued. A reduction required by an applicable water
 49 shortage order shall apply to permits issued under this
 50 paragraph.

51 3. Permits issued under this paragraph may not authorize
 52 the use of nonbrackish groundwater supplies or nonalternative
 53 water supplies.

54 (c) Entities that wish to develop alternative water
 55 supplies may apply for a permit under paragraph (a) or paragraph
 56 (b).

HB 109



2013

57

Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 137 Department of Citrus
SPONSOR(S): Raburn and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 298

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

SUMMARY ANALYSIS

In 1949, the Florida Citrus Code was established in Chapter 601, F.S., to regulate and protect the citrus industry. Over the years various sections of Chapter 601, F.S., have been revised and new sections have been added.

In 2012, the legislature passed CS/CS/HB 1237, which completely rewrote the chapter of law related to the Department of Citrus (DOC) and the citrus industry to correct various inconsistencies as well as make other substantive changes. However, a reference to the DOC's headquarters being located in Lakeland was inadvertently left in the statutes. The bill deletes the outdated reference to Lakeland that was unintentionally left in the statute. The DOC relocated their operations to Bartow approximately three years ago.

Current law states that, in rules related to the issuance and voluntary use of symbols, certification marks, service marks, or trademarks, the Florida Citrus Commission can make general references to national or state requirements that the license applicant would be compelled to meet regardless of the Department of Agriculture and Consumer Service's (DACS's) issuance of the license applied for. As stated above, the legislature in 2012 passed CS/CS/HB 1237, which was a rewrite of chapter 601, F.S., pertaining to the DOC. The bill amended the statute described above and made incorrect changes to the statute by referencing DACS instead of the DOC. The bill changes the reference to DACS back to the DOC in regard to the rules related to the issuance and voluntary use of symbols, certification marks, service marks, or trademarks for license applicants.

Current law also authorizes the DOC or DACS, or their successors, to collect or compel the entities regulated by DACS to collect dues and other payments on behalf of any non-profit corporations located in the state that receive payments or dues from their members. DACS has the authority to adopt rules to administer this law. The chapter 601, F.S., rewrite explained above also incorrectly changed, from DOC to DACS, the agency that is responsible for implementing this section of law and adopting rules. The bill changes the references to DACS in the statute back to the DOC to correct the references to DACS that were inadvertently inserted during the rewrite of Chapter 601, F.S., in 2012.

Because the law rewriting chapter 601, F.S., mistakenly made DACS, instead of the DOC, the agency responsible for implementing the statutory sections discussed above, the bill provides that the revisions to current law in the bill – changing the references to the DACS back to the DOC – are remedial in nature and apply retroactively to the effective date of the law passed last year that rewrote chapter 601, F.S. In addition, the bill provides that any rules that had been adopted by the DOC to implement these sections of law prior to the chapter 601, F.S., rewrite and that were transferred to DACS due to the incorrect reference to DACS, are transferred by a type two transfer back to the DOC and apply retroactively to the effective date of the chapter 601, F.S., rewrite. Lastly, any rules that were adopted by DACS after the passage of the Chapter 601, F.S., rewrite are transferred by a type two transfer to the DOC.

The bill does not appear to have a fiscal impact on state or local government. The effective date of this legislation is upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

In 1949, the Florida Citrus Code was established in Chapter 601, F.S., to regulate and protect the citrus industry. Over the years various sections of Chapter 601, F.S., have been revised and new sections have been added. During the legislative session of 2012, Chapter 601, F.S., underwent a complete rewrite to correct various inconsistencies as well as make other substantive changes.¹ In the course of amending Chapter 601, F.S., certain references to the Department of Citrus (DOC) were changed that should not have been, and a reference to the DOC headquarters being located in Lakeland was inadvertently left in the statutes.

Section 1

Present Situation

Section 601.152 (1)(d), F.S., provides that copies of proposed marketing orders must be made available to the public at the offices of the DOC at Lakeland at least 5 days before the public hearing.

Effect of Proposed Changes

The bill deletes the reference to Lakeland from s. 601.152(1)(d), F.S. The DOC relocated their operations to Bartow approximately three years ago so the bill is removing this outdated reference to Lakeland.

Section 2

Present Situation

Section 601.9918, F.S., states that, in rules related to the issuance and voluntary use of symbols, certification marks, service marks, or trademarks, the Florida Citrus Commission can make general references to national or state requirements that the license applicant would be compelled to meet regardless of the Department of Agriculture and Consumer Service's (DACS) issuance of the license applied for. As stated above, the legislature in 2012 passed CS/CS/HB 1237, which was a rewrite of chapter 601, F.S., pertaining to the DOC. The bill amended the above statutory section and made incorrect changes to the section by referencing DACS instead of the DOC.

Effect of Proposed Changes

The bill changes the reference to DACS back to the DOC to correct the incorrect reference to DACS that was inadvertently inserted during the rewrite of Chapter 601, F.S., in 2012.

Section 3

Present Situation

Section 601.992, F.S., authorizes the DOC or DACS, or their successors, to collect or compel the entities regulated by DACS to collect dues and other payments on behalf of any non-profit corporations located in the state that receive payments or dues from their members. These non-profit corporations must be engaged in market news and grower education solely for citrus growers, and must have at least 5,000 members who are engaged in growing citrus in the state for commercial sale. DACS has the authority to adopt rules to administer this section. The rules may establish indemnity requirements

¹ CS/CS/HB 1237, Ch. 2012-182, L.O.F.
STORAGE NAME: h0137.ANRS.DOCX
DATE: 2/8/2013

for the requesting corporation and for fees to be charged to the corporation that are sufficient to ensure that any direct costs incurred by DACS in implementing this section are borne by the requesting corporation and not by DACS. The chapter 601, F.S., re-write explained above also incorrectly changed, from DOC to DACS, the agency that is responsible for implementing this section of law and adopting rules.

Effect of Proposed Changes

The bill changes the references to DACS in the statutory section described above back to the DOC to correct the incorrect references to DACS that were inadvertently inserted during the rewrite of chapter 601, F.S., in 2012.

Section 4

Because the law rewriting chapter 601, F.S., mistakenly made DACS the agency responsible for implementing these statutory sections instead of the DOC, as explained above, the bill that the above revisions to ss. 601.9918 and 601.992, F.S. – changing the reference to DACS back to the DOC -- are remedial in nature and apply retroactively to the effective date of the law passed last year that rewrote chapter 601, F.S. In addition, the bill provides that any rules that had been adopted by the DOC to implement s. 601.992, F.S., prior to the chapter 601, F.S., rewrite and that were transferred to DACS due to the incorrect reference to DACS, are transferred by a type two transfer back to the DOC and apply retroactively to the effective date of the chapter 601, F.S., rewrite. Lastly, any rules that were adopted by DACS after the passage of the chapter 601, F.S., rewrite are transferred by a type two transfer to the DOC.

B. SECTION DIRECTORY:

Section 1: Amends s. 601.152, F.S.; deletes an obsolete reference.

Section 2: Amends s. 601.9918, F.S.; returns certain references to DOC that were changed to reference DACS by chapter 2012-182, Laws of Florida.

Section 3: Amends s. 601.992, F.S.; returns certain references to DOC that were changed to reference DACS by chapter 2012-182, Laws of Florida.

Section 4: Provides for retroactive application; provides for the transfer of certain rules of DACS to DOC; and provides for retroactive application of such rules.

Section 5: Provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

Because of how Section 4. of the bill is currently drafted, if the Department of Agriculture and Consumer Services (DACS) had amended any current rules or adopted any new rules after the effective date of the Chapter 601, F.S., rewrite, then the current language could be construed as transferring the rules in effect when the rewrite was enacted rather than the amended/new rules. Fortunately, DACS did not amend the current rules or adopt new rules. Revising this section of the bill could ensure the exact rules that were in effect and transferred when the rewrite took effect are the same rules that are restored to the DOC if the section takes effect.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

1 A bill to be entitled
 2 An act relating to the Department of Citrus; amending
 3 s. 601.152, F.S.; deleting an obsolete reference;
 4 amending ss. 601.9918 and 601.992, F.S.; reverting
 5 certain references to the Department of Citrus that
 6 were changed to references to the Department of
 7 Agriculture and Consumer Services by chapter 2012-182,
 8 Laws of Florida; providing for retroactive
 9 application; providing for the transfer of certain
 10 rules of the Department of Agriculture and Consumer
 11 Services to the Department of Citrus; providing for
 12 retroactive application of such rules; providing an
 13 effective date.

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

16
 17 Section 1. Paragraph (d) of subsection (1) of section
 18 601.152, Florida Statutes, is amended to read:

19 601.152 Special marketing orders.—

20 (1)

21 (d) Copies of the proposed marketing order shall be made
 22 available to the public at the offices of the department ~~at~~
 23 ~~Lakeland~~ at least 5 days before such hearing and shall be in
 24 sufficient detail to apprise all persons having an interest
 25 therein of the approximate amount of moneys proposed to be
 26 expended; the assessments to be levied thereunder; and the
 27 general details of the proposed marketing order for a special
 28 marketing campaign of advertising or sales promotion or market

29 or product research and development. Among the details so
 30 specified shall be the period of time during which the
 31 assessment imposed pursuant to subsection (8) will be levied
 32 upon the privilege so assessed, which period may not be greater
 33 than 2 years. The order may, however, provide that the
 34 expenditure of the funds received from the imposition of such
 35 assessments shall not be so confined but may be expended during
 36 such time or times as shall be specified in the proposed
 37 marketing order, which may be either during the shipping season
 38 immediately preceding the shipping seasons during which such
 39 assessments are imposed or during, or at any time subsequent to,
 40 the shipping seasons during which such assessments are imposed.
 41 This section does not prevent the imposition of a subsequent
 42 marketing order before, during, or after the expenditure of
 43 funds collected under a previously imposed marketing order,
 44 provided the aggregate of the assessments imposed may not exceed
 45 the maximum permitted under subsection (8).

46 Section 2. Section 601.9918, Florida Statutes, is amended
 47 to read:

48 601.9918 Rules related to issuance and use of symbols.—In
 49 rules related to the issuance and voluntary use of symbols,
 50 certification marks, service marks, or trademarks, the
 51 commission may make general references to national or state
 52 requirements that the license applicant would be compelled to
 53 meet regardless of the department's ~~Department of Agriculture's~~
 54 issuance of the license applied for.

55 Section 3. Section 601.992, Florida Statutes, is amended
 56 to read:

57 601.992 Collection of dues and other payments on behalf of
 58 certain nonprofit corporations engaged in market news and grower
 59 education.—The Department of Citrus or the Department of
 60 Agriculture or their successors may collect or compel the
 61 entities regulated by the Department of Citrus Agriculture to
 62 collect dues, contributions, or any other financial payment upon
 63 request by, and on behalf of, any not-for-profit corporation and
 64 its related not-for-profit corporations located in this state
 65 that receive payments or dues from their members. Such not-for-
 66 profit corporation must be engaged, to the exclusion of
 67 agricultural commodities other than citrus, in market news and
 68 grower education solely for citrus growers, and must have at
 69 least 5,000 members who are engaged in growing citrus in this
 70 state for commercial sale. The Department of Citrus Agriculture
 71 may adopt rules to administer this section. The rules may
 72 establish indemnity requirements for the requesting corporation
 73 and for fees to be charged to the corporation that are
 74 sufficient but do not exceed the amount necessary to ensure that
 75 any direct costs incurred by the Department of Citrus
 76 ~~Agriculture~~ in implementing this section are borne by the
 77 requesting corporation and not by the Department of Citrus
 78 ~~Agriculture~~.

79 Section 4. (1) The amendments made by this act to ss.
 80 601.9918 and 601.992, Florida Statutes, are remedial in nature
 81 and apply retroactively to the effective date of ss. 74 and 75
 82 of chapter 2012-182, Laws of Florida.

83 (2) Rules adopted by the Department of Citrus to implement
 84 s. 601.992, Florida Statutes, which were in effect upon the

85 effective date of s. 75 of chapter 2012-182, Laws of Florida, if
 86 transferred to the Department of Agriculture and Consumer
 87 Services are transferred by a type two transfer, as defined in
 88 s. 20.06(2), Florida Statutes, to the Department of Citrus and
 89 shall apply retroactively to the effective date of s. 75 of
 90 chapter 2012-182, Laws of Florida.

91 (3) Rules adopted by the Department of Agriculture and
 92 Consumer Services on or after the effective date of s. 75 of
 93 chapter 2012-182, Laws of Florida, to implement s. 601.992,
 94 Florida Statutes, if any, are transferred by a type two
 95 transfer, as defined in s. 20.06(2), Florida Statutes, to the
 96 Department of Citrus.

97 Section 5. This act shall take effect upon becoming a law.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Raburn offered the following:

Amendment

Remove lines 83-96 and insert:

(2) Rules 20-109.005 and 20-112.003, Florida

Administrative Code, adopted by the Department of Citrus to
implement s. 601.9918, Florida Statutes, and rules 20-7.001, 20-
7.002, 20-7.003, 20-7.004, and 20-7.005, Florida Administrative
Code, adopted by the Department of Citrus to implement s.
601.992, Florida Statutes, all of which were in effect upon the
effective date of ss. 74 and 75 of chapter 2012-182, Laws of
Florida, if transferred to the Department of Agriculture and
Consumer Services, are transferred by a type two transfer, as
defined in s. 20.06(2), Florida Statutes, to the Department of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 137 (2013)

Amendment No. 1

17 Citrus and shall apply retroactively to the effective date of
18 ss. 74 and 75 of chapter 2012-182, Laws of Florida. On or after
19 the effective date of ss. 74 and 75 of chapter 2012-182, Laws of
20 Florida, the Department of Agriculture and Consumer Services
21 neither amended nor adopted rules to implement ss. 601.9918 or
22 601.992, Florida Statutes, so that the rules subject to this
23 type two transfer shall be those listed in this section and in
24 effect as of the effective date of ss. 74 and 75 of chapter
25 2012-182, Laws of Florida.

26

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 333 Fish and Wildlife Conservation Commission
SPONSOR(S): Steube
TIED BILLS: None **IDEN./SIM. BILLS:** SB 448

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Deslatte ^{SD}	Blalock ^{AFB}
2) Veteran & Military Affairs Subcommittee			
3) Agriculture & Natural Resources Appropriations Subcommittee			
4) State Affairs Committee			

SUMMARY ANALYSIS

The bill amends various statutes relating to certain programs under the authority of the Florida Fish and Wildlife Conservation Commission (FWC). The bill:

- Amends the definition of "navigation rules" in statute by removing an outdated reference to the U.S. Code and replacing it with the updated reference to the Code of Federal Regulations. This will ensure that the FWC will be able to adequately enforce navigation rules.
- Adjusts recreational hunting and fishing license residency requirements by eliminating the six-month residency requirement in order to obtain a resident recreational hunting or fishing license. The bill also adjusts the saltwater commercial fishing license residency regulation by eliminating the six month county residency requirement. Commercial fishermen must still reside in Florida for one year before applying for a saltwater commercial fishing license. In addition, the bill provides that a "resident of Florida," for the purposes of obtaining a recreational hunting or fishing license, is any person who has declared Florida as his or her only state of residence, as evidenced by one of five specified documents. The bill also amends the definition of a "resident alien" by eliminating the requirement that they continuously reside in a county for six months. To be a "resident alien" a person must still continuously reside in the state for one year.
- Provides that a hunting, freshwater fishing, or saltwater fishing license or permit is not required for any person participating in an outdoor recreational event authorized by an FWC permit for the primary purpose of rehabilitation or enjoyment for veterans or military personnel. The veterans must be certified by the U.S. Department of Veterans Affairs, or its predecessor, or by any branch of the U.S. Armed Forces to have any service-connected disability percentage rating. "Military personnel" refers to active duty personnel of any branch of the U.S. Armed Forces or the U.S. Coast Guard, members of the military reserves, or members of the Florida National Guard. The exemption also applies to any person participating in such an event regardless of whether the person is active duty military personnel, a veteran with a disability, or a member of the military reserves.
- Authorizes the FWC to increase the total number of license-free recreational saltwater fishing days from two to four annually. The bill also authorizes the FWC to increase the total number of license-free recreational freshwater fishing days from two to four annually.
- Provides assistance to certain veterans who wish to become commercial fishers by waiving the restricted species endorsement income requirement for one year.

