



Agriculture & Natural Resources Subcommittee

Wednesday, February 20, 2013

9:00 A.M.

Reed Hall (102 HOB)

MEETING PACKET

Will Weatherford
Speaker

Matthew H. "Matt" Caldwell
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Agriculture & Natural Resources Subcommittee

Start Date and Time: Wednesday, February 20, 2013 09:00 am
End Date and Time: Wednesday, February 20, 2013 11:00 am
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 7 Water Management Districts by Porter, Pilon
HB 375 Onsite Sewage Treatment and Disposal Systems by Roberson, K.
HB 423 Tax On Sales, Use, & Other Transactions by Adkins
HB 4007 Department of Environmental Protection by Nelson

Introduction of Adam Putnam, Commissioner, Florida Department of Agriculture and Consumer Services

Presentations by the following on water supply development:

- Department of Environmental Protection
- Department of Agriculture and Consumer Services
- Peace River Manasota Regional Water Supply Authority
- Florida Water Advocates

NOTICE FINALIZED on 02/13/2013 16:10 by Sims-Davis.Linda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7 Water Management Districts
SPONSOR(S): Porter and Pilon
TIED BILLS: None **IDEN./SIM. BILLS:** SB 244

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Renner <i>SR</i>	Blalock <i>AFB</i>
2) Rulemaking Oversight & Repeal Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Under current law, each of the five water management districts (WMDs) must submit to the Department of Environmental Protection (DEP) for review and approval a priority list and schedule for the establishment of minimum flows and levels (MFLs) for surface watercourses, aquifers, and surface waters within the district. If the existing flow or level of a water body is below or projected within 20 years to fall below established MFLs, then a WMD must implement either a recovery strategy to restore the system to the established MFLs or a prevention strategy to prevent the system from falling below the established MFLs. MFLs are adopted by rule by the WMDs and are subject to administrative challenges.

The bill provides that the priority list and schedule submitted to the DEP by the WMDs also identify any reservations proposed by the WMDs to be established, and identify those listed water bodies that have the potential to be affected by withdrawals in an adjacent WMD for which the DEP's adoption of a reservation or a MFL may be appropriate.

The bill also provides that a WMD must provide the DEP with technical information and staff support for the development of a reservation, minimum flow or level, or recovery or prevention strategy to be adopted by rule by the DEP. A WMD must apply any reservation, minimum flow or level, or recovery or prevention strategy adopted by the DEP by rule without the WMD's adoption by rule of such reservation, minimum flow or level, or recovery or prevention strategy.

In addition, the bill provides that if the geographic area of a resource management activity, study, or project crosses WMD boundaries, the affected WMDs are authorized to designate a single affected district by interagency agreement to conduct all or part of the applicable resource management responsibilities. If funding assistance is provided to a resource management activity, study, or project, the WMD providing the funding must ensure that some or all the benefits accrue to the funding WMD. This provision does not impair any interagency agreement in effect on July 1, 2013.

The bill also provides that cooperative funding programs are not subject to the rulemaking requirements of chapter 120, F.S. However, any portion of an approved program which affects the substantial interests of a party would be subject to the hearing procedures established under section 120.569, F.S.

Lastly, the bill requires all WMDs, not just the Southwest Florida Water Management District, to jointly develop, together with the regional water supply authority, the water supply development component of a regional water supply plan, when the plan deals with or affects public utilities and public water supply for those areas served by a regional water supply authority.

The bill appears to have an indeterminate negative fiscal impact on state government (See Fiscal Analysis Section). The bill has a potentially positive fiscal impact on WMDs who enter into interagency agreements by reducing the duplication of services and promoting streamlining. The bill also appears to have a negative fiscal impact on WMDs by requiring them to provide technical information and staff support to the DEP for the development of a reservation, minimum flow or level, or recovery or prevention strategy.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Minimum Flows and Levels

Current Situation

The Department of Environmental Protection (DEP) and each Water Management District (WMD) are required to establish minimum flows for surface watercourses and minimum levels for ground water and surface waters within the district.¹ "Minimum flow" is the limit at which further water withdrawals from a given watercourse would significantly harm the water resources or ecology of the area.² "Minimum level" is the level of groundwater in an aquifer or the level of a surface water body at which further withdrawals will significantly harm the water resources of the area.³

Section 373.042(2), F.S., requires that each WMD submit annually to the DEP for review and approval a priority list and schedule for the establishment of minimum flows or levels for surface watercourses, aquifers, and surface waters within the WMD. The priority list and schedule must identify those water bodies for which the WMD will voluntarily undertake independent scientific peer review.

A person who will be substantially affected by a proposed minimum flow or minimum level may request that the DEP or the governing board of the WMD submit for independent scientific peer review all of the information and data on which the proposed flow or level is based. The request must be made in writing prior to the flow or level being established and prior to the filing of any petition for administrative hearing related to the flow or level.⁴ The statute provides a process for conducting such review and states that the final report is admissible in evidence in any subsequent administrative challenge to establishing the minimum flow or level.⁵

The DEP has the sole authority to review rules of WMDs to ensure consistency with the DEP's water resource implementation rule.⁶ This review must begin within 30 days of the adoption or revision of a rule by a WMD.

Effect of Proposed Changes

The bill amends s. 373.042(2), F.S., to provide that the priority list and schedule submitted to the DEP by the WMDs for the establishment of MFLs and reservations also identify:

- Any reservations proposed by the WMD to be established under s. 373.223(4), F.S.;⁷ and

¹ Section 373.042(1), F.S.

² Section 373.042(1)(a), F.S.

³ Section 373.042(1)(b), F.S.

⁴ Section 373.042(4)(a), F.S.

⁵ Section 373.042(5), F.S. This subsection also requires the Administrative Law Judge to render the order within 120 days after the petition is filed.

⁶ Section 373.114(2), F.S. The Water Resource Implementation Rule is promulgated as Chapter 62-40, F.A.C.

⁷ Section 373.223(4), F.S., provides that the governing board or the DEP, can reserve from use by permit applicants, water in such locations and quantities, and for such seasons of the year, as in its judgment may be required for the protection of fish and wildlife or the public health and safety. These reservations must be subject to periodic review and revision in light of changed conditions. However, all presently existing legal uses of water must be protected so long as such use is not contrary to the public interest.

- Those listed water bodies that have the potential to be affected by withdrawals in an adjacent WMD for which the DEP adoption of a reservation or a minimum flow or level may be appropriate.

The bill also provides that a WMD must provide the DEP with technical information and staff support for the development of a reservation, minimum flow or level, or recovery or prevention strategy to be adopted by rule by the DEP. A WMD must apply any reservation, minimum flow or level, or recovery or prevention strategy adopted by the DEP by rule without the WMD's adoption by rule of such reservation, minimum flow or level, or recovery or prevention strategy.

Interagency Agreements

Current Situation

Pursuant to chapter 373, F.S., the state regulates various activities that affect surface waters and wetlands through the Environmental Resource Permit (ERP) program. The program is implemented jointly by the DEP and the five WMDs.⁸ Operating Agreements between DEP and the WMDs outline specific responsibilities to each agency for any given application. Under those agreements, the DEP generally reviews and takes actions on applications involving:

- Solid waste, hazardous waste, domestic waste, and industrial waste facilities;
- Mining;
- Power plants, transmission and communication cables and lines, natural gas and petroleum exploration, production, and distribution lines and facilities;
- Docking facilities and attendant structures and dredging that are not part of a larger plan of residential or commercial development;
- Navigational dredging conducted by governmental entities, except when part of a larger project that a WMD has the responsibility to permit;
- Systems serving only one single-family dwelling unit or residential unit not part of a larger common plan of development;
- Systems located in whole or in part seaward of the coastal construction control line;
- Seaports; and
- Smaller, separate water-related activities not part of a larger plan of development (such as boat ramps, mooring buoys, and artificial reefs).

The WMDs have regulatory authority over reviewing and taking action on all other applications, mostly larger commercial and residential developments. Chapter 373, F.S., also grants the WMDs with the authority to implement the water supply and planning policies of the state, and to issue permits for the consumptive use of water. Each WMD is also responsible for water resource management and development. Section 373.705, F.S., provides that it is the intent of the legislature that WMDs take the lead in identifying and implementing water resource development projects, and be responsible for securing necessary funding for regionally significant water resource development projects. The WMDs are encouraged to implement water resource development projects as expeditiously as possible in areas subject to regional water supply plans. Each WMD governing board is required to include in its annual budget the amount needed for the fiscal year to implement water resource development projects, as prioritized in its regional water supply plans.

Section 373.046(4), F.S., authorizes the DEP and the WMDs to modify their division of responsibilities agreement and to enter into further interagency agreements by rulemaking pursuant to chapter 120, F.S., to provide for greater efficiency and to avoid duplication in the administration of part IV of chapter 373, F.S. (management and storage of surface waters). In developing the interagency agreements, the

⁸ The five water management districts include Northwest Florida WMD, Suwannee River WMD, St. Johns River WMD, Southwest Florida WMD, and South Florida WMD.

WMDs and the DEP must take into consideration the technical and fiscal ability of each WMD to implement all or some of the provisions of part IV of chapter 373, F.S.

Section 373.046(6), F.S., provides that when the geographic area of a regulatory activity crosses WMD boundaries, the affected WMDs may designate a single affected WMD by interagency agreement to carry out the WMD's regulatory responsibilities within that geographic area.

WMDs do not have the same statutory authority to enter into similar agreements for non-regulatory resource management activities, studies, or projects. In addition, a WMD may not fund resource management activities in another WMD even if some benefits inure to it from the activities.

Effect of Proposed Changes

The bill creates s. 373.046(7), F.S., providing that when the geographic area of a resource management activity, study, or project crosses WMD boundaries, the affected WMDs are authorized to designate a single affected district by interagency agreement to conduct all or part of the applicable resource management responsibilities, not including those regulatory responsibilities that are subject to s. 373.046(6), F.S., discussed above. Under the bill, if funding assistance is provided to a resource management activity, study, or project, the WMD providing the funding must ensure that some or all the benefits accrue to the funding WMD. The provisions in this new subsection will not impair any interagency agreement in effect on July 1, 2013.

Rules/Cooperative Funding Programs

Current Situation

WMDs have cooperative funding programs in which local governments cost share for projects that create sustainable water resources, provide flood protection, and enhance conservation efforts.⁹ According to emails from the Southwest Florida Water Management District (SWFWMD),¹⁰ these are not regulatory programs, which, by definition, are subject to rulemaking. The SWFWMD also states that if a WMD were required to adopt rules for all of the procedures and policies in a cooperative funding program, it would not be able to adopt and modify the program as necessary or be able to implement the program as efficiently.¹¹

Effect of Proposed Changes

The bill creates s. 373.171(5), F.S., to specify that cooperative funding programs are not subject to the rulemaking requirements of chapter 120, F.S. However, any portion of an approved program that affects the substantial interests of a party would be subject to the administrative hearing provisions under s. 120.569, F.S.¹²

Regional Water Supply Planning

Current Situation

Section 373.709, F.S., requires WMDs to conduct water supply needs assessments. A WMD that determines existing resources will not be sufficient to meet reasonable-beneficial uses for the planning period must prepare a regional water supply plan. The plans must contain:

⁹ Section 373.0363, F.S., provides for a cooperative funding program in the Southern Water use Caution Area, which is implemented by the SWFWMD. This program is the most robust cooperative funding program, but all WMDs have cooperative funding programs to some degree.

¹⁰ Email on file with staff.

¹¹ Email on file with staff.

¹² A party whose substantial interests are affected by the proposed agency action of a WMD is entitled to a hearing under the basic procedures set out in s. 120.569, F.S.

- A water supply development component;
- A water resource development component;
- A recovery and prevention strategy;
- A funding strategy;
- The impacts on the public interest, costs, natural resources, etc;
- Technical data and information;
- Any MFLs established for the planning area;
- The water resources for which future MFLs must be developed.; and
- An analysis of where variances may be used to create water supply development or water resource development projects.

Currently, only the Southwest Florida WMD is required to jointly develop, with the regional water supply authority, the water supply development component of a regional water supply plan where such plan deals with or affects public utilities and public water supply for those areas served by a regional water supply authority.

Effect of Proposed Changes

The bill amends s. 373.709(3), F.S., to require all WMDs to jointly develop, together with the regional water supply authority, the water supply development component of a regional water supply plan that deals with or affects public utilities and public water supply for those areas served by a regional water supply authority.

B. SECTION DIRECTORY:

Section 1. Amends s. 373.042, F.S., relating to minimum flows and levels.

Section 2. Amends s. 373.046, F.S., relating to interagency agreements.

Section 3. Amends s. 373.171, F.S., relating to rules adopted by water management district governing boards.

Section 4. Amends s. 373.709, F.S., relating to regional water supply planning.

Section 5. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires the priority list and schedule that is submitted to the DEP for establishing minimum flows and levels for certain water bodies to also include those water bodies that have the potential to be affected by withdrawals in an adjacent WMD, which may result in the DEP having to adopt additional reservations, minimum flows or levels, and recovery and prevention strategies. This provision in the bill could result in an indeterminate negative fiscal impact on the DEP.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill requires WMDs to provide technical information and staff support to the DEP for the development of a reservation, minimum flow or level, or recovery or prevention strategy for adoption by rule by the DEP. This could result in an indeterminate negative fiscal impact on the WMDs.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill may potentially have a positive fiscal impact on WMDs who enter into interagency agreements by reducing the duplication of services and promoting streamlining.