The fiscal impact to the state is indeterminate, but potentially small revenue losses from a decrease in license sales due to the new exemptions, which may be offset by the purchase of hunting and fishing licenses by individuals participating in the license-exempted events who have not previously purchased a license. The bill does not appear to have a fiscal impact on local governments, but will have a positive fiscal impact on the private sector. Please see the Fiscal Comments Section below.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Section 1. Amends s. 327.02, F.S., Revising References to Federal Boating Laws

Present Situation

The International Navigation Rules were formalized in the Convention on the International Regulations for Preventing Collisions at Sea (COLREGS) and became effective on July 15, 1977.¹ These rules apply to all vessels upon the high seas and in all connected waters navigable by seagoing vessels.² The U.S. Inland Navigation Rules became effective in 1981.³ These rules apply to all vessels upon the inland waters of the U.S., and to vessels of the U.S. on the Canadian waters of the Great Lakes to the extent that there is no conflict with Canadian law.⁴ With a few exceptions, the International and Inland Rules are very similar in content and format.⁵ Both cover vessel conduct when operating on federal waters and also cover lights, shapes, and the sound and light signals on vessels. The International Navigation Rules are applicable on waters outside of established lines of demarcation.⁶ The demarcation lines delineate those waters upon which mariners must comply with the Inland and International rules.⁷ The U.S. Coast Guard establishes the demarcation lines and they can be found on most navigational charts and are published in the Navigation Rules.⁸

These demarcation lines should not be confused with state coastal zones and federal waters. Florida's seaward boundary is 9 nautical miles off of the Gulf of Mexico coastline and 3 nautical miles off of the Atlantic coastline.⁹ For example, a vessel on the seaward side of a demarcation line must adhere to International Navigation Rules; however, that vessel could still be in Florida waters if it is within 3 nautical miles of the Atlantic coastline or 9 nautical miles of the Gulf of Mexico coastline.

The Inland Navigation Rules were located in 33 U.S.C. 151 until May 17, 2010, when they were relocated to the Code of Federal Regulations (C.F.R.), specifically 33 C.F.R. Part 80. Florida adopted the Federal Navigation Rules in s. 327.02, F.S. in 1988 and applied them to state waters as well as waters extending out 3 nautical miles from the Atlantic coastline and 9 nautical miles from the Gulf of Mexico coastline. The Fish and Wildlife Conservation Commission (FWC) enforces both the Inland and International Navigation Rules and currently cites the outdated U.S. code provision when giving citations to boaters.

Effect of Proposed Changes

The bill amends the definition of "navigation rules" in s. 327.02, F.S., by removing the outdated reference to the U.S. code and replacing it with the proper reference to the Code of Federal regulations. This will ensure that the FWC will be able to adequately enforce the navigation rules.

¹ U.S. Coast Guard "Navigation Rules, International-Inland", revised October 19, 2009.pg 5. On file with staff.

² *Id.* at pg. 3.

³ *Id.* at v.

⁴ *Id.* at 3

⁵ *Id.* at v.

⁶ *Id.* at iv.

⁷ *Id.*

⁸ FWC 2013 analysis. On file with staff.

⁹ Article II, Section 1(a), Florida Constitution.

Section 2. Amends s. 379.101, F.S., Defining Residency Requirements for Hunting/Fishing Licenses

Present Situation

The State of Florida requires residents and nonresidents to obtain licenses for both recreational fishing and hunting¹⁰ and commercial fishing.¹¹ Section 379.101(30)(a), F.S., defines a resident, for the purpose of purchasing a saltwater commercial fishing license, as a citizen of the United States who has continuously resided in Florida for one year and has resided in a county for six months. Section 379.101(30)(b), F.S., defines a resident, for the purpose of purchasing a recreational hunting and fishing license, as any person who has continually resided in the state for six months or any member of the United States Armed Forces who is stationed in the state.

Section 379.101(30)(b), F.S., also applies this definition of a resident to certain non-recreational and commercial licenses and activities that require only a six-month state residency instead of the one year state residency requirement. The specific statutes that fall under this definition of a resident are:

- Section 379.363, F.S.- Freshwater fish dealer's license
- Section 379.3635, F.S. - Haul Seine and Trawl Permits
- Section 379.364, F.S. - License Required for Fur and Hide Dealers
- Section 379.3711, F.S. - License Fee for Private Game Preserves and Farms
- Section 379.3712, F.S. - Private Hunting Preserve License Fees; exception;
- Section 379.372, F.S. - Capturing, keeping, possessing, transporting, or exhibiting venomous reptiles, reptiles of concern, conditional reptiles, or prohibited reptiles; license required
- Section 379.373, F.S. - License fee; renewal, revocation
- Section 379.374, F.S. - Bond required; amount
- Section 379.3751, F.S. - Taking and possession of alligators; trapping licenses; fees
- Section 379.3752, F.S. - Required tagging of alligators and hides; fees; revenues
- Section 379.3761, F.S. - Exhibition or sale of wildlife; fees; classifications
- Section 379.3762, F.S. - Personal Possession of Wildlife
- Section 379.377, F.S. - Tag fees for sale of Lake Okeechobee game fish

Federal Real ID Act

On January 1, 2010, the Florida Department of Highway Safety and Motor Vehicles (DHSMV) implemented the federal Real ID Act of 2005, which is a nationwide effort to improve the integrity and security of state-issued driver licenses and identification cards.¹² A current Florida license or ID card will continue to be valid as identification for federal purposes until December 1, 2014 for individuals born after December 1, 1964 or until December 1, 2017 for everyone else.¹³ After these dates, federal agencies will no longer accept a driver license or ID card unless it is Real ID compliant.¹⁴

To receive a Real ID license or ID card, a U.S. citizen must provide the DHSMV with one of the following:¹⁵

- A valid, unexpired U.S. passport
- An original or certified copy of a birth certificate
- A consular report of birth abroad
- A certificate of naturalization
- A certificate of citizenship

¹⁰ Section 379.352, F.S.

¹¹ Section 379.361, F.S.

¹² The Florida Department of Highway Safety & Motor Vehicles Real ID Act website, <http://www.flhsmv.gov/RealID.htm>

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

- A court or marriage/divorce document that provides proof of a change in name that differs from the primary identity document

Non-citizens must provide one of the following:¹⁶

- A valid, unexpired permanent resident card-I-551 for lawful permanent residents
- A valid passport for non-immigrants except for asylum applicants and refugees
- Other government-issued documents showing the person's full name
- Department of Homeland Security documents showing proof of lawful presence
- Evidence that a name change has been applied for from the Department of Homeland Security in the case of marriage/divorce

Both citizens and non-citizens must also provide:¹⁷

- A Social Security card or evidence that a person is not eligible for one
- Other document with a Social Security Number on it
- Two documents that show principal residence¹⁸

Effect of Proposed Changes

The bill amends the definition of "resident" and "resident of Florida" in s. 379.101, F.S., to eliminate the six month residency requirement in order to obtain a resident recreational hunting or fishing license, and moves the non-recreational and commercial licensing statutes described above into the paragraph that pertains to other commercial licenses so that they maintain their 6-month state residency requirement. The bill provides that a "resident of Florida" for the purposes of obtaining a recreational hunting or fishing license is any person who has declared Florida as his or her only state of residence as evidenced by one of the following documents:

- A valid Florida driver license or ID with a Florida address and not identified as "Valid in Florida Only"
- Current Florida Voter Information card
- A sworn statement manifesting and evidencing domicile in Florida in accordance with s. 222.17, F.S.
- Current Florida homestead exemption
- Children under the age of 18 may also use a student ID card from a Florida school or, when the child is accompanied by their parent at the time of purchase, their parent's proof of residency.

The bill also eliminates the requirement for a resident saltwater commercial fisherman to prove six months of residency in a Florida county in order to obtain a resident saltwater products license. The commercial fisherman must still prove one year residency in the state in order to obtain the resident license.

In addition, the bill also amends the definition of a "resident alien" by eliminating the requirement that they continuously reside in a county for six months. To be a "resident alien" a person must still continuously reside in the state for one year.

Lastly, the bill moves the list of statutory references relating to certain non-recreational and commercial licenses and activities that only require a 6-month state residency requirement, described above, to the part of the "resident of Florida" definition that pertains to commercial fishing licenses in general. This is a technical revision that cleans up the section of statute.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Acceptable forms of proof of residency can be found on the DHSMV website, <http://www.flhsmv.gov/RealID.htm>

Section 3. Amends s. 379.353, F.S. Exempting Recreational Hunting/Fishing Licenses for Specified Veteran Events

Present Situation

Florida residents and nonresidents must purchase a recreational hunting or fishing license in order to take wild animal life, freshwater aquatic life, and marine life.¹⁹ Section 379.353, F.S., provides exemptions from the requirement to buy a recreational hunting or fishing license for the following people:

- Any child under 16 years of age, except as otherwise provided in this part.
- Any person hunting or freshwater fishing on her or his homestead property, or on the homestead property of the person's spouse or minor child; or any minor child hunting or freshwater fishing on the homestead property of her or his parent.
- Any resident who is a member of the United States Armed Forces and not stationed in this state, when home on leave for 30 days or less, upon submission of orders.
- Any resident fishing for recreational purposes only, within her or his county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism. This exemption does not apply to residents fishing in a legally established fish management area.
- Any person freshwater fishing in a fish pond of 20 acres or less that is located entirely within the private property of the fish pond owner.
- Any person freshwater fishing in a fish pond that is licensed in accordance with s. 379.356, F.S.
- Any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services, provided the department furnishes proof thereof.
- Any resident saltwater fishing from land or from a structure fixed to the land who has been determined eligible by the Department of Children and Family Services for the food assistance program, temporary cash assistance, or the Medicaid programs. A benefit issuance or program identification card issued by the Department of Children and Family Services or the Florida Medicaid program of the Agency for Health Care Administration shall serve as proof of program eligibility. The client must have in his or her possession the ID card and positive proof of identification when fishing.
- Any person saltwater fishing from a vessel licensed pursuant to s. 379.354(7), F.S.
- Any person saltwater fishing from a vessel the operator of which is licensed pursuant to s. 379.354(7), F.S.
- Any person saltwater fishing who holds a valid saltwater products license issued under s. 379.361(2), F.S.
- Any person saltwater fishing for recreational purposes from a pier licensed under s. 379.354, F.S.
- Any resident fishing for mullet in fresh water who has a valid Florida freshwater fishing license.
- Any resident 65 years of age or older who has in her or his possession proof of age and residency. A no-cost license under this paragraph may be obtained from any tax collector's office upon proof of age and residency and must be in the possession of the resident during hunting, freshwater fishing, and saltwater fishing activities.
- Any employee of the commission who takes freshwater fish, saltwater fish, or game as part of employment with the commission, or any other person authorized by commission permit to take freshwater fish, saltwater fish, or game for scientific or educational purposes.
- Any resident recreationally freshwater fishing who holds a valid commercial fishing license issued under s. 379.363(1)(a), F.S.

In Florida, there were roughly 59,000 active duty military personnel and 39,000 military reservists living in Florida as of June 30, 2012.²⁰ The FWC routinely receives requests from various veterans organizations to waive the requirement that their participants purchase a recreational hunting or fishing

¹⁹ Section 379.352, F.S. Current license fees for recreational hunting and fishing licenses can be found on FWC's website at <http://myfwc.com/license/recreational>.

²⁰ FWC 2013 analysis. On file with staff.

license when those participants are recreating or rehabilitating military or disabled veterans. Currently, the FWC does not have the authority to waive the licensing requirement.

Effect of Proposed Changes

The bill amends s. 379.353, F.S., to provide that a hunting, freshwater fishing, or saltwater fishing license or permit is not required for any person participating in an outdoor recreational event authorized by an FWC permit for the primary purpose of rehabilitation or enjoyment of veterans or military personnel. The veterans must be certified by the U.S. Department of Veterans Affairs, or its predecessor, or by any branch of the U.S. Armed Forces to have any service-connected disability percentage rating, active duty personnel of any branch of the U.S. Armed Forces or the U.S. Coast Guard, members of the military reserves, or members of the Florida National Guard. The exemption also applies to any person participating in such an event regardless of whether the person is active duty military personnel, a veteran with a disability, or a member of the military reserves.

Section 4. Amends s. 379.354, F.S., Increasing Free Saltwater/Freshwater Fishing Days

Present Situation

Currently, the FWC may designate, by rule, two consecutive or nonconsecutive days per year as free freshwater fishing days and two consecutive or nonconsecutive days per year as free saltwater fishing days, during which a recreational fishing license requirement is waived. All other laws, rules, and regulations governing the holders of a fishing license remain in effect. The free fishing days are for residents and nonresidents.

The prices for recreational fishing licenses are as follows:²¹

- A Florida resident annual freshwater or saltwater license is \$17.
- A nonresident freshwater annual license is \$47, a 3-day license is \$17, and a 7-day license is \$30.
- A nonresident saltwater annual license is \$47, a 3-day license is \$17, and a 7-day license is \$30.

Effect of Proposed Changes

The bill amends s. 379.354(15), F.S., to allow the FWC to increase the total number of license-free recreational saltwater fishing days from two to four and the total number of license-free recreational freshwater fishing days from two to four.

Section 5. Amends s. 379.361, F.S., Waiving Income Requirements for Commercial Fishing Licenses for Veterans

Present Situation

Section 379.361, F.S., provides that any person, firm, or corporation that sells, offers for sale, barter, or exchanges for merchandise any saltwater products, or that harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license (a commercial fishing license). A saltwater product is defined as any species of saltwater fish, marine plant, or echinoderm, except shells, and salted, cured, canned, or smoked seafood.²² Commercial harvest is defined as 'harvest over the recreational bag limit, use of certain gear as authorized by law, or possession of more than 100 lbs. per person per day of species with no established bag limit. Possession of two or fewer fish with no established bag limit is not considered commercial harvest even if over 100 pounds.'²³

²¹ *Id.*

²² Section 379.101, F.S.