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:

The bill authorizes certain reservations, minimum flows and levels, and recovery or prevention strategies adopted by the DEP to be applied by the WMDs without requiring the WMDs to adopt them by rule. The bill also provides that cooperative funding programs are not subject to the rulemaking requirements of chapter 120, F.S. However, a party whose substantial interests are affected by any portion of an approved program would be entitled to seek a hearing under the provisions of s. 120.569, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

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1 A bill to be entitled
 2 An act relating to water management districts;
 3 amending s. 373.042, F.S.; requiring water management
 4 districts to include certain reservations and water
 5 bodies in priority lists and schedules; providing for
 6 the adoption of certain reservations and minimum flows
 7 and levels by the Department of Environmental
 8 Protection; requiring water management districts to
 9 apply, without adopting by rule, the reservations,
 10 minimum flows and levels, and recovery and prevention
 11 strategies adopted by the department; amending s.
 12 373.046, F.S.; authorizing water management districts
 13 to enter into interagency agreements for resource
 14 management activities under specified conditions;
 15 providing applicability; amending s. 373.171, F.S.;
 16 exempting cooperative funding programs from certain
 17 rulemaking requirements; amending s. 373.709, F.S.,
 18 relating to regional water supply planning; removing a
 19 reference to the Southwest Florida Water Management
 20 District; requiring a regional water supply authority
 21 and the applicable water management district to
 22 jointly develop the water supply component of the
 23 regional water supply plan; providing an effective
 24 date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Subsections (4) and (5) of section 373.042,

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29 Florida Statutes, are renumbered as subsections (5) and (6),
 30 respectively, a new subsection (4) is added to that section, and
 31 subsection (2) of that section is amended, to read:

32 373.042 Minimum flows and levels.—

33 (2) By November 15, 1997, and annually thereafter, each
 34 water management district shall submit to the department for
 35 review and approval a priority list and schedule for the
 36 establishment of minimum flows and levels for surface
 37 watercourses, aquifers, and surface waters within the district.
 38 The priority list and schedule shall ~~also~~ identify those listed
 39 water bodies for which the district will voluntarily undertake
 40 independent scientific peer review; any reservations proposed by
 41 the district to be established pursuant to s. 373.223(4); and
 42 those listed water bodies that have the potential to be affected
 43 by withdrawals in an adjacent district for which the
 44 department's adoption of a reservation pursuant to s. 373.223(4)
 45 or a minimum flow or level pursuant to subsection (1) may be
 46 appropriate. By March 1, 2006, and annually thereafter, each
 47 water management district shall include its approved priority
 48 list and schedule in the consolidated annual report required by
 49 s. 373.036(7). The priority list shall be based upon the
 50 importance of the waters to the state or region and the
 51 existence of or potential for significant harm to the water
 52 resources or ecology of the state or region, and shall include
 53 those waters which are experiencing or may reasonably be
 54 expected to experience adverse impacts. Each water management
 55 district's priority list and schedule shall include all first
 56 magnitude springs, and all second magnitude springs within state

57 or federally owned lands purchased for conservation purposes.
 58 The specific schedule for establishment of spring minimum flows
 59 and levels shall be commensurate with the existing or potential
 60 threat to spring flow from consumptive uses. Springs within the
 61 Suwannee River Water Management District, or second magnitude
 62 springs in other areas of the state, need not be included on the
 63 priority list if the water management district submits a report
 64 to the Department of Environmental Protection demonstrating that
 65 adverse impacts are not now occurring nor are reasonably
 66 expected to occur from consumptive uses during the next 20
 67 years. The priority list and schedule is ~~shall~~ not be subject to
 68 any proceeding pursuant to chapter 120. Except as provided in
 69 subsection (3), the development of a priority list and
 70 compliance with the schedule for the establishment of minimum
 71 flows and levels pursuant to this subsection satisfies ~~shall~~
 72 ~~satisfy~~ the requirements of subsection (1).

73 (4) A water management district shall provide the
 74 department with technical information and staff support for the
 75 development of a reservation, minimum flow or level, or recovery
 76 or prevention strategy to be adopted by the department by rule.
 77 A water management district shall apply any reservation, minimum
 78 flow or level, or recovery or prevention strategy adopted by the
 79 department by rule without the district's adoption by rule of
 80 such reservation, minimum flow or level, or recovery or
 81 prevention strategy.

82 Section 2. Subsection (7) is added to section 373.046,
 83 Florida Statutes, to read:

84 373.046 Interagency agreements.—

85 (7) If the geographic area of a resource management
 86 activity, study, or project crosses water management district
 87 boundaries, the affected districts may designate a single
 88 affected district to conduct all or part of the applicable
 89 resource management responsibilities under this chapter, with
 90 the exception of those regulatory responsibilities that are
 91 subject to subsection (6). If funding assistance is provided to
 92 a resource management activity, study, or project, the district
 93 providing the funding must ensure that some or all of the
 94 benefits accrue to the funding district. This subsection does
 95 not impair any interagency agreement in effect on July 1, 2013.

96 Section 3. Subsection (5) is added to section 373.171,
 97 Florida Statutes, to read:

98 373.171 Rules.—

99 (5) Cooperative funding programs are not subject to the
 100 rulemaking requirements of chapter 120. However, any portion of
 101 an approved program which affects the substantial interests of a
 102 party is subject to s. 120.569.

103 Section 4. Subsection (3) of section 373.709, Florida
 104 Statutes, is amended to read:

105 373.709 Regional water supply planning.—

106 (3) The water supply development component of a regional
 107 water supply plan which deals with or affects public utilities
 108 and public water supply for those areas served by a regional
 109 water supply authority and its member governments ~~within the~~
 110 ~~boundary of the Southwest Florida Water Management District~~
 111 shall be developed jointly by the authority and the applicable
 112 water management district. In areas not served by regional water

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113 | supply authorities, or other multijurisdictional water supply
 114 | entities, and where opportunities exist to meet water supply
 115 | needs more efficiently through multijurisdictional projects
 116 | identified pursuant to paragraph (2)(a), water management
 117 | districts are directed to assist in developing
 118 | multijurisdictional approaches to water supply project
 119 | development jointly with affected water utilities, special
 120 | districts, and local governments.

121 | Section 5. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 375 Onsite Sewage Treatment and Disposal Systems

SPONSOR(S): Roberson

TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Renner <i>JR</i>	Blalock <i>AFB</i>
2) Health Quality Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The Bureau of Onsite Sewage Programs (Bureau), within the Department of Health (DOH), develops statewide rules and provides training and standardization for county health department employees responsible for issuing permits for the installation and repair of septic systems within the state. The Bureau also licenses septic system contractors, approves continuing education courses and courses provided for septic tank contractors, funds a hands-on training center, and mediates onsite sewage treatment and disposal system contracting complaints.

Aerobic treatment units (ATUs) are similar to septic tanks, except that air is introduced and mixed with the wastewater inside the tank. ATUs require the removal and disposal of solids that accumulate in the tank. Therefore, routine maintenance is necessary for them to function properly.

Current law provides that owners of ATUs are required to maintain a maintenance service agreement with a maintenance entity permitted by the DOH. That agreement must initially be for a period of at least two years and subsequent maintenance agreement renewals must be for, at a minimum, one-year periods for the life of the system. The maintenance entity must obtain a system operating permit from the DOH for each ATU under service contract. The maintenance entity, which sets the fee for service contracts, must inspect each ATU at least twice each year and report quarterly to the DOH the number of ATUs inspected and serviced.

Furthermore, maintenance entities are required to provide documentation that they have been trained by the ATU manufacturer, who set the maintenance requirements, and have access to required manuals and spare repairs. Maintenance entities are also required to be registered as either a state-licensed septic tank contractor or a state licensed plumber. Homeowners are exempt from the contractor registration requirement, but must be permitted as a maintenance entity by the DOH and be trained and certified by the manufacturer. The annual maintenance entity permit fee is \$25.

The bill amends current law by providing that a maintenance entity must inspect each ATU system at least twice each year for the initial two years of the maintenance service agreement, but then only once a year thereafter. The bill also provides that a maintenance entity must report semiannually, instead of quarterly, to the DOH the number of ATU systems inspected and serviced. The maintenance entity service agreements must conspicuously disclose that a property owner of an owner-occupied single-family residence is exempt from the registration requirements for performing construction, maintenance, or repairs on a residence, but is subject to all permitting requirements.

The bill appears to have a potentially insignificant negative fiscal impact of \$5,000 on the DOH as a result of having to amend their rule. The fiscal impact to the private sector is indeterminate because it cannot be determined if reducing the inspection requirement will provide any reduced cost to home owners. The reduced inspections requirement may also result in a reduction in the number of inspections performed by maintenance entities. The bill does not appear to have a fiscal impact on local governments.

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

STORAGE NAME: h0375.ANRS.DOCX

DATE: 2/18/2013

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Bureau of Onsite Sewage Programs (Bureau), within the Department of Health (DOH), develops statewide rules and provides training and standardization for county health department employees responsible for issuing permits for the installation and repair of septic systems within the state.¹ The Bureau also licenses septic system contractors, approves continuing education courses and courses provided for septic tank contractors, funds a hands-on training center, and mediates onsite sewage treatment and disposal system contracting complaints.²

In Florida, septic systems are referred to as Onsite Sewage Treatment and Disposal Systems (OSTDS). An OSTDS can contain any one of the following components: septic tank; subsurface drainfield; aerobic treatment unit (ATU); graywater tank; laundry wastewater tank; grease interceptor; pump tank; waterless, incinerating or organic waste-composting toilet; and sanitary pit privy.³ Septic tanks are tanks in the ground that treat sewage without the presence of oxygen. Sewage flows from a home or business through a pipe into the first chamber, where solids are removed. The liquid then flows into the second chamber where anaerobic bacteria in the sewage break down the organic matter, allowing cleaner water to flow out of the second chamber.⁴ ATUs are similar to septic tanks, except that air is introduced and mixed with the wastewater inside the tank.⁵ Aerobic (requiring oxygen) bacteria consume the organic matter in the sewage.⁶ The effluent discharge from an aerobic system is typically released through a sub-surface distribution system or may be disinfected and discharged directly into surface water.⁷

ATUs require the removal and disposal of solids that accumulate in the tank. Therefore, routine maintenance is necessary for them to function properly. The National Sanitation Foundation⁸ requires ATU manufacturers to provide an initial two-year warranty with two inspections per year. According to the DOH analysis, there are 11,600 ATUs in operation in Florida, with 8,770 in four counties: Brevard, Charlotte, Franklin, and Monroe.

Pursuant to s. 381.0065, F.S., and Rule 64E-6.012, F.A.C., owners of ATUs are required to enter into a maintenance entity service agreement with a maintenance entity that is permitted by the DOH. That agreement must initially be for a period of at least two years and subsequent maintenance agreement renewals must be for at least one-year periods for the life of the system. The maintenance entity must obtain a system operating permit from the DOH for each ATU under service contract. The

¹ The DOH does not permit the use of OSTDS where the estimated domestic sewage flow from the establishment is over 10,000 gallons per day (gpd) or the commercial sewage flow is over 5,000 gpd; where there is a likelihood that the system will receive toxic, hazardous or industrial wastes; where a sewer system is available; or of any system or flow from the establishment is currently regulated by the DEP. The DEP issues the permits for systems that discharge more than 10,000 gpd.

² Description of the Bureau of Onsite Sewage from the DOH website. See <http://www.doh.state.fl.us/environment/ostds/OSTDSdescription.htm>.

³ Department of Environmental Protection (DEP) website on septic systems. See <http://www.dep.state.fl.us/water/wastewater/dom/septic.htm>

⁴ The EPA's *Primer for Municipal Wastewater Treatment Systems*, 2004. On file with staff.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ The National Sanitation Foundation is an "independent, not-for-profit organization that provides standards development, product certification, auditing, education, and risk management for public health and the environment". See http://www.nsf.org/business/about_NSF/

maintenance entity, which sets the fee for service contracts, must inspect each ATU at least twice year and report quarterly to the DOH the number of ATUs inspected and serviced.

Furthermore, maintenance entities are required to provide documentation that they have been trained by the ATU manufacturer, who sets the maintenance requirements, and have access to required manuals and spare repairs. Maintenance entities are also required to be registered as either a state-licensed septic tank contractor or a state-licensed plumber. Homeowners are exempt from the contractor registration requirement, but must be permitted as a maintenance entity by the DOH and be trained and certified by the manufacturer. The annual maintenance entity permit fee is \$25.

Effect of Proposed Changes

The bill amends s. 381.0065 (4)(u), F.S., to provide that a maintenance entity must inspect each ATU system at least twice each year for the initial two years of the maintenance service agreement, but then only once a year thereafter. The bill also provides that the maintenance entity must report semiannually, instead of quarterly, to the DOH the number of ATU systems inspected and serviced. Maintenance entity service agreements must conspicuously disclose that a property owner of an owner-occupied single-family residence is exempt from the registration requirements for performing construction, maintenance, or repairs on a residence, but is subject to all permitting requirements.

B. SECTION DIRECTORY:

Section 1. Amends s. 381.0065 (4)(u), F.S., reducing the frequency of inspections that a maintenance entity must perform on an ATU under a maintenance entity service agreement, and requiring that a maintenance entity service agreement include certain disclosures.

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:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

According to the DOH analysis, the fiscal impact to the private sector is indeterminate because it cannot be determined if reducing the inspection requirement will provide any reduced cost to home owners. The reduced inspections requirement may also result in a reduction in the number of inspections performed by maintenance entities.

D. FISCAL COMMENTS:

The DOH would have to amend Rule 64E-6.012, F.A.C. to comply with the changes in the bill and the DOH estimates the cost of notices and meetings will be \$5,000.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The DOH would have to amend Rule 64E-6.012, F.A.C., to comply with the changes to reduce the inspection requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to onsite sewage treatment and
 3 disposal systems; amending s. 381.0065, F.S.; revising
 4 the frequency of inspections that owners of aerobic
 5 treatment unit systems must provide for under service
 6 agreements with certain maintenance entities permitted
 7 by the Department of Health; providing an effective
 8 date.