²³ FWC 2013 analysis. On file with staff

There are three types of saltwater products licenses (SPLs) in Florida:

- Individual SPL – This license authorizes one person to engage in commercial fishing activities from the shore or a vessel, is issued in the individual's name, and is not tied to any one vessel.²⁴
- Crew SPL – This license is the same as an individual SPL but also authorizes each person who is fishing with the named individual aboard a vessel to engage in such activities. This allows the license holder to take a crew on any vessel and that crew is covered under the person's SPL.²⁵
- Vessel SPL – This license is issued to a valid commercial vessel registration number and authorizes each person aboard that registered vessel to engage in commercial saltwater fishing activities. This is issued to a vessel, not a named individual.²⁶

The various costs for SPLs are as follows:

Saltwater Products Licenses	Cost
Individual resident	\$50
Individual nonresident	\$200
Individual alien	\$300
Crew resident	\$150
Crew nonresident	\$600
Crew alien	\$900
Vessel resident	\$100
Vessel nonresident	\$400
Vessel alien	\$600

A restricted species (RS) endorsement is required for those who possess an SPL and commercially harvest or sell the following species: Spanish Mackerel, King Mackerel, Black Drum, Spotted Sea Trout, Grouper, Snapper, Red Porgy, Gray Triggerfish, Banded Rudderfish, Almaco Jack, Golden Tilefish, Amberjack, Sea Bass/Tropical/Ornamental "Marine Life", Black Mullet, Silver Mullet, Bluefish, Hogfish, Blue Crab, Stone Crab, Crawfish/Spiny Lobster, African Pompano, Florida Pompano, Permit, Sheepshead, Tripletail, Clams (Brevard County only), Shrimp, Flounder, Cobia, Wahoo, and Dolphin.²⁷

An RS endorsement is free; however, licensed commercial fishermen must qualify or show proof of landings reported under their SPL providing that a specified amount or percentage of their total annual income (\$5,000 or 25%) during one of the past three years is attributable to reported landings and sales of saltwater products to a Florida wholesale dealer.²⁸ Exemptions from income requirements include the following:

- A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 of the last 5 years.
- Active military duty time shall be excluded from consideration of the time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.
- Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation that possesses or is eligible for a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after purchase of the vessel.
- Upon the death or permanent disablement of a person possessing a restricted species endorsement, an immediate family member wishing to carry on the fishing operation shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after the death or disablement.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Rule 68B, F.A.C.

²⁸ Section 379.361(b), F.S. FWC 2013 analysis. On file with staff

- A restricted species endorsement may be issued on an individual saltwater products license to a person age 62 or older who documents that at least \$2,500 of his or her income is attributable to the sale of saltwater products.
- A permanent restricted species endorsement may also be issued on an individual saltwater products license to a person age 70 or older who has held a saltwater products license for at least 3 of the last 5 license years.
- Any resident who is certified to be totally and permanently disabled by the Railroad Retirement Board, by the United States Department of Veterans Affairs or its predecessor, or by any branch of the United States Armed Forces, or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17, upon proof of the same, or any resident certified to be disabled by the United States Social Security Administration or a licensed physician, upon proof of the same, shall be exempted from the income requirements if he or she also has held a saltwater products license for at least 3 of the last 5 license years prior to the date of the disability. A restricted species endorsement issued under this paragraph may be issued only on an individual saltwater products license.

During the 2011-2012 fiscal year, of the 12,752 SPLs issued in the state, 9,191 of them had an RS endorsement.

Small service-disabled veteran business enterprises

In 2008, HB 687 was approved by the Governor.²⁹ The bill created the Service Disabled Veterans-Owned Business Enterprise Opportunity Act. The Act created a certification program in the Department of Management Services (DMS) for small service-disabled veteran business enterprises (SDVBE). To qualify, a veteran must be a permanent resident of Florida who has a service-related disability of 10% or greater as determined by the U.S. Department of Veterans Affairs or the U.S. Department of Defense. To be certified as a SDVBE, the business enterprise must be independently owned and operated business that meets all of the following criteria:

- Employs 200 or fewer permanent full-time employees.
- Together with its affiliates has a net worth of \$5 million or less including both personal and business investments.
- Is organized to engage in commercial transactions.
- Is domiciled in Florida.
- Is at least 51% owned by one or more service-disabled veterans.
- Is managed and controlled by one or more service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.³⁰

The program requires state agencies receiving two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of which is from a SDVBE, that are equal with respect to all relevant considerations including price, quality, and service, to award the contract to the SDVBE.³¹

Since the bill was approved in 2008, there are approximately 240 disabled veteran-owned businesses certified with DMS as SDVBEs. Of the 249,000 disabled Florida-resident veterans, approximately 1/10 of 1% has taken advantage of this Act.

Rule 68B-2.006, F.A.C.

On November 11, 2012, the FWC promulgated Rule 68B-2.006, F.A.C. The rule provides assistance to certain military veterans who wish to become commercial fishers and obtain the RS endorsement issued on an SPL by waiving the income requirement for one year.

²⁹ 2008 HB 687 staff analysis.

³⁰ FWC 2013 analysis. On file with staff.

³¹ *Id.*

The FWC was created by passage of Revision #5 to the Florida Constitution during the November 1998 General Election,³² as implemented by the 1999 General Session of the Legislature. This was accomplished by merging the former Game & Fresh Water Fish Commission, the former Marine Fisheries Commission, and most of the former divisions of the marine Resources and Law Enforcement within the Department of Environmental Protection (DEP). As a constitutionally created agency, the FWC is free to exercise its constitutional responsibilities, and the Legislature may only enact laws in aid of the FWC that are not inconsistent with those constitutional responsibilities. The FWC is also exempt from Chapter 120, F.S. (the Administrative Procedure Act) in the exercise of those responsibilities.

Prior to the adoption of the 1998 amendment, regulation of Florida's wild animal life, freshwater aquatic life, and marine life was performed primarily by three separate agencies: the Game and Fresh Water Fish Commission, the Marine Fisheries Commission, and DEP. The amendment abolished the Game and Fresh Water Fish Commission and the Marine Fisheries Commission. The amendment consolidated the functions performed by the Marine Fisheries Commission and the Game and Fresh Water Fish Commission into the FWC, and granted the FWC with the executive and regulatory powers of the state over wild animal life and freshwater aquatic life, and executive and regulatory powers over marine species. The amendment specifically granted the legislature with the power to: (1) establish fees and penalties, (2) adopt laws in aid of the FWC, and (3) appropriate funds.³³

Since the adoption of this constitutional amendment, there has been some uncertainty and debate over how far the FWC's constitutional authority reaches as it pertains to marine species. The Florida Supreme Court has provided some clarity, but it is unclear whether the FWC has the authority under the Florida Constitution to adopt a rule exempting the income requirement for certain veterans, or if the FWC needs the Legislature to grant it the authority in statute in order for the rule to be effective.

Effect of Proposed Changes

The bill amends s. 379.361, F.S., to specifically grant the FWC with the statutory authority to waive the \$5,000 or 25% of annual income RS endorsement income requirement for certain veterans for one year. Specifically, the bill provides that:

- An honorably discharged resident military veteran³⁴ certified to have a service-connected permanent disability rating of 10 percent or higher, upon providing proof of such disability rating, is not required to provide documentation for the income requirement with his or her initial application for an RS endorsement. Documentation for the income requirement is required beginning with the renewal of the RS endorsement after such veteran has possessed a valid RS endorsement for a complete license year. This exemption applies only to issuance of the endorsement on an individual SPL and can only be applied one time per military enlistment. In order to renew the RS endorsement, the veteran must document that at least \$2,500 of his or her income is attributable to the sale of saltwater products.
- Until June 30, 2014, a resident military veteran who applies to the FWC and who received an honorable discharge between September 11, 2001, and June 30, 2014, is not required to provide documentation for the income requirement with his or her initial application for an RS endorsement. Documentation for the income requirement is required beginning with the renewal of the RS endorsement after such veteran has possessed a valid RS endorsement for a complete license year. This exemption applies only to issuance of the endorsement on an individual SPL.
- Beginning July 1, 2014, a resident military veteran who applies to the FWC within 48 months after receiving an honorable discharge is not required to provide documentation for the income requirement with his or her initial application for an RS endorsement. Documentation for the income requirement is required beginning with the renewal of the RS endorsement after such veteran has possessed a valid RS endorsement for a complete license year. This exemption

³² See Section 9 of Article IV of the Florida Constitution

³³ Section 379.1025, F.S. acknowledges the FWC's constitutional authority, as well as its statutory authority.

³⁴ This includes any branch of the U.S. Armed Forces, the Reserves, the Florida National Guard, or the U.S. Coast Guard.

applies only to issuance of the endorsement on an individual SPL and may only be applied one time per military enlistment.

The bill clarifies the term 'one year' to mean one complete license year as it pertains to the restricted species endorsement income requirement.

Section 6. Provides an Effective Date.

B. SECTION DIRECTORY:

Section 1. Amends s. 327.02, F.S., correcting a statutory reference to federal boating laws.

Section 2. Amends s. 379.101, F.S., defining residency requirements for hunting/fishing licenses.

Section 3. Amends s. 379.353, F.S., exempting recreational hunting/fishing licenses for specified veteran events.

Section 4. Amends s. 379.354, F.S., increasing free saltwater/freshwater fishing days.

Section 5. Amends s. 379.361, F.S., waiving income requirements for commercial fishing Licenses for veterans.

Section 6. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Section 2: According to the FWC's analysis, those wishing to purchase a resident recreational fishing or hunting license but who are not eligible because they have not established their Florida residency for six months or more, will see a positive fiscal impact of the difference between the cost of a resident license and a nonresident license.

Section 3: According to the FWC's analysis, active duty military personnel, reservists, Florida National Guard, U.S. Coast Guard, and disabled veterans participating in FWC-permitted hunting and fishing events that promote outdoor recreation, together with all individuals assisting the disabled veterans in the event, will be exempted from having to purchase a license for that specified event.

Section 4: According to the FWC's analysis, both residents and non-residents can enjoy additional free saltwater and freshwater fishing days without having to purchase a license.

Section 5: According to the FWC's analysis, there could be a positive fiscal impact, in the form of income, on veterans who enter the commercial fishing industry; however, there is a potential for a negative fiscal impact to income on current commercial fishermen holding a restricted species endorsement due to increased competition this section may create.

D. FISCAL COMMENTS:

Section 2: According to the FWC's analysis, there could be a potentially negative fiscal impact on the FWC depending on how many people cannot currently purchase a resident hunting or fishing license due to residency requirements. If those people currently prohibited from purchasing a resident license would still purchase a nonresident license, the lost revenue would be equivalent to the difference between the cost of the resident license and the nonresident license, multiplied by the number of people who take advantage of the new residency requirements.

Section 3: According to the FWC's analysis, there could be a potentially negative fiscal impact on the FWC due to a small loss of license sales revenue; however, there could be a potentially positive fiscal impact on the FWC in increased purchases of hunting and fishing licenses by individuals participating in the license-exempted event who have not purchased a license before.

Section 4: According to the FWC's analysis, the immediate fiscal impact is on the FWC is unknown. There may be a positive long-term fiscal impact due to an increase in the number of anglers introduced to fishing who would purchase a license.

Section 5: According to the FWC's analysis, there could be an impact on current restricted species endorsement holders because there could be additional competition for and pressure on restricted saltwater products.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 107-111: The U.S. Coast Guard is not a division of the Armed Forces, but is rather a part of the U.S. Department of Homeland Security. The bill, as currently drafted, could be interpreted as not including the U.S. Coast Guard in the exemption for a hunting, freshwater fishing, or saltwater fishing license or permit for specified veterans events.

Lines 73-86: The DHSMV is responsible for determining if an applicant for a Florida Driver License or a Florida Identification Card is a true resident of the state of Florida. The bill, as currently drafted, does not specify the DHSMV's records as proof of residency for acquiring a recreational hunting or fishing license, and Florida driver licenses no longer state if they are "Valid in Florida Only".

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to the Fish and Wildlife Conservation
 3 Commission; amending s. 327.02, F.S.; revising the
 4 definition of the term "navigation rules" for purposes
 5 of provisions relating to vessels; amending s.
 6 379.101, F.S.; revising the definition of the term
 7 "resident" or "resident of Florida" for purposes of
 8 provisions relating to recreational and
 9 nonrecreational activity licenses; providing for
 10 certain evidence of residence; revising the definition
 11 of the term "resident alien" to remove a county
 12 residency requirement; amending s. 379.353, F.S.;
 13 exempting individuals participating in certain outdoor
 14 recreational events from requirements for a hunting or
 15 fishing license or permit; amending s. 379.354, F.S.;
 16 revising the number of days the commission may
 17 designate as free fishing days each year; amending s.
 18 379.361, F.S.; revising requirements for a restricted
 19 species endorsement on a saltwater products license;
 20 providing an effective date.

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

23
 24 Section 1. Subsection (25) of section 327.02, Florida
 25 Statutes, is amended to read:

26 327.02 ~~Definitions of terms used in this chapter and in~~
 27 ~~chapter 328.~~—As used in this chapter and in chapter 328, unless
 28 the context clearly requires a different meaning, the term:

29 (25) "Navigation rules" means:
 30 (a) For vessels on waters outside of established
 31 navigational lines of demarcation as specified in 33 C.F.R. part
 32 80, the International Navigational Rules Act of 1977, 33 U.S.C.
 33 appendix following s. 1602, as amended, including the appendix
 34 and annexes thereto, through October 1, 2012.

35 (b) For vessels on all waters not outside of such
 36 established ~~navigational~~ lines of demarcation, as specified in
 37 ~~33 C.F.R. part 80 or the Inland Navigational Rules Act of 1980,~~
 38 ~~33 C.F.R. parts 83-90, as amended, through October 1, 2012~~ 33
 39 ~~U.S.C. ss. 2001 et seq., as amended, including the annexes~~
 40 ~~thereto, for vessels on all waters not outside of such lines of~~
 41 ~~demarcation.~~

42 Section 2. Subsections (30) and (31) of section 379.101,
 43 Florida Statutes, are amended to read:

44 379.101 Definitions.—In construing these statutes, where
 45 the context does not clearly indicate otherwise, the word,
 46 phrase, or term:

47 (30) "Resident" or "resident of Florida" means:

48 (a) For purposes of part VII ~~of this chapter, with the~~
 49 ~~exception of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,~~
 50 ~~379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761,~~
 51 ~~379.3762, and 379.377,~~ and for purposes of s. 379.355, citizens
 52 of the United States who have continuously resided in this state
 53 for 1 year before applying for a, next preceding the making of
 54 their application for hunting, fishing, or other license, for
 55 the following period of time, to wit: For 1 year in the state
 56 and 6 months in the county when applied to all fish and game

57 ~~laws not related to freshwater fish and game. However, for~~
 58 ~~purposes of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,~~
 59 ~~379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, and~~
 60 ~~379.3762, the term "resident" or "resident of Florida" means a~~
 61 ~~citizen of the United States who has continuously resided in~~
 62 ~~this state for 6 months before applying for a hunting, fishing,~~
 63 ~~or other license.~~

64 (b) For purposes of part VI ~~of this chapter, except with~~
 65 ~~the exception of s. 379.355;~~ and for purposes of ss. 379.363,
 66 379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373,
 67 379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377,
 68 ~~any person who has continually resided in the state for 6 months~~
 69 ~~or~~

70 1. Any member of the United States Armed Forces who is
 71 stationed in the state and his or her family members residing
 72 with such member; or

73 2. Any person who has declared Florida as his or her only
 74 state of residence as evidenced by one of the following:

75 a. A valid Florida driver license or identification card
 76 with a Florida address and not marked as "Valid in Florida
 77 Only";

78 b. A current Florida Voter Information Card;

79 c. A sworn statement manifesting and evidencing domicile
 80 in Florida in accordance with s. 222.17;

81 d. A current Florida Homestead Exemption; or

82 e. For a child younger than 18 years of age, a driver
 83 license or identification card as described in sub-subparagraph

84 a., a student identification card from a Florida school, or,

85 when accompanied by his or her parent at the time of purchase,
86 the parent's proof of residency.