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

11
 12 Section 1. Paragraph (u) of subsection (4) of section
 13 381.0065, Florida Statutes, is amended to read:

14 381.0065 Onsite sewage treatment and disposal systems;
 15 regulation.—

16 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 17 not construct, repair, modify, abandon, or operate an onsite
 18 sewage treatment and disposal system without first obtaining a
 19 permit approved by the department. The department may issue
 20 permits to carry out this section, but shall not make the
 21 issuance of such permits contingent upon prior approval by the
 22 Department of Environmental Protection, except that the issuance
 23 of a permit for work seaward of the coastal construction control
 24 line established under s. 161.053 shall be contingent upon
 25 receipt of any required coastal construction control line permit
 26 from the Department of Environmental Protection. A construction
 27 permit is valid for 18 months from the issuance date and may be
 28 extended by the department for one 90-day period under rules

29 | adopted by the department. A repair permit is valid for 90 days
 30 | from the date of issuance. An operating permit must be obtained
 31 | prior to the use of any aerobic treatment unit or if the
 32 | establishment generates commercial waste. Buildings or
 33 | establishments that use an aerobic treatment unit or generate
 34 | commercial waste shall be inspected by the department at least
 35 | annually to assure compliance with the terms of the operating
 36 | permit. The operating permit for a commercial wastewater system
 37 | is valid for 1 year from the date of issuance and must be
 38 | renewed annually. The operating permit for an aerobic treatment
 39 | unit is valid for 2 years from the date of issuance and must be
 40 | renewed every 2 years. If all information pertaining to the
 41 | siting, location, and installation conditions or repair of an
 42 | onsite sewage treatment and disposal system remains the same, a
 43 | construction or repair permit for the onsite sewage treatment
 44 | and disposal system may be transferred to another person, if the
 45 | transferee files, within 60 days after the transfer of
 46 | ownership, an amended application providing all corrected
 47 | information and proof of ownership of the property. There is no
 48 | fee associated with the processing of this supplemental
 49 | information. A person may not contract to construct, modify,
 50 | alter, repair, service, abandon, or maintain any portion of an
 51 | onsite sewage treatment and disposal system without being
 52 | registered under part III of chapter 489. A property owner who
 53 | personally performs construction, maintenance, or repairs to a
 54 | system serving his or her own owner-occupied single-family
 55 | residence is exempt from registration requirements for
 56 | performing such construction, maintenance, or repairs on that

57 residence, but is subject to all permitting requirements. A
 58 municipality or political subdivision of the state may not issue
 59 a building or plumbing permit for any building that requires the
 60 use of an onsite sewage treatment and disposal system unless the
 61 owner or builder has received a construction permit for such
 62 system from the department. A building or structure may not be
 63 occupied and a municipality, political subdivision, or any state
 64 or federal agency may not authorize occupancy until the
 65 department approves the final installation of the onsite sewage
 66 treatment and disposal system. A municipality or political
 67 subdivision of the state may not approve any change in occupancy
 68 or tenancy of a building that uses an onsite sewage treatment
 69 and disposal system until the department has reviewed the use of
 70 the system with the proposed change, approved the change, and
 71 amended the operating permit.

72 (u) The owner of an aerobic treatment unit system shall
 73 maintain a current maintenance service agreement with an aerobic
 74 treatment unit maintenance entity permitted by the department.
 75 The maintenance entity shall obtain a system operating permit
 76 from the department for each aerobic treatment unit under
 77 service contract. The maintenance entity shall inspect each
 78 aerobic treatment unit system at least twice each year for the
 79 initial 2 years of the maintenance service agreement and at
 80 least once a year thereafter and shall report semiannually
 81 ~~quarterly~~ to the department ~~on~~ the number of aerobic treatment
 82 unit systems inspected and serviced. Maintenance entity service
 83 agreements must conspicuously disclose that a property owner of
 84 an owner-occupied single-family residence is exempt from

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85 | registration requirements for performing such construction,
 86 | maintenance, or repairs on such residence, but is subject to all
 87 | permitting requirements. The owner shall allow the department to
 88 | inspect during reasonable hours each aerobic treatment unit
 89 | system at least annually, and such inspection may include
 90 | collection and analysis of system-effluent samples for
 91 | performance criteria established by rule of the department.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 423 Tax On Sales, Use, & Other Transactions
SPONSOR(S): Adkins
TIED BILLS: None IDEN./SIM. BILLS: None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Kaiser <i>[Signature]</i>	Blalock <i>[Signature]</i>
2) Finance & Tax Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Under current law, a tax of six percent is levied on the sales price of each gallon of diesel fuel purchased for use in a vessel. Current law also provides that the sale of diesel fuel to the owner, operator, or the owner's agent or representative of vessels operated to transport persons or property for hire in interstate or foreign commerce or for commercial fishing purposes is subject to a reduced tax. The tax rate is based on the ratio of intrastate mileage to interstate or foreign mileage traveled by a carrier's vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the carrier's previous fiscal year. This ratio is determined at the close of the carrier's fiscal year.

Dyed diesel fuel is generally used in equipment for construction and agriculture that are not intended for use on roads and highways. The fuel is typically dyed red so the U.S. Department of Transportation can easily tell the difference to ensure that vehicles on the highway are not using the dyed fuel. The dyed fuel is less expensive because it is not subject to the state sales tax described above.

The bill provides an exemption from the above tax for dyed diesel fuel that is placed in the storage tank of vessels designed, constructed and used exclusively for the taking of shrimp from salt and fresh waters for sale. The exemption only applies when the purchaser of the dyed diesel fuel provides the seller with a written statement, signed by the purchaser, verifying that the dyed fuel is to be used by the vessel expressly for the purpose of the taking of shrimp from salt and fresh waters for sale. Any fuel not used exclusively for this purpose is subject to the sales tax levied due and payable by the purchaser.

The Revenue Estimating Conference estimates that the provisions of this legislation will result in a negative fiscal impact of \$700,000 to state government¹ in FY 2013-2014. The effective date of this legislation is July 1, 2013.

¹ This represents a reduction in the State Transportation Trust Fund.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 212.05(1)(k), F.S., provides for a tax of six percent to be levied on each gallon of diesel fuel that is purchased for use in a vessel. However, s. 212.08(4)(a)2., F.S., provides that motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce are afforded a partial exemption based on the ratio of intrastate mileage to interstate or foreign mileage traveled by a carrier's locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the carrier's previous fiscal year. This ratio, known as the mileage apportionment factor, is determined at the close of the carrier's fiscal year.

During the fiscal year in which the carrier begins its initial operations in the state, the carrier's mileage apportionment factor may be determined using an estimated ratio of anticipated miles to be traveled in Florida to anticipated total miles for that year. Subsequently, additional tax on the motor fuel and diesel fuels may be required, or a refund may be applied for, based on the actual ratio of the carrier's vessels' miles in Florida to its total miles for that year. This ratio is applied each month to the total motor and diesel fuel purchases made in Florida to determine what portion of the total was used or consumed in intrastate movement and subject to tax under chapter 212, F.S. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

Dyed diesel fuel is generally used in equipment for construction and agriculture that are not intended for use on roads and highways. The fuel is typically dyed red so the U.S. Department of Transportation can easily tell the difference to ensure that vehicles on the highway are not using the dyed fuel. The dyed fuel is less expensive because it is not subject to the sales and use taxes provided in chapter 212, F.S.

Rule 12A-1.0641(6)(a), F.A.C., provides that the sale of dyed diesel fuel to the owner, operator, or the owner's agent or representative of vessels operated to transport persons or property for hire in interstate or foreign commerce or for commercial fishing purposes is subject to the partial exemption provided in s. 212.08(4)(a)2., F.S. The tax imposed is based on the vessel owner's mileage apportionment factor described above.