87 (31) "Resident alien" means ~~shall mean~~ those persons who
88 have continuously resided in this state for at least 1 year ~~and~~
89 ~~6 months in the county~~ and can provide documentation from the
90 Bureau of Citizenship and Immigration Services evidencing
91 permanent residency status in the United States. For the
92 purposes of this chapter, a "resident alien" shall be considered
93 a "resident."

94 Section 3. Paragraph (q) is added to subsection (2) of
95 section 379.353, Florida Statutes, to read:

96 379.353 Recreational licenses and permits; exemptions from
97 fees and requirements.—

98 (2) A hunting, freshwater fishing, or saltwater fishing
99 license or permit is not required for:

100 (q) Any person participating in an outdoor recreational
101 event authorized by commission permit for the primary purpose of
102 rehabilitation or enjoyment of veterans certified by the United
103 States Department of Veterans Affairs or its predecessor or by
104 any branch of the United States Armed Forces to have any
105 service-connected disability percentage rating, active duty
106 personnel of any branch of the United States Armed Forces or the
107 United States Coast Guard, members of the military reserves, or
108 members of the Florida National Guard. This exemption applies to
109 any person participating in such an event regardless of whether
110 the person is active duty military personnel, a veteran with a
111 disability, or a member of the military reserves.

112 Section 4. Subsection (15) of section 379.354, Florida

113 Statutes, is amended to read:

114 379.354 Recreational licenses, permits, and authorization
 115 numbers; fees established.—

116 (15) FREE FISHING DAYS.—The commission may designate by
 117 rule no more than 4 ~~2~~ consecutive or nonconsecutive days in each
 118 year as free freshwater fishing days and no more than 4 ~~2~~
 119 consecutive or nonconsecutive days in each year as free
 120 saltwater fishing days. Notwithstanding any other provision of
 121 this chapter, any person may take freshwater fish for
 122 noncommercial purposes on a free freshwater fishing day and may
 123 take saltwater fish for noncommercial purposes on a free
 124 saltwater fishing day, without obtaining or possessing a license
 125 or permit or paying a license or permit fee as prescribed in
 126 this section. A person who takes freshwater or saltwater fish on
 127 a free fishing day must comply with all laws, rules, and
 128 regulations governing the holders of a fishing license or permit
 129 and all other conditions and limitations regulating the taking
 130 of freshwater or saltwater fish as are imposed by law or rule.

131 Section 5. Paragraph (b) of subsection (2) of section
 132 379.361, Florida Statutes, is amended to read:

133 379.361 Licenses.—

134 (2) SALTWATER PRODUCTS LICENSE.—

135 (b)1. A restricted species endorsement on the saltwater
 136 products license is required to sell to a licensed wholesale
 137 dealer those species which the state, by law or rule, has
 138 designated as "restricted species." This endorsement may be
 139 issued only to a person who is at least 16 years of age, or to a
 140 firm certifying that over 25 percent of its income or \$5,000 of

141 | its income, whichever is less, is attributable to the sale of
142 | saltwater products pursuant to a saltwater products license
143 | issued under this paragraph or a similar license from another
144 | state. This endorsement may also be issued to a for-profit
145 | corporation if it certifies that at least \$5,000 of its income
146 | is attributable to the sale of saltwater products pursuant to a
147 | saltwater products license issued under this paragraph or a
148 | similar license from another state. However, if at least 50
149 | percent of the annual income of a person, firm, or for-profit
150 | corporation is derived from charter fishing, the person, firm,
151 | or for-profit corporation must certify that at least \$2,500 of
152 | the income of the person, firm, or corporation is attributable
153 | to the sale of saltwater products pursuant to a saltwater
154 | products license issued under this paragraph or a similar
155 | license from another state, in order to be issued the
156 | endorsement. Such income attribution must apply to at least 1 of
157 | the last 3 years. For the purpose of this section, "income"
158 | means that income that is attributable to work, employment,
159 | entrepreneurship, pensions, retirement benefits, and social
160 | security benefits.

161 | 2. To renew an existing restricted species endorsement, a
162 | marine aquaculture producer possessing a valid saltwater
163 | products license with a restricted species endorsement may apply
164 | income from the sale of marine aquaculture products to licensed
165 | wholesale dealers.

166 | 3. The commission may ~~is authorized to~~ require
167 | verification of such income for all restricted species
168 | endorsements issued pursuant to this paragraph. Acceptable proof

169 of income earned from the sale of saltwater products shall be:

170 a. Copies of trip ticket records generated pursuant to
 171 this subsection (marine fisheries information system),
 172 documenting qualifying sale of saltwater products;

173 b. Copies of sales records from locales other than Florida
 174 documenting qualifying sale of saltwater products;

175 c. A copy of the applicable federal income tax return,
 176 including Form 1099 attachments, verifying income earned from
 177 the sale of saltwater products;

178 d. Crew share statements verifying income earned from the
 179 sale of saltwater products; or

180 e. A certified public accountant's notarized statement
 181 attesting to qualifying source and amount of income.

182 4. Notwithstanding any other provision of law, any person
 183 who owns a retail seafood market or restaurant at a fixed
 184 location for at least 3 years, who has had an occupational
 185 license for 3 years before ~~prior to~~ January 1, 1990, who
 186 harvests saltwater products to supply his or her retail store,
 187 and who has had a saltwater products license for 1 of the past 3
 188 license years before ~~prior to~~ January 1, 1990, may provide proof
 189 of his or her verification of income and sales value at the
 190 person's retail seafood market or restaurant and in his or her
 191 saltwater products enterprise by affidavit and shall thereupon
 192 be issued a restricted species endorsement.

193 ~~5.4.~~ Exceptions from income requirements shall be as
 194 follows:

195 a. A permanent restricted species endorsement shall be
 196 available to those persons age 62 and older who have qualified

197 for such endorsement for at least 3 of the last 5 years.

198 b. Active military duty time shall be excluded from
 199 consideration of time necessary to qualify and shall not be
 200 counted against the applicant for purposes of qualifying.

201 c. Upon the sale of a used commercial fishing vessel owned
 202 by a person, firm, or corporation possessing or eligible for a
 203 restricted species endorsement, the purchaser of such vessel
 204 shall be exempted from the qualifying income requirement for the
 205 purpose of obtaining a restricted species endorsement for a
 206 complete license ~~period of 1~~ year after purchase of the vessel.

207 d. Upon the death or permanent disablement of a person
 208 possessing a restricted species endorsement, an immediate family
 209 member wishing to carry on the fishing operation shall be
 210 exempted from the qualifying income requirement for the purpose
 211 of obtaining a restricted species endorsement for a complete
 212 license ~~period of 1~~ year after the death or disablement.

213 e. A restricted species endorsement may be issued on an
 214 individual saltwater products license to a person age 62 or
 215 older who documents that at least \$2,500 of such person's income
 216 is attributable to the sale of saltwater products.

217 f. A permanent restricted species endorsement may also be
 218 issued on an individual saltwater products license to a person
 219 age 70 or older who has held a saltwater products license for at
 220 least 3 of the last 5 license years.

221 g. Any resident who is certified to be totally and
 222 permanently disabled by the Railroad Retirement Board, by the
 223 United States Department of Veterans Affairs or its predecessor,
 224 or by any branch of the United States Armed Forces, or who holds

HB 333

2013

225 a valid identification card issued by the Department of
226 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,
227 or any resident certified to be disabled by the United States
228 Social Security Administration or a licensed physician, upon
229 proof of the same, shall be exempted from the income
230 requirements if he or she also has held a saltwater products
231 license for at least 3 of the last 5 license years before ~~prior~~
232 ~~to~~ the date of the disability. A restricted species endorsement
233 issued under this paragraph may be issued only on an individual
234 saltwater products license.

235 h. An honorably discharged, resident military veteran
236 certified by the United States Department of Veterans Affairs or
237 its predecessor or by any branch of the United States Armed
238 Forces to have a service-connected permanent disability rating
239 of 10 percent or higher, upon providing proof of such disability
240 rating, is not required to provide documentation for the income
241 requirement with his or her initial application for a restricted
242 species endorsement. Documentation for the income requirement is
243 required beginning with the renewal of the restricted species
244 endorsement after such veteran has possessed a valid restricted
245 species endorsement for a complete license year. This exemption
246 applies only to issuance of the endorsement on an individual
247 saltwater products license and may only be applied one time per
248 military enlistment. In order to renew the restricted species
249 endorsement on an individual saltwater products license, the
250 veteran must document that at least \$2,500 of his or her income
251 is attributable to the sale of saltwater products.

252 i. Until June 30, 2014, a resident military veteran who

253 applies to the commission and who received an honorable
 254 discharge from any branch of the United States Armed Forces, the
 255 United States Coast Guard, the military reserves, or the Florida
 256 National Guard between September 11, 2001, and June 30, 2014, is
 257 not required to provide documentation for the income requirement
 258 with his or her initial application for a restricted species
 259 endorsement. Documentation for the income requirement is
 260 required beginning with the renewal of the restricted species
 261 endorsement after such veteran has possessed a valid restricted
 262 species endorsement for a complete license year. This exemption
 263 applies only to issuance of the endorsement on an individual
 264 saltwater products license.

265 j. Beginning July 1, 2014, a resident military veteran who
 266 applies to the commission within 48 months after receiving an
 267 honorable discharge from any branch of the United States Armed
 268 Forces, the United States Coast Guard, the military reserves, or
 269 the Florida National Guard is not required to provide
 270 documentation for the income requirement with his or her initial
 271 application for a restricted species endorsement. Documentation
 272 for the income requirement is required beginning with the
 273 renewal of the restricted species endorsement after such veteran
 274 has possessed a valid restricted species endorsement for a
 275 complete license year. This exemption applies only to issuance
 276 of the endorsement on an individual saltwater products license
 277 and may only be applied one time per military enlistment.

278 Section 6. This act shall take effect July 1, 2013.

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Steube offered the following:

Amendment

6 Remove lines 73-86 and insert:

7 2. Any person who has declared Florida as his or her only
 8 state of residence as evidenced by a valid Florida driver
 9 license or identification card with both a Florida address and
 10 residency verified by the Florida Department of Highway Safety
 11 and Motor Vehicles. In the absence thereof, one of the
 12 following:

- 13 a. A current Florida Voter Information Card;
 14 b. A sworn statement manifesting and evidencing domicile in
 15 Florida in accordance with s. 222.17;
 16 c. A current Florida Homestead Exemption; or
 17 d. For a child younger than 18 years of age, a student
 18 identification card from a Florida school, or, when accompanied
 19 by his or her parent at the time of purchase, the parent's proof
 20 of residency.

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
2 Resources Subcommittee
3 Representative Steube offered the following:

4
5 **Amendment**

6 Remove lines 107-111 and insert:
7 United States Coast Guard, members of the military reserves,
8 members of the Florida National Guard, or members of the United
9 States Coast Guard reserves. This exemption applies to any
10 person participating in such an event regardless of whether the
11 person is a veteran with a disability, active duty personnel of
12 any branch of the United States Armed Forces or the United
13 States Coast Guard, a member of the military reserves, a member
14 of the Florida National Guard, or a member of the United States
15 Coast Guard reserves.
16

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
2 Resources Subcommittee

3 Representative Steube offered the following:

4
5 **Amendment**

6 Remove lines 247-277 and insert:

7 saltwater products license and is a one-time exemption. In order
8 to renew the restricted species endorsement on an individual
9 saltwater products license, the veteran must document that at
10 least \$2,500 of his or her income is attributable to the sale of
11 saltwater products.

12 i. Beginning July 1, 2014, a resident military veteran who
13 applies to the commission within 48 months after receiving an
14 honorable discharge from any branch of the United States Armed
15 Forces, the United States Coast Guard, the military reserves, or
16 the Florida National Guard is not required to provide
17 documentation for the income requirement with his or her initial
18 application for a restricted species endorsement. Documentation
19 for the income requirement is required beginning with the
20 renewal of the restricted species endorsement after such veteran

Amendment No. 3

21 has possessed a valid restricted species endorsement for a
22 complete license year. This exemption applies only to issuance
23 of the endorsement on an individual saltwater products license
24 and may only be applied one time per military enlistment.

25 j. Until June 30, 2014, a resident military veteran who
26 applies to the commission and who received an honorable
27 discharge from any branch of the United States Armed Forces the
28 United States Coast Guard, the military reserves, or the Florida
29 National Guard between September 11, 2011, and June 30, 2014, is
30 not required to provide documentation for the income requirement
31 with his or her initial application for a restricted species
32 endorsement. Documentation for the income requirement is
33 required beginning with the renewal of the restricted species
34 endorsement after such veteran has possessed a valid restricted
35 species endorsement for a complete license year. This exemption
36 applies only to issuance of the endorsement on an individual
37 saltwater products license.

38

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 203 Agricultural Lands
SPONSOR(S): Beshears and Edwards
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Kaiser <i>JK</i>	Blalock <i>AFB</i>
2) Local & Federal Affairs Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

In 2003, the Legislature passed the Agricultural Lands and Practices Act, to prohibit counties from adopting any duplicative ordinance, resolution, regulation, rule, or policy that limits activity of a bona fide farm or farm operation on agricultural land if such activity is already regulated through best management practices (BMPs), interim measures, or regulations adopted as rules under chapter 120, F.S., by the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Services (DACS), or a water management district (WMD) as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

The bill expands the prohibition to include not just counties but any "governmental entity", as defined in law, from adopting or enforcing any ordinance, resolution, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural. It also prohibits any governmental entity from charging an assessment or fee upon such activity. As under current law, this prohibition applies only to activities that are already regulated through implemented BMPs, interim measures, or regulations adopted as rules by DEP, DACS, or a WMD as part of a statewide or regional program; or if such activities are expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

While this legislation does not have a fiscal impact on state government, it has the potential to impose an unfunded mandate on governmental entities. The bill was on the agenda of the Revenue Estimating Conference (REC) but subsequently tabled. As of the date of this analysis, the bill has not been reheard by the REC.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2003, the Legislature passed the Agricultural Lands and Practices Act (Act),¹ codified in s. 163.3162, F.S. Section 163.3162(3)(a), F.S., prohibits counties from adopting any duplicative ordinance, resolution, regulation, rule, or policy that limits activity of a bona fide farm or farm operation² on agricultural land if such activity is already regulated through best management practices (BMPs), interim measures, or regulations adopted as rules under chapter 120, F.S., by the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Services (DACs), or a water management district (WMD) as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

Prior to the passage of this legislation, some counties enacted measures to regulate various agricultural operations in the state that were duplicative and in some cases more restrictive than those already implemented through BMPs or an existing governmental regulatory program.

In 2010, s. 163.3162, F.S., was further amended because while the Act banned the adoption of future county restrictive measures, it did not explicitly prohibit the enforcement of existing county measures. Therefore, legislation was passed³ to prohibit the enforcement of existing county measures.

Currently, this prohibition applies only to counties. However, some agricultural associations have reported that municipalities are now starting to adopt ordinances and regulations that are duplicative in nature to existing regulatory requirements.

Effect of Proposed Changes

The bill amends s. 163.3162(3)(a), F.S., to prohibit any "governmental entity,"⁴ instead of just counties, from adopting or enforcing any ordinance, resolution, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural, if such activity is regulated through implemented BMPs, interim measures, or regulations adopted as rules under chapter 120, F.S., by DEP, DACs, or a WMD as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency. The bill also prohibits any governmental entity from charging an assessment or fee upon such activity.

¹ CS/CS/SB 1660, Ch. 2003-162, L.O.F.

² Bona fide farm or farm operation is defined in s. 193.461.F.S., as good faith commercial agricultural use of the land based on the length of time the land has been so used, whether the use has been continuous, indication that an effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, and size as it relates to the specific agricultural use, among other things.

³ CS/HB 7103, Ch. 2011-7, L.O.F. (CS/HB 7103 was vetoed by the Governor; overridden during the 2011 legislative session and became law, the Governor's veto notwithstanding.)

⁴ "Governmental entity" is defined in s. 163.3162(2)(d), F.S., as having the same meaning as provided in s. 164.1031, F.S., except that the term does not include a water control district established under chapter 298, F.S., or a special district created by a special act for water management purposes. Section 164.1031, F.S., defines "governmental entity" as including any local and regional governmental entities. "Local governmental entities" includes municipalities, counties, school boards, special districts, and other local entities within the jurisdiction of one county created by general or special law or local ordinance. "Regional governmental entities" includes regional planning councils, metropolitan planning organizations, water supply authorities that include more than one county, local health councils, water management districts, and other regional entities that are authorized and created by general or special law that have duties or responsibilities extending beyond the jurisdiction of a single county.

B. SECTION DIRECTORY:

Section 1: Amends s. 163.3162, F.S.; prohibiting governmental entities under certain conditions from adopting or enforcing prohibitions, restrictions, regulations, or other limitations or charging an assessment or fee on an activity of a bona fide farm operation on land classified as agricultural.

Section 2: Provides an effective date of July 1, 2013.

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:

See Fiscal Comments section below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Certain agricultural producers would be spared the expense associated with adhering to duplicative regulations or paying certain fees or assessments imposed by governmental entities in the state.

D. FISCAL COMMENTS:

This bill does not appear to have a fiscal impact on state government; however, it potentially provides for an unfunded mandate on governmental entities. The bill was on the agenda of the Revenue Estimating Conference (REC) but subsequently tabled. As of the date of this analysis, the bill has not been reheard by the REC.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This legislation has the potential to impose an unfunded mandate on governmental entities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

1 A bill to be entitled
 2 An act relating to agricultural lands; amending s.
 3 163.3162, F.S.; prohibiting governmental entities
 4 under certain conditions from adopting or enforcing
 5 any prohibition, restriction, regulation, or other
 6 limitation on the activity of a bona fide farm
 7 operation on land classified as agricultural land or
 8 charging an assessment or fee upon such activity;
 9 providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Paragraph (a) of subsection (3) of section
 14 163.3162, Florida Statutes, is amended to read:

15 163.3162 Agricultural Lands and Practices.—

16 (3) DUPLICATION OF REGULATION.—Except as otherwise
 17 provided in this section and s. 487.051(2), and notwithstanding
 18 any other law, including any provision of chapter 125 or this
 19 chapter:

20 (a) A governmental entity ~~county~~ may not exercise any of
 21 its powers to adopt or enforce any ordinance, resolution,
 22 regulation, rule, or policy to prohibit, restrict, regulate, or
 23 otherwise limit an activity of a bona fide farm operation on
 24 land classified as agricultural land pursuant to s. 193.461, or
 25 charge an assessment or fee upon such activity, if such activity
 26 is regulated through implemented best management practices,
 27 interim measures, or regulations adopted as rules under chapter
 28 120 by the Department of Environmental Protection, the

HB 203

2013

29 | Department of Agriculture and Consumer Services, or a water
30 | management district as part of a statewide or regional program;
31 | or if such activity is expressly regulated by the United States
32 | Department of Agriculture, the United States Army Corps of
33 | Engineers, or the United States Environmental Protection Agency.

34 | Section 2. This act shall take effect July 1, 2013.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Beshears offered the following:

Amendment (with directory and title amendments)

Between lines 15 and 16, insert:

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

(d) "Governmental entity" has the same meaning as provided
 in s. 164.1031. The term does not include a water management
 district, a water control district established under chapter
 298, or a special district created by special act for water
 management purposes.

D I R E C T O R Y A M E N D M E N T

Remove lines 13-14 and insert:

Amendment No. 1

20 Section 1. Subsections (2) and (3) of section 163.3162,
21 Florida Statutes, are amended to read:

22

23

24

25

26

T I T L E A M E N D M E N T

27

Remove line 3 and insert:

28

163.3162, F.S.; amending a definition;

29

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural

2 Resources Subcommittee

3 Representative Beshears offered the following:

4
5 **Amendment (with directory and title amendments)**

6 Remove lines 24-33 and insert:

7 land classified as agricultural land pursuant to s. 193.461, if
8 such activity is regulated through implemented best management
9 practices, interim measures, or regulations adopted as rules
10 under chapter 120 by the Department of Environmental Protection,
11 the Department of Agriculture and Consumer Services, or a water
12 management district as part of a statewide or regional program;
13 or if such activity is expressly regulated by the United States
14 Department of Agriculture, the United States Army Corps of
15 Engineers, or the United States Environmental Protection Agency.

16 (b) A governmental entity may not charge an assessment or
17 fee upon an activity of a bona fide farm operation on land
18 classified as agricultural land pursuant to s. 193.461, if such
19 activity is regulated through implemented best management
20 practices, interim measures, or regulations adopted as rules

Amendment No. 2

21 under chapter 120 by the Department of Environmental Protection,
22 the Department of Agriculture and Consumer Services, or a water
23 management district as part of a statewide or regional program;
24 or if such activity is expressly regulated by the United States
25 Department of Agriculture, the United States Army Corps of
26 Engineers, or the United States Environmental Protection Agency.

27
28
29
30 -----
31 **D I R E C T O R Y A M E N D M E N T**

32 Remove line 13 and insert:

33 Section 1. Subsection (3) of section
34
35
36

37 -----
38 **T I T L E A M E N D M E N T**

39 Remove lines 7-8 and insert:

40 operation on land classified as agricultural land; prohibiting
41 governmental entities under certain conditions from charging an
42 assessment or fee on the activity of a bona fide farm operation
43 on land classified as agricultural land;
44

Florida Department of Environmental Protection



Water Use & Water Supply Planning

February 12, 2013



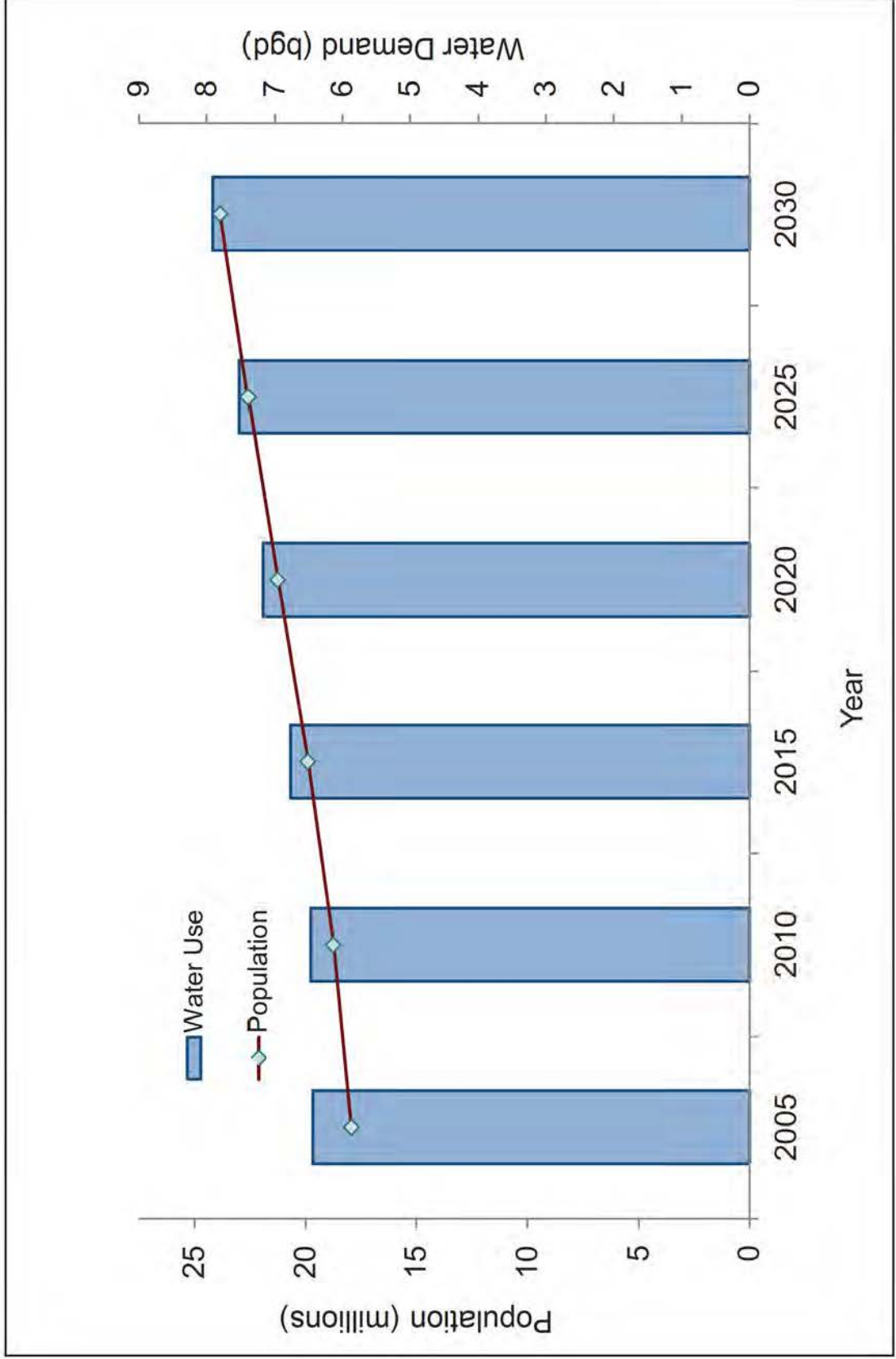


Tools for Managing Water Supply

- Consumptive Use Permitting
- Minimum Flows and Levels/Reservations of Water
- Regional Water Supply Planning

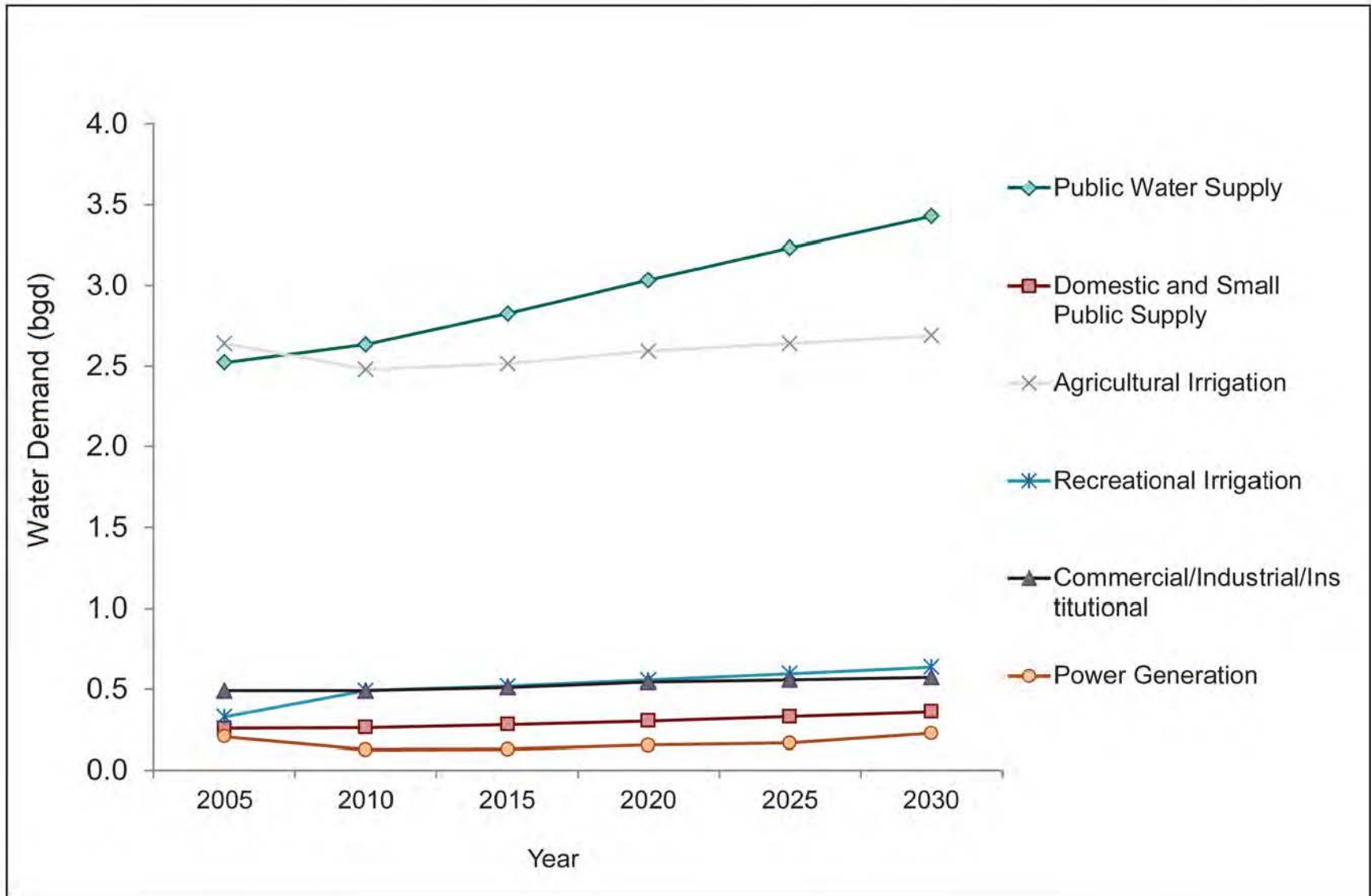


Statewide Demand and Population Projections





Projected Water Demand by Sector



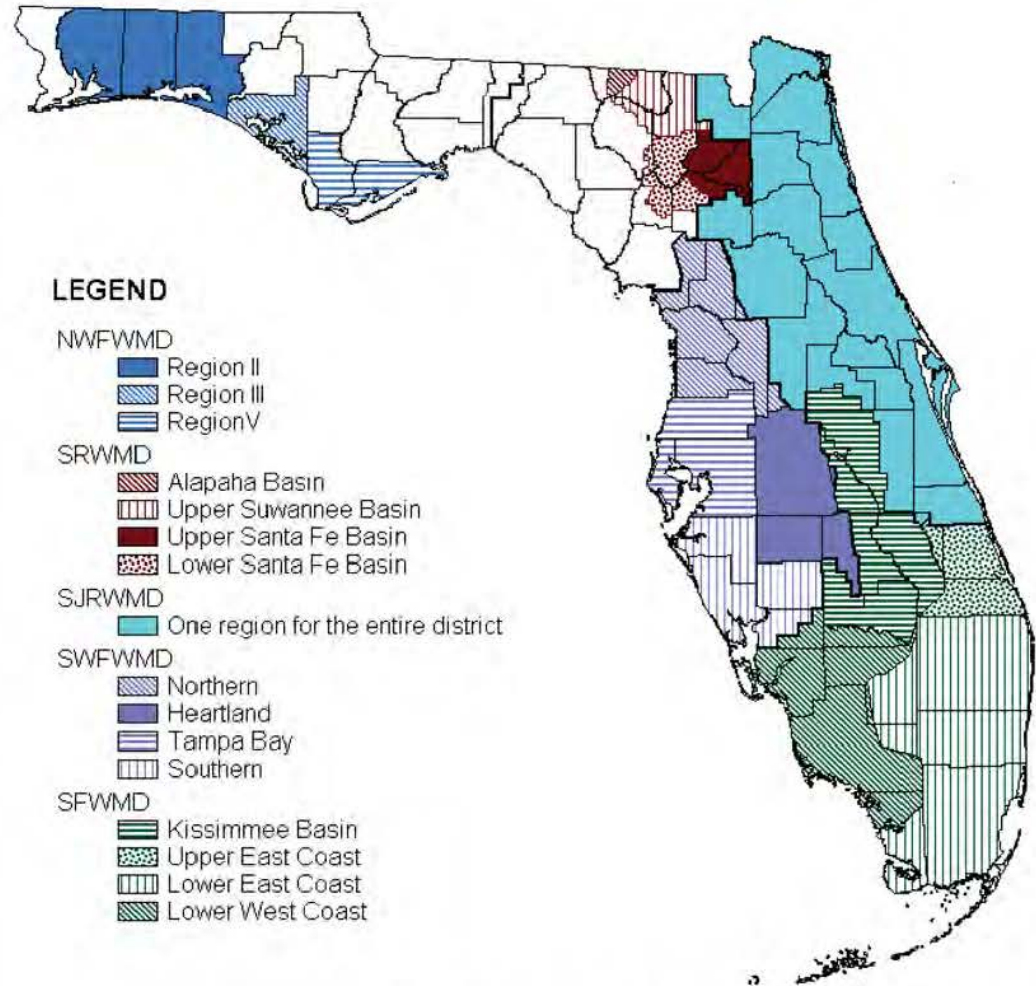


How to Meet Future Demand?