Effect of Proposed Changes

The bill provides a full tax exemption for dyed diesel fuel that is placed in the storage tanks of vessels designed, constructed, and used exclusively for the taking of shrimp from salt and fresh waters for sale. The exemption only applies when the purchaser of the dyed diesel fuel provides the seller with a written statement, signed by the purchaser, verifying that the dyed fuel is to be used by the vessel exclusively for the purpose of the taking of shrimp from salt and fresh waters for sale. Any fuel not used exclusively for this purpose is subject to the tax levied under s. 212.05(1)(k), F.S., due and payable by the purchaser.

B. SECTION DIRECTORY:

Section 1: Amends s. 212.05, F.S.; providing an exemption from sales, storage and use tax for dyed diesel fuel used in vessels designed for the taking of shrimp from salt or fresh waters for sale.

Section 2: Amends s. 212.08, F.S.; providing an exemption for dyed fuel used in a vessel designed for the taking of shrimp from salt or fresh waters for sale; requiring purchaser to provide the seller with a written statement verifying the dye is to be used exclusively for the taking of shrimp from specified

waters for specified reason; and providing that dyed fuel not used exclusively for purpose prescribed is subject to tax.

Section 3: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comment section.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Commercial shrimpers will benefit from the reduced tax assessment on dyed diesel fuel used to operate their commercial shrimp boats.

D. FISCAL COMMENTS:

The Revenue Estimating Conference estimates that the provisions of this legislation will result in a negative fiscal impact of \$700,000 to state government² in FY 2013-2014.

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:

None

² This represents a reduction in the State Transportation Trust Fund.
STORAGE NAME: h0423.ANRS.DOCX
DATE: 2/15/2013

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

1 A bill to be entitled
 2 An act relating to the tax on sales, use, and other
 3 transactions; amending ss. 212.05 and 212.08, F.S.;
 4 providing an exemption from the tax for dyed diesel
 5 fuel used in certain vessels in a specified manner and
 6 for a specified purpose; providing an effective date.

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

9
 10 Section 1. Paragraph (k) of subsection (1) of section
 11 212.05, Florida Statutes, is amended to read:

12 212.05 Sales, storage, use tax.—It is hereby declared to
 13 be the legislative intent that every person is exercising a
 14 taxable privilege who engages in the business of selling
 15 tangible personal property at retail in this state, including
 16 the business of making mail order sales, or who rents or
 17 furnishes any of the things or services taxable under this
 18 chapter, or who stores for use or consumption in this state any
 19 item or article of tangible personal property as defined herein
 20 and who leases or rents such property within the state.

21 (1) For the exercise of such privilege, a tax is levied on
 22 each taxable transaction or incident, which tax is due and
 23 payable as follows:

24 (k) At the rate of 6 percent of the sales price of each
 25 gallon of diesel fuel not taxed under chapter 206 purchased for
 26 use in a vessel, except dyed diesel fuel that is exempt pursuant
 27 to s. 212.08(4)(a)4.

28 Section 2. Paragraph (a) of subsection (4) of section

29 | 212.08, Florida Statutes, is amended to read:

30 | 212.08 Sales, rental, use, consumption, distribution, and
 31 | storage tax; specified exemptions.—The sale at retail, the
 32 | rental, the use, the consumption, the distribution, and the
 33 | storage to be used or consumed in this state of the following
 34 | are hereby specifically exempt from the tax imposed by this
 35 | chapter.

36 | (4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

37 | (a) Also exempt are:

38 | 1. Water delivered to the purchaser through pipes or
 39 | conduits or delivered for irrigation purposes. The sale of
 40 | drinking water in bottles, cans, or other containers, including
 41 | water that contains minerals or carbonation in its natural state
 42 | or water to which minerals have been added at a water treatment
 43 | facility regulated by the Department of Environmental Protection
 44 | or the Department of Health, is exempt. This exemption does not
 45 | apply to the sale of drinking water in bottles, cans, or other
 46 | containers if carbonation or flavorings, except those added at a
 47 | water treatment facility, have been added. Water that has been
 48 | enhanced by the addition of minerals and that does not contain
 49 | any added carbonation or flavorings is also exempt.

50 | 2. All fuels used by a public or private utility,
 51 | including any municipal corporation or rural electric
 52 | cooperative association, in the generation of electric power or
 53 | energy for sale. Fuel other than motor fuel and diesel fuel is
 54 | taxable as provided in this chapter with the exception of fuel
 55 | expressly exempt herein. Motor fuels and diesel fuels are
 56 | taxable as provided in chapter 206, with the exception of those

57 | motor fuels and diesel fuels used by railroad locomotives or
 58 | vessels to transport persons or property in interstate or
 59 | foreign commerce, which are taxable under this chapter only to
 60 | the extent provided herein. The basis of the tax shall be the
 61 | ratio of intrastate mileage to interstate or foreign mileage
 62 | traveled by the carrier's railroad locomotives or vessels that
 63 | were used in interstate or foreign commerce and that had at
 64 | least some Florida mileage during the previous fiscal year of
 65 | the carrier, such ratio to be determined at the close of the
 66 | fiscal year of the carrier. However, during the fiscal year in
 67 | which the carrier begins its initial operations in this state,
 68 | the carrier's mileage apportionment factor may be determined on
 69 | the basis of an estimated ratio of anticipated miles in this
 70 | state to anticipated total miles for that year, and
 71 | subsequently, additional tax shall be paid on the motor fuel and
 72 | diesel fuels, or a refund may be applied for, on the basis of
 73 | the actual ratio of the carrier's railroad locomotives' or
 74 | vessels' miles in this state to its total miles for that year.
 75 | This ratio shall be applied each month to the total Florida
 76 | purchases made in this state of motor and diesel fuels to
 77 | establish that portion of the total used and consumed in
 78 | intrastate movement and subject to tax under this chapter. The
 79 | basis for imposition of any discretionary surtax shall be set
 80 | forth in s. 212.054. Fuels used exclusively in intrastate
 81 | commerce do not qualify for the proration of tax.

82 | 3. The transmission or wheeling of electricity.

83 | 4. Dyed diesel fuel placed into the storage tank of a
 84 | vessel designed, constructed, and used exclusively for the

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85 taking of shrimp from salt and fresh waters for sale. The
86 exemption does not apply unless the purchaser of the dyed diesel
87 fuel provides the seller with a written statement, signed by the
88 purchaser, verifying that the dyed diesel fuel is to be used by
89 the vessel exclusively for the taking of shrimp from salt and
90 fresh waters for sale. Any dyed diesel fuel that is not used
91 exclusively as verified in such statement is subject to the tax
92 levied under s. 212.05(1)(k), due and payable by the purchaser.