- Develop more water supplies
 - Reclaimed water
 - Surface water supplies
 - Treatment of brackish groundwater/ sea water
 - Increase storage (reservoirs and ASR)
- Conservation
 - Increased water use efficiency
 - Delays the need for water supply development



Regional Water Supply Planning



Planning Regions in Florida





Regional Water Supply Plans



- Planning horizon of at least 20 years.
- Identify environmentally, technically, and economically feasible water supply options.

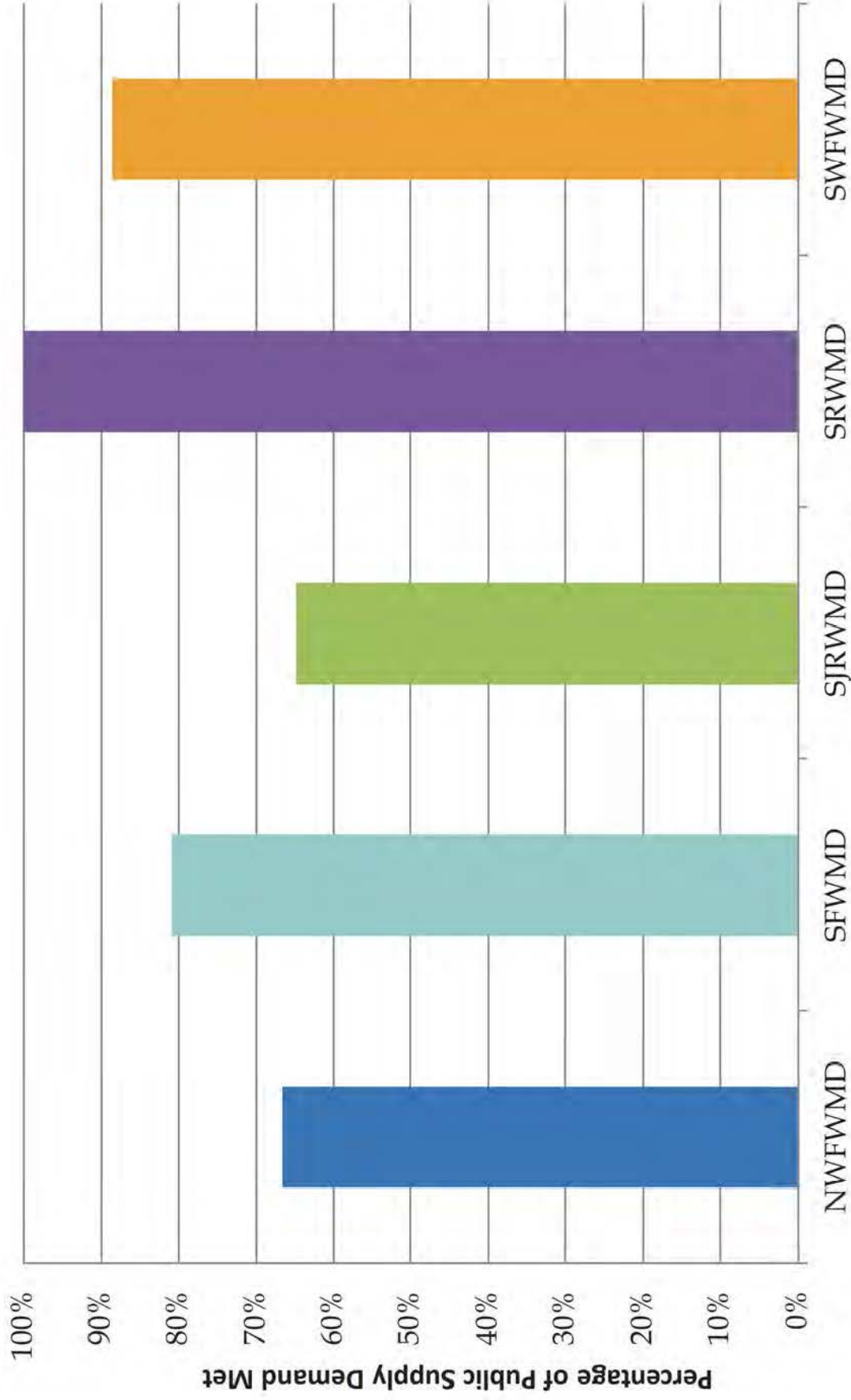
Coordination with water providers and local governments.

- Update Every Five Years



Water Supply

Percent of 2010-2030 Increase in PWS Demand Met

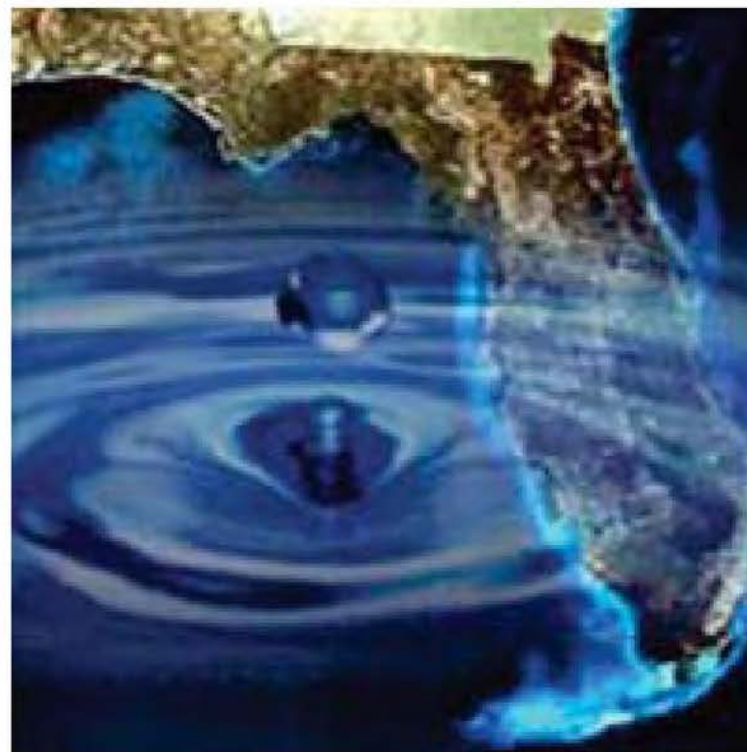


Fiscal Year 2011-2012



Contact

Janet G. Llewellyn
Policy Administrator
Office of Water Policy
Janet.Llewellyn@dep.state.fl.us
850/245-3139

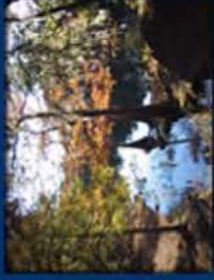


Florida Department of Environmental Protection



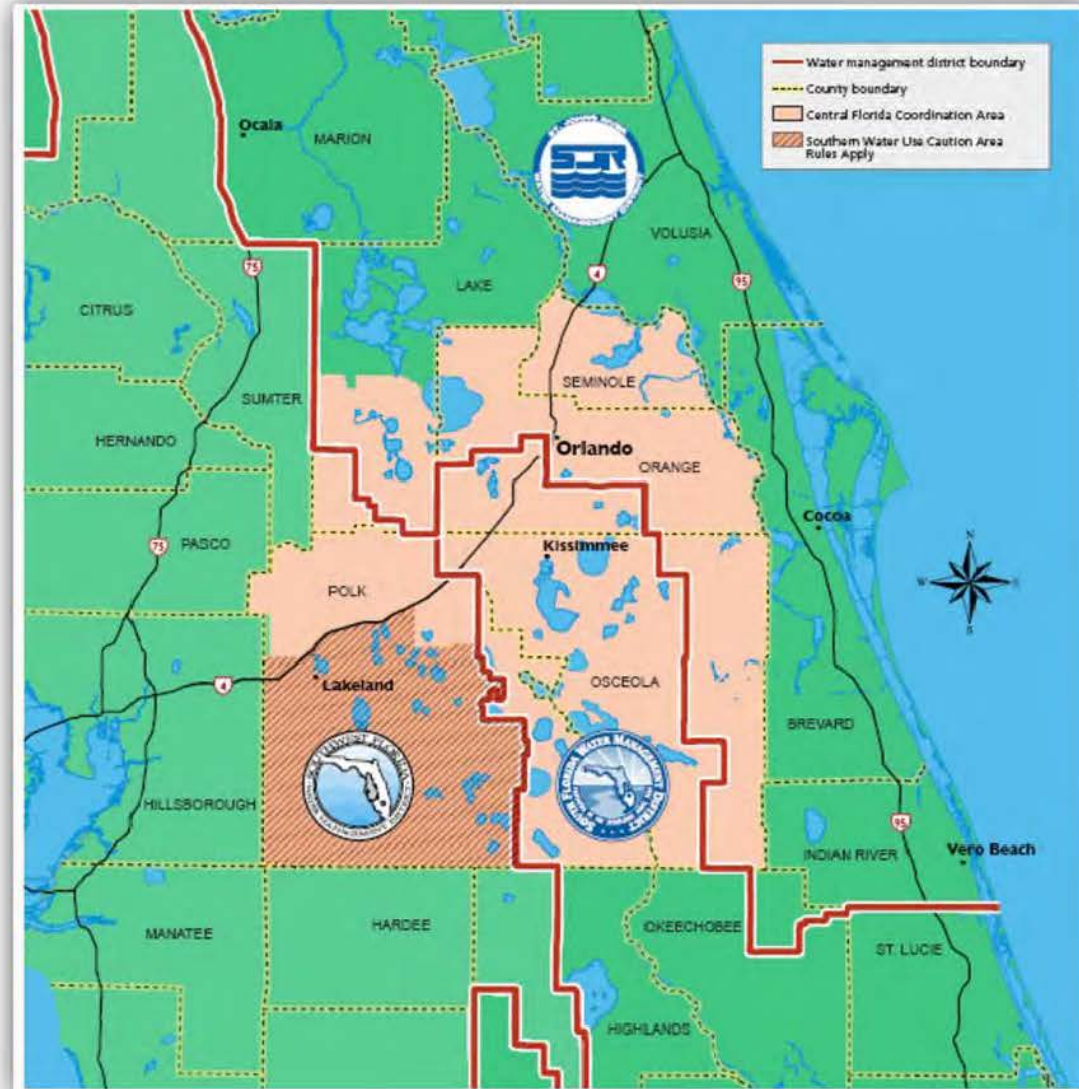
Central Florida Water Initiative

February 11, 2013



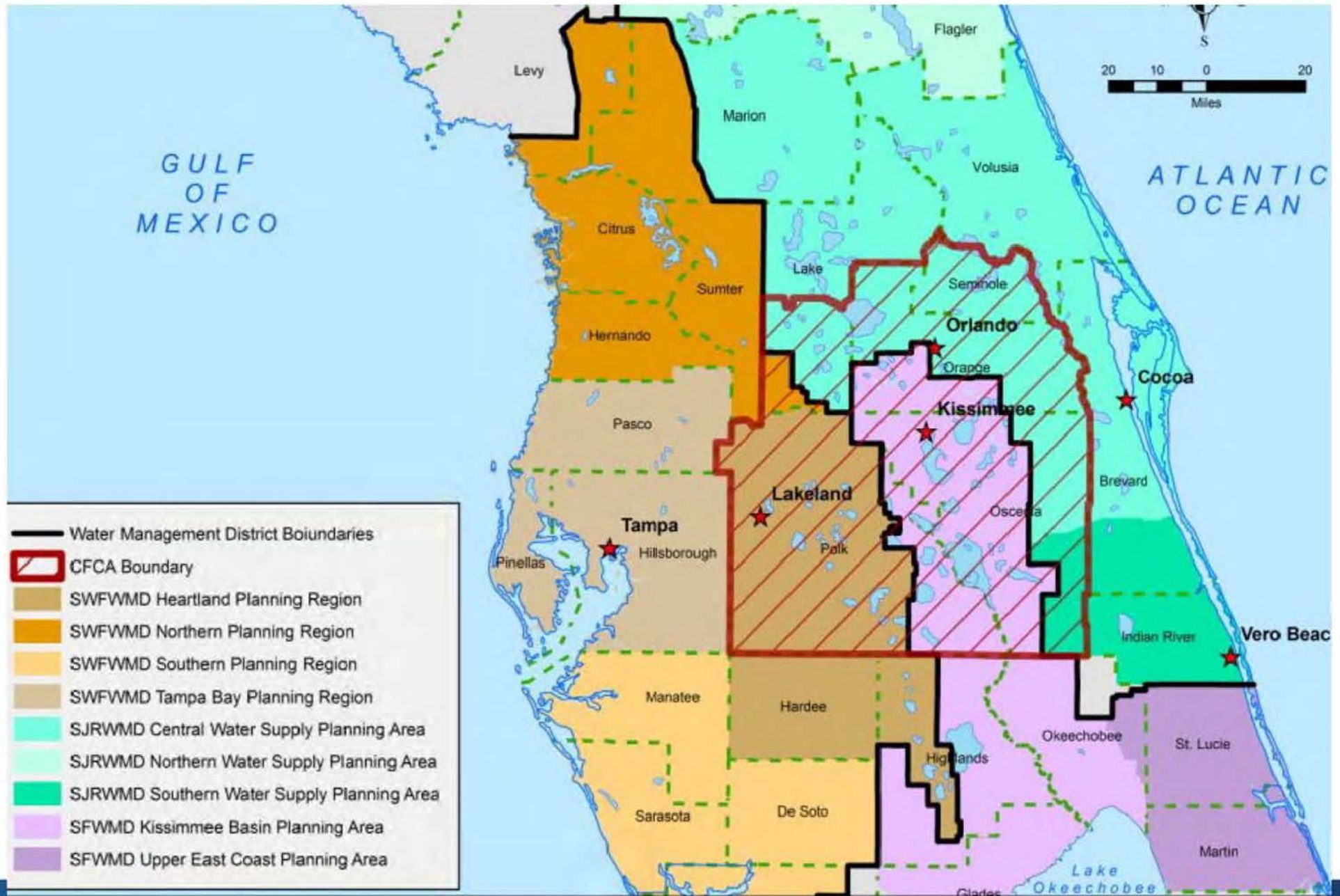
Central Florida Water Initiative

- ***“A collaborative water supply endeavor to protect, conserve and restore our water resources”***
- FDEP
- SJR, SF, SWF Water Management Districts
- Stakeholder interests





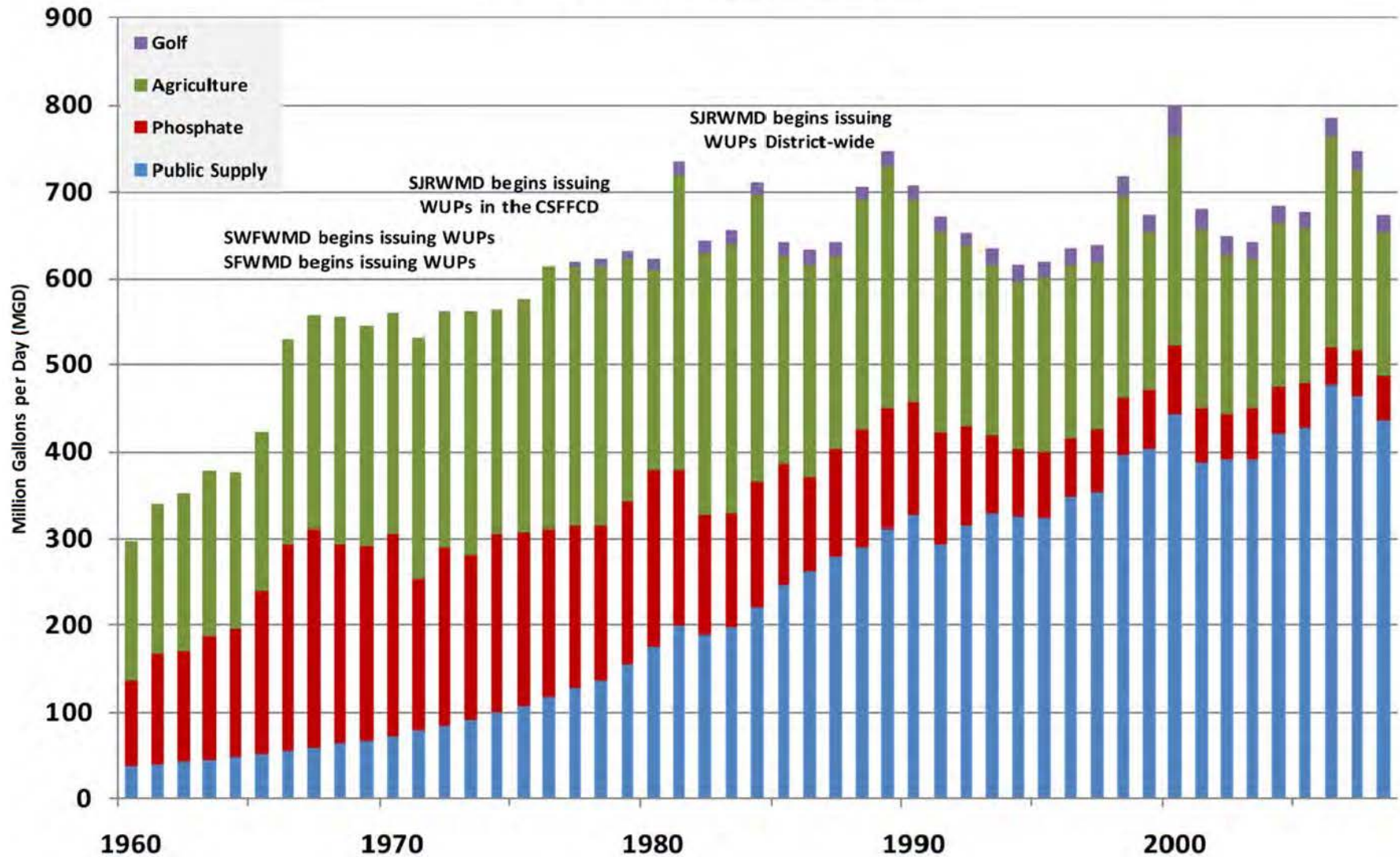
Central Florida Water Initiative

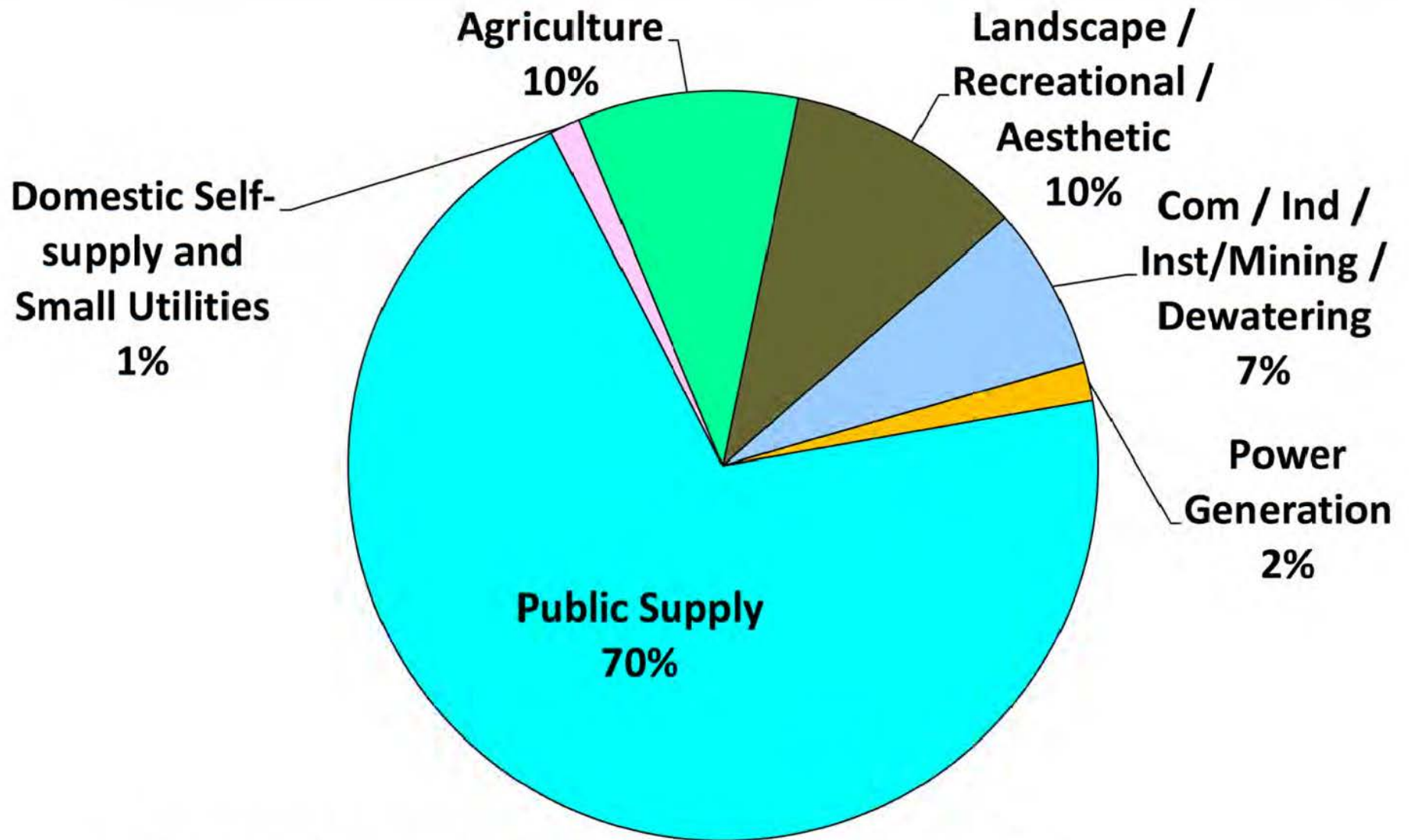




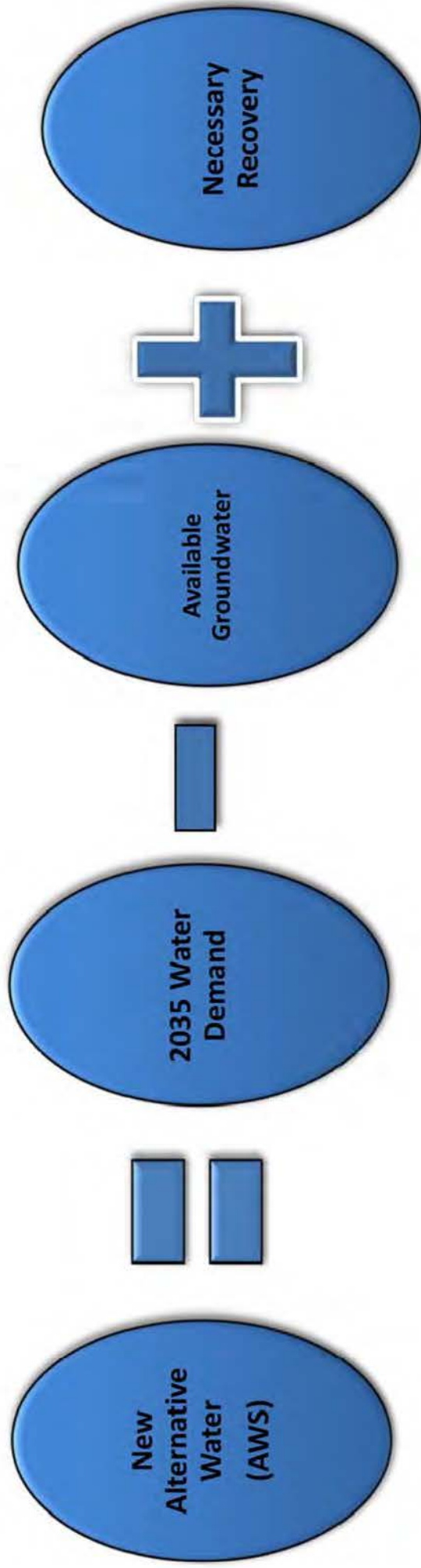
Estimated Groundwater Use in Central Florida Area

(Includes area adjacent to the CFWI area)



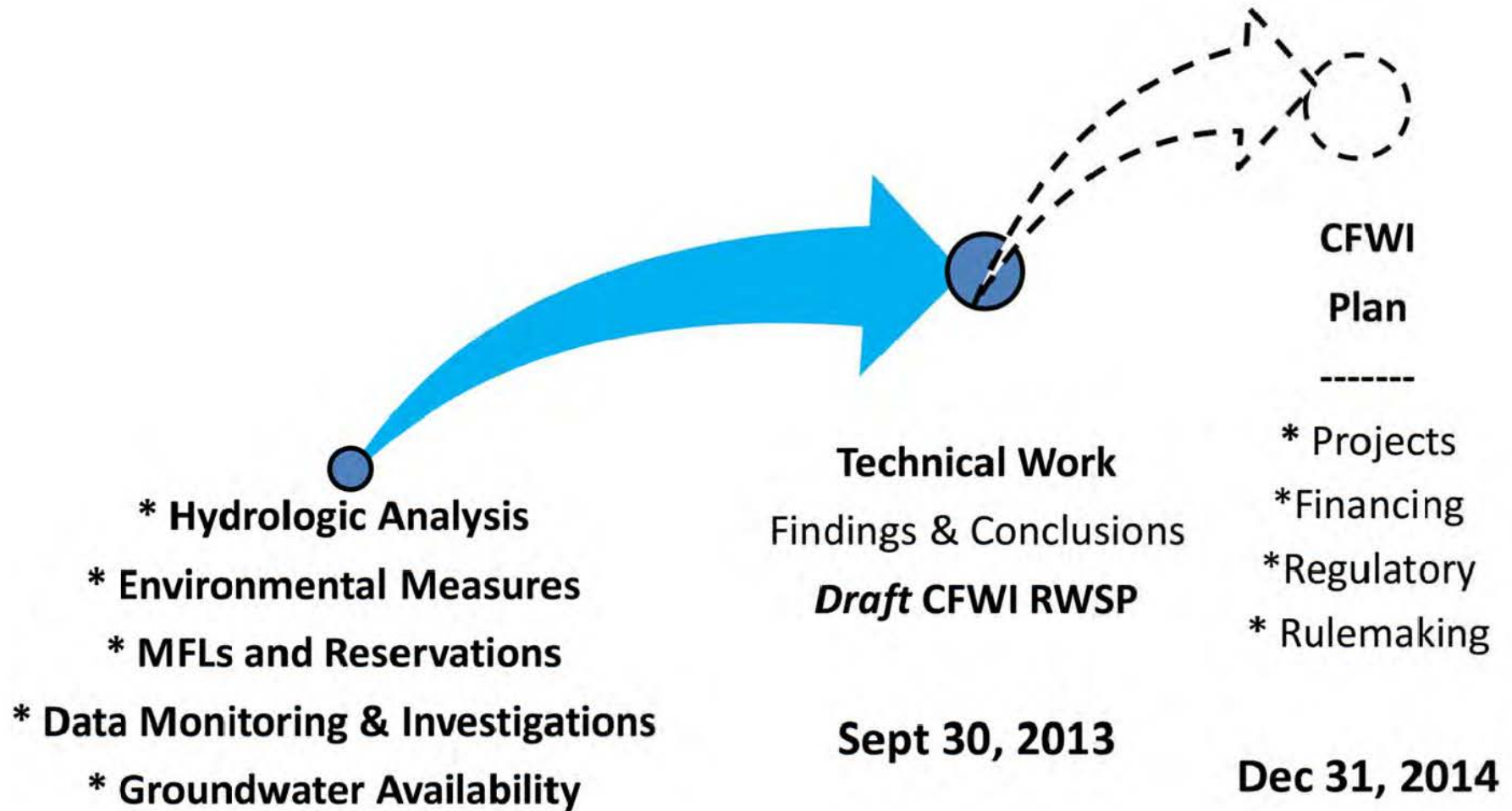


Demand Increase 2015-2035 (mgd)





Steering Committee Scheduling Guidance





Contact

Greg Munson

Deputy Secretary for
Water Policy & Ecosystem
Restoration

Greg.Munson@dep.state.fl.us

850.245.2029



Planning for Future Agricultural Water Supply Needs

Rich Budell, Director
Office of Agricultural Water Policy

Florida Department of Agriculture and Consumer Services
Commissioner Adam H. Putnam

Agricultural Water Demand Projections – The Data

- Current vs. Future Crop Acreage
- Estimated vs. Measured Water Use
- Crop-specific Water Use
Coefficients