93 Section 3. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4007 Department of Environmental Protection

SPONSOR(S): Nelson

TIED BILLS: None **IDEN./SIM. BILLS:** SB 326

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Renner <i>JR</i>	Blalock <i>MRB</i>
2) Appropriations Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The Cross Florida Barge Canal Project began in 1933. Thousands of acres of land were acquired to create a commercial shipping channel across the Florida peninsula connecting the Atlantic Ocean to the Gulf of Mexico. There were two major efforts to construct the canal, first from 1933 to 1935, and then from 1964 to 1990. The canal was never completed due to insufficient funds and concerns over potential environmental impacts. Congress officially de-authorized the project in 1990 and all federal canal lands and structures were transferred to the state to be managed as a conservation and recreation area. The canal land was officially named the Marjorie Harris Carr Cross Florida Greenway (CFG) and is now managed by the Office of Greenways and Trails. The CFG is a multi-use area and provides natural resource-based recreation including fishing, camping, hunting, boating, bicycling, and horseback riding.

CFG lands are subject to the following specific surplus procedures that were created in order to generate funds needed to refund counties the ad valorem taxes that the counties paid to the Cross Florida Canal Navigation District:

- The county where the surplus land is located has the first right of refusal to acquire the land at current appraised value by buying it or subtracting the value from its reimbursement;
- The original owner of the land or the original owner's heirs have second right of refusal to acquire the land at current appraised value;
- Any person having a leasehold interest in the land has the third right of refusal to acquire the land at current appraised value;
- Surplus land that is not acquired as stated above is offered in a public sale to the highest bidder. The minimum acceptable bid is the current appraised value;
- Proceeds from the sale of CFG land are refunded to the counties for ad valorem taxes paid by the counties to the Cross Florida Canal Navigation District;
- Interest refunded to the counties is compounded annually at rates specified in s. 253.0783(2)(f), F.S.; and
- Any excess funds from the sale of surplus lands *may* be used for the maintenance of the greenway corridor.

The bill repeals the specific CFG surplus and exchange procedures, which will allow the Department of Environmental Protection's (DEP) Office of Greenways and Trails to follow current DEP Division of State Lands procedures for the surplus and exchange of conservation lands.

The bill appears to have an indeterminate positive fiscal impact on DEP by not having a separate procedure for surplus CFG lands. The bill does not have a fiscal impact on local governments or the private sector.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Cross Florida Greenway

The Cross Florida Barge Canal Project began in 1933. Thousands of acres of land were acquired to create a commercial shipping channel across the Florida peninsula connecting the Atlantic Ocean to the Gulf of Mexico. There were two major efforts to construct the canal, first from 1933 to 1935, and then from 1964 to 1990. The canal was never completed due to insufficient funds and concerns over potential environmental impacts. Congress officially de-authorized the project in 1990, and all federal canal lands and structures were transferred to the state to be managed as a conservation and recreation area. The canal land was officially named the Marjorie Harris Carr Cross Florida Greenway (CFG) and is now managed by the Office of Greenways and Trails. The CFG is a multi-use area and provides natural resource-based recreation including fishing, camping, hunting, boating, bicycling, and horseback riding.¹

The CFG extends through portions of Marion County, requiring that Marion County receive right-of-way access across portions of the CFG. Section 253.7827(3), F.S., provides that Marion County may purchase right-of-way access at fair market value, or that the value of the right-of-way be subtracted from the amount of reimbursement due to the county, pursuant to s. 253.783, F.S.

Water Resource Development Act of 1990

Section 402 of the Water Resources Development Act of 1990 (Act) amended sec. 1114(b)(5) of the Water Resources Development Act of 1986.² In addition to de-authorizing the project, the Act transferred all federal lands, interests, and facilities to the state without consideration, provided the state:

- Holds the federal government harmless for claims arising from operation of federal lands and facilities;
- Maintains the corridor as a public greenway for compatible recreation purposes, including specified areas;
- Agrees to preserve, enhance, interpret, and manage the natural and cultural resources contained in specified areas;
- Pays Citrus, Clay, Duval, Levy, Marion, and Putnam Counties a minimum aggregate sum of \$32 million, or at the option of the counties, payment by conveyance of surplus barge canal lands selected by the state at current appraised values;
- Uses any remaining funds generated from the sale of surplus CFG lands to acquire fee title or easements to other lands along the project route. Any remaining funds generated from the sale of surplus CFG lands *must* be used for the improvement and management of the greenway corridor. It does not dictate the procedures the state must use to surplus CFG lands, only how the funds from the sale of surplus land are to be managed.

The Act provides for certain legal remedies if the State fails to comply with the above requirements.³

¹ DEP, *Marjorie Harris Carr Cross Florida Greenway Management Plan*, (June 15, 2007), http://www.dep.state.fl.us/gwt/cfg/Plan_PDF/CFG_LMP_Final.pdf.

² U.S. Fish & Wildlife Service, *Water Resource Development Acts*, <http://www.fws.gov/habitatconservation/Omnibus/WRDA1990.pdf>.

³ See Sec. 1114(d) of the Water Resource Development Act of 1986 as amended by Sec. 402 of the Water Resource Development Act of 1990, *available at* <http://www.fws.gov/habitatconservation/Omnibus/WRDA1990.pdf>.

Cross Florida Greenway Surplus Procedures

CFG lands are subject to specific surplus procedures that were created in order to generate funds needed to refund counties the ad valorem taxes that the counties paid to the Cross Florida Canal Navigation District. Section 253.783(2), F.S., provides the following CFG-specific surplus procedures:⁴

- The county where the surplus land is located has the first right of refusal to acquire the land at current appraised value by buying it or subtracting the value from its reimbursement;
- The original owner of the land or the original owner's heirs have second right of refusal to acquire the land at current appraised value;
- Any person having a leasehold interest in the land has the third right of refusal to acquire the land at current appraised value;
- Surplus land that is not acquired as stated above is offered in a public sale to the highest bidder. The minimum acceptable bid is the current appraised value;
- Proceeds from the sale of CFG land are refunded to the counties for ad valorem taxes paid by the counties to the Cross Florida Canal Navigation District;
- Interest refunded to the counties is compounded annually at rates specified in s. 253.0783(2)(f), F.S.; and
- Any excess funds from the sale of surplus lands *may* be used for the maintenance of the greenway corridor.

The last bulleted provision is in conflict with the requirements of the Act.

Conservation Land Surplus Procedures

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) has the authority to surplus conservation land if it is determined that the land is no longer needed for conservation purposes. Section 253.034(6), F.S., outlines the surplus procedures for conservation lands as follows:⁵

- The Acquisition and Restoration Council must first confirm that the request to surplus conservation land is consistent with the resource values and management objectives of the land;
- The Board of Trustees approves the surplus by a vote of at least three members;
- State agencies, colleges, and universities are given priority to lease the surplus land;
- State, county, or local governments are offered second right of refusal to purchase the surplus land;
- If government agencies, colleges, and universities opt out of purchasing surplus land, then the land is available for sale on the private market;
- The sale price is negotiated or competitively bid (determined by market value) pursuant to s. 253.034(6)(g), F.S., and Rule 18-2.020, F.A.C.; and
- Proceeds from the sale of surplus land are deposited into the fund from which the lands were acquired. If the trust fund from which the lands were acquired no longer exists, the funds are deposited into an appropriate account to be used for land management.

Effect of Proposed Changes

The bill repeals s. 253.783, F.S., and allows the surplus procedures of the CFG lands to be consistent with current Board of Trustees surplus procedures. This provides for better management of CFG lands and will close ownership gaps within the CFG boundary. The repeal provides consistency between the

⁴ See s. 253.783, F.S.