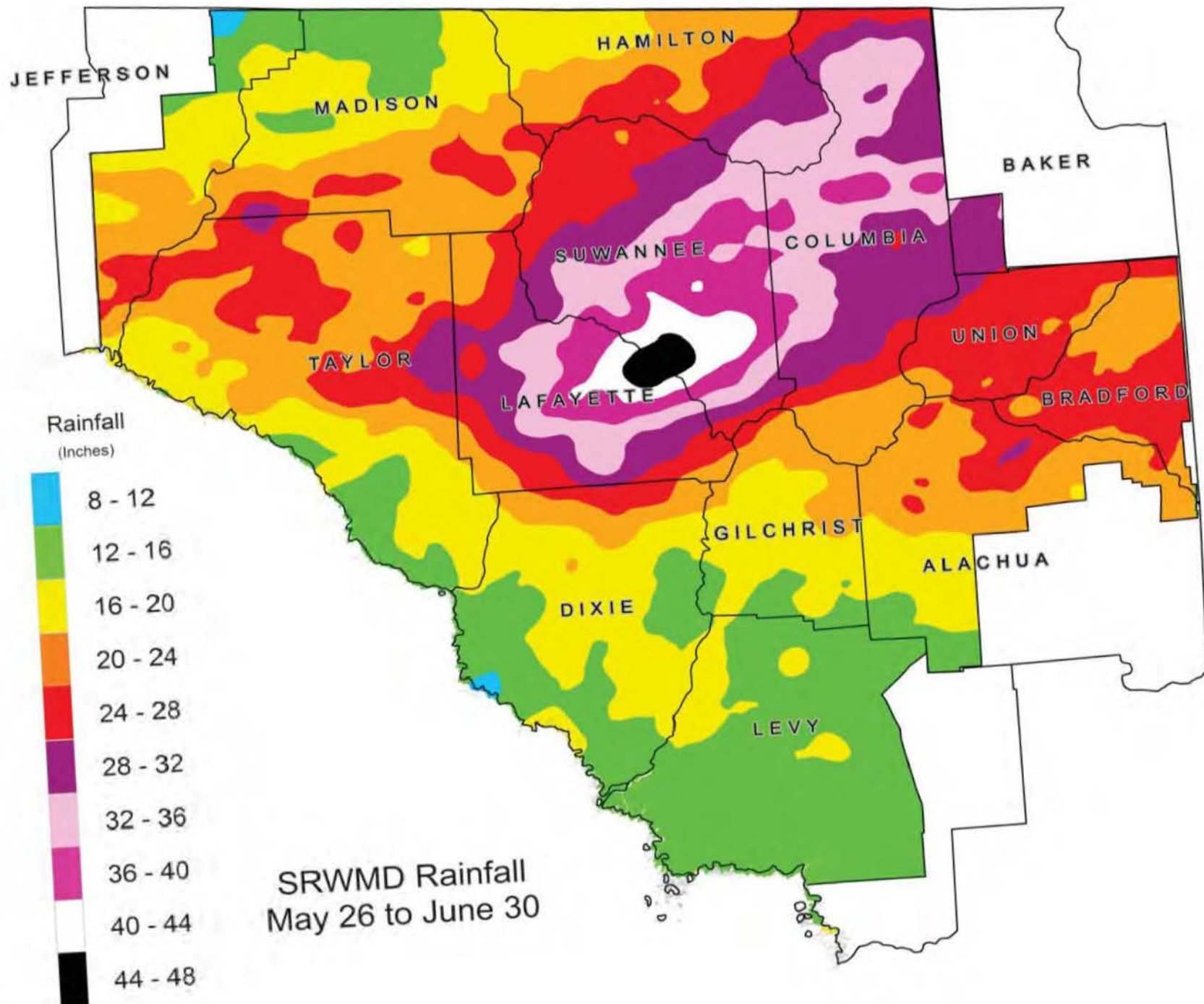
Agricultural Water Demand Projections – The Uncertainty

- Weather Variability
- Pest/Disease Pressure
- Economics and Markets



Water Supply Challenges

- For the first time, domestic supply has overtaken agriculture as the largest permitted water user.
- By 2025 domestic supply demand is projected to increase by 49% - agricultural supply demand is projected to increase by only 6%.
- Minimum Flows and Levels (MFLs)
- Competition issues:
 - Dover/Plant City
 - Central Florida Water Initiative
 - North Florida Regional Water Supply Plan
 - Lake Okeechobee



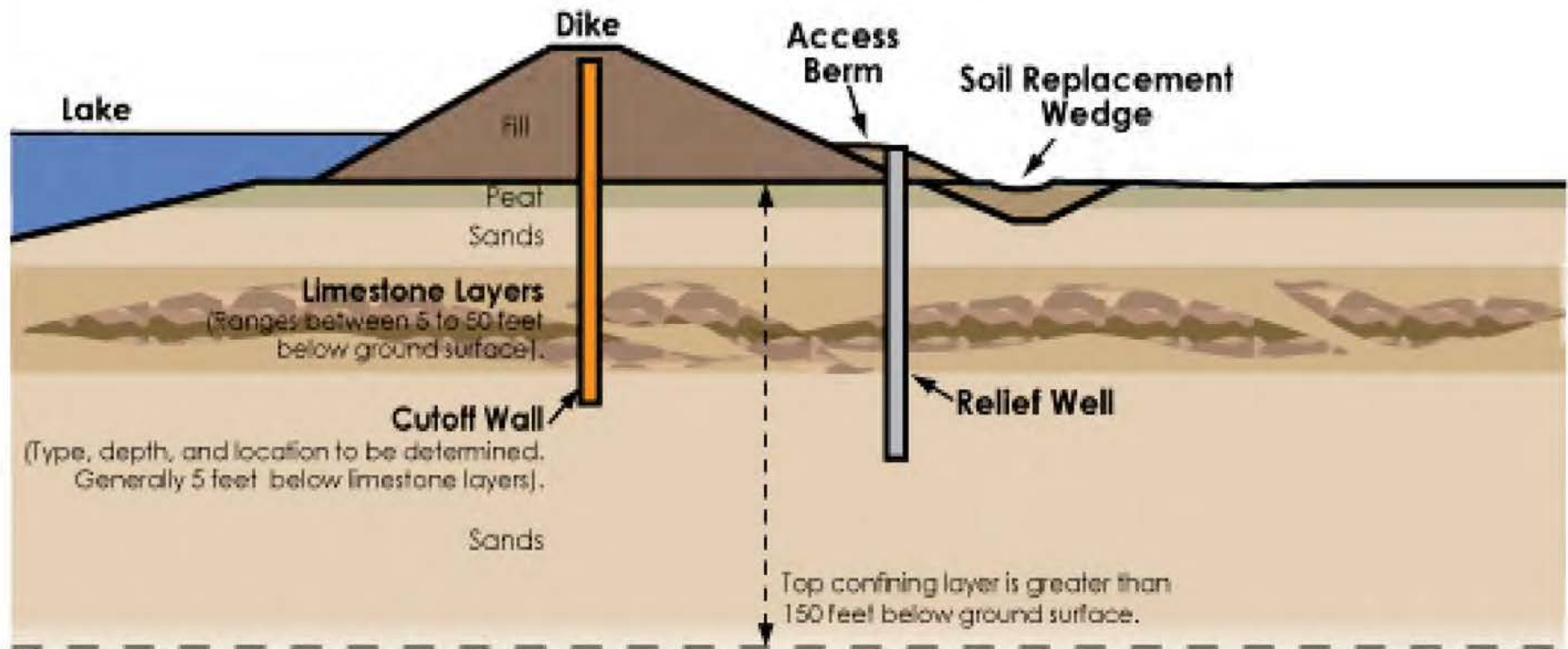


Lake Okeechobee Challenge

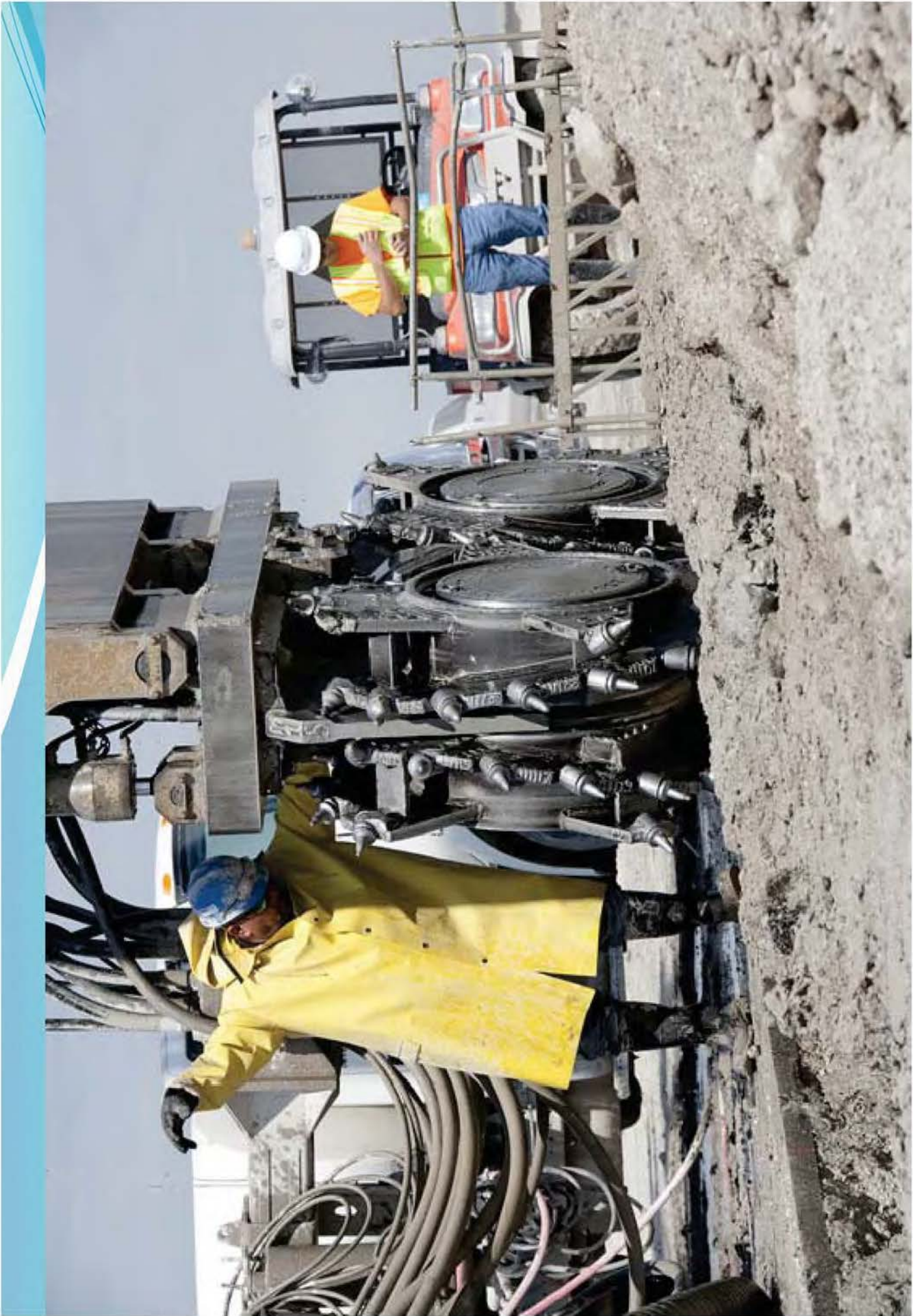
- Critical water source for public supply, environment and agriculture
- 2008 Lake Okeechobee Regulation Schedule
- Herbert Hoover Dike rehabilitation
 - 143 miles of levee
 - Dozens of spillways, culverts, locks & pump stations
 - No overflow capacity

HERBERT HOOVER DIKE Rehabilitation Concept

Relief Wells with Soil Replacement

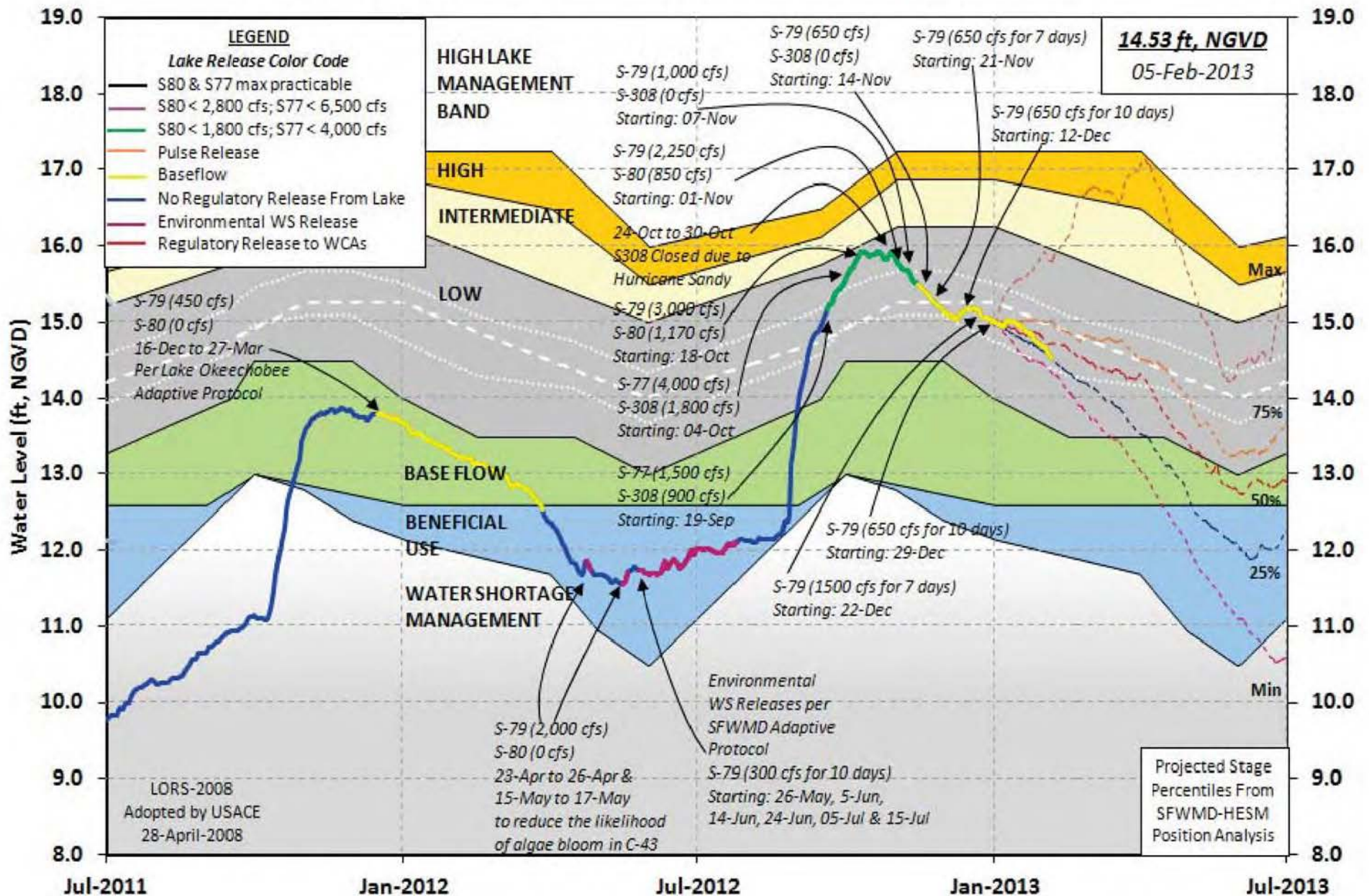


NOT TO SCALE





Lake Okeechobee Water Level History and Projected Stages





Water Supply Challenges

- In some areas and at some times, our use of water exceeds the natural systems ability to supply it.
- We won't run out of water, but we will run out of cheap water.
- We must figure out a way to sustain funding for alternative water supply development.