⁵ See s. 253.034, F.S.

federal requirements for the funds acquired from the surplus of CFG lands and the manner in which the state manages funds. The bill also amends s. 253.7827, F.S., conforming cross-references.

B. SECTION DIRECTORY:

Section 1. Repeals s. 253.783, F.S., relating to the powers and duties of DEP to dispose of surplus lands acquired for the construction, operation, or promotion of a canal across the peninsula of the state and refund payments to counties.

Section 2. Amends s. 253.7827, F.S., conforming cross-references.

Section 3. Provides an effective date of July 1, 2013.

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:

None.

D. FISCAL COMMENTS:

There may be an indeterminate cost savings to DEP by not having a separate procedure for surplusizing CFG lands. The current procedure for surplusizing CFG lands may require multiple public notices placed in newspapers and lengthy legal determinations on the rights of people claiming to be heirs or those claiming a leasehold interest in the lands.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The repeal of s. 253.0783(2) F.S., implies that the sale and exchange of surplus CFG lands may continue under the existing process for conservation lands titled in the Board of Trustees as outlined in s. 253.034(6), F.S.; however, the bill does not explicitly state this.

In addition, the current surplus procedures outlined in s. 253.783(2), F.S., violate the Water Resource Development Act of 1990. The Act specifies any remaining funds from surplus lands after acquisition of fee title or easements must be used for maintenance of the greenway, while s. 253.783(2)(e), F.S., is permissive for such remaining funds. Repeal of this section remedies this violation. However, the bill does not specify that the funds generated from surplus former federal CFG lands must adhere to the Act's requirements when using the usual surplus procedures outlined in s. 253.034(6), F.S. As stated above, if the state fails to follow the Act's requirements, it may be subject to certain legal remedies.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

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A bill to be entitled
An act relating to the Department of Environmental
Protection; repealing s. 253.783, F.S., relating to
the powers and duties of the department to dispose of
surplus lands acquired for the construction,
operation, or promotion of a canal across the
peninsula of the state and refund payments to
counties; amending s. 253.7827, F.S.; conforming
provisions; providing an effective date.

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

Section 1. Section 253.783, Florida Statutes, is repealed.

Section 2. Subsection (3) of section 253.7827, Florida
Statutes, is amended to read:

253.7827 Transportation and utility crossings of greenways
lands.—

(3) Furthermore, the Legislature recognizes the needs
expressed by Marion County to provide for the southerly
extension of Sixtieth Avenue between State Road 200 and
Interstate 75 and for the extension to cross the greenways lands
to allow for the orderly growth and development of Marion
County. Right-of-way for this extension across greenways lands
shall be designed to mitigate the impacts to the extent
practical, and the value of such lands shall be paid based on
fair market value ~~or, at the option of Marion County, the value
can be subtracted from the amount of reimbursement due the
county pursuant to s. 253.783.~~

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Section 3. This act shall take effect July 1, 2013.

Florida Department of Environmental Protection



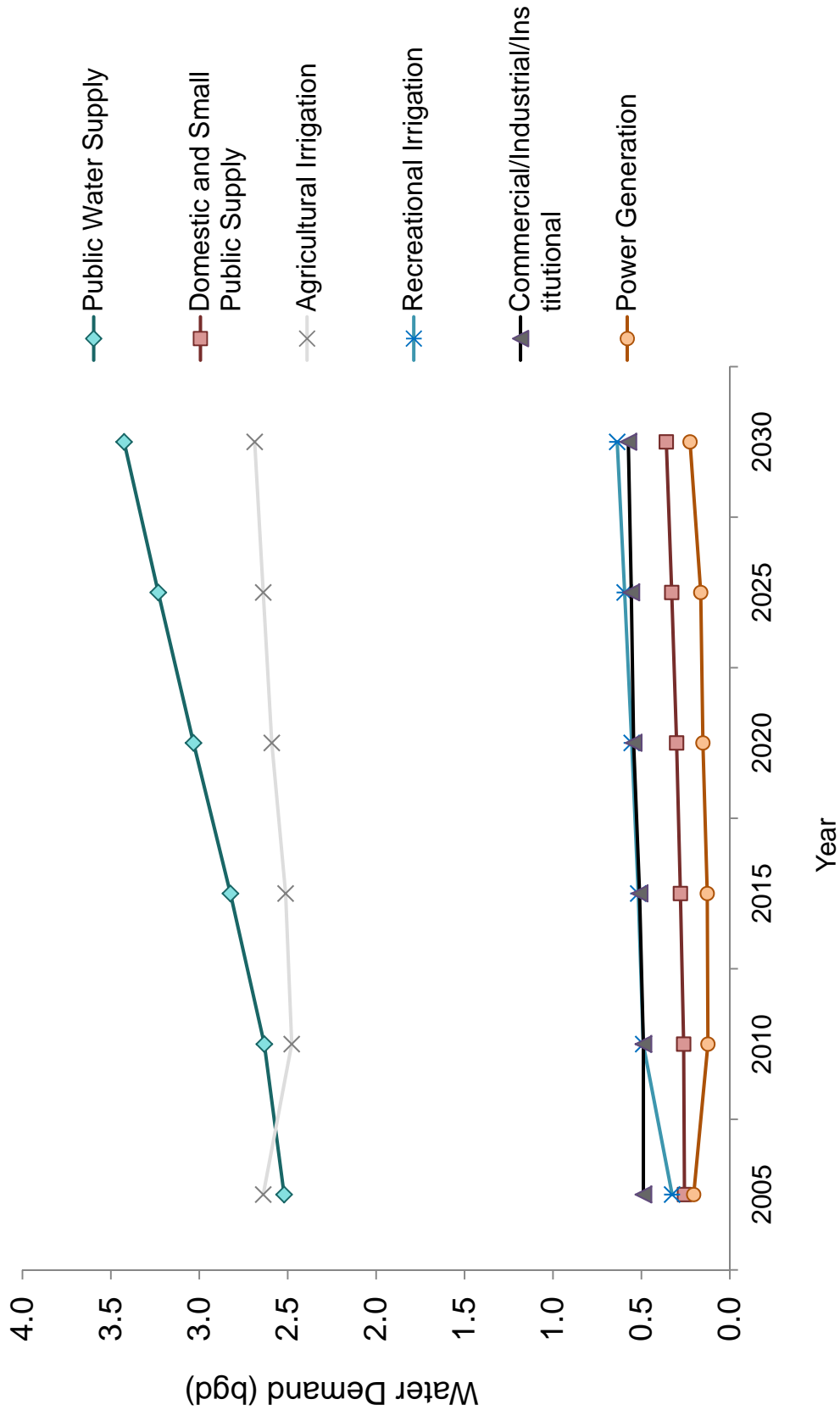
Water Supply Development

February 20, 2013





Projected Water Demand By Sector





Roles and Responsibilities

Per Ch. 373.705 (1), F.S

- **Water Management Districts**
 - Planning
 - Water Resource Development (may assist with water supply development).
- **Local Water Suppliers:**
 - Water Supply Development (may assist with water resource development).

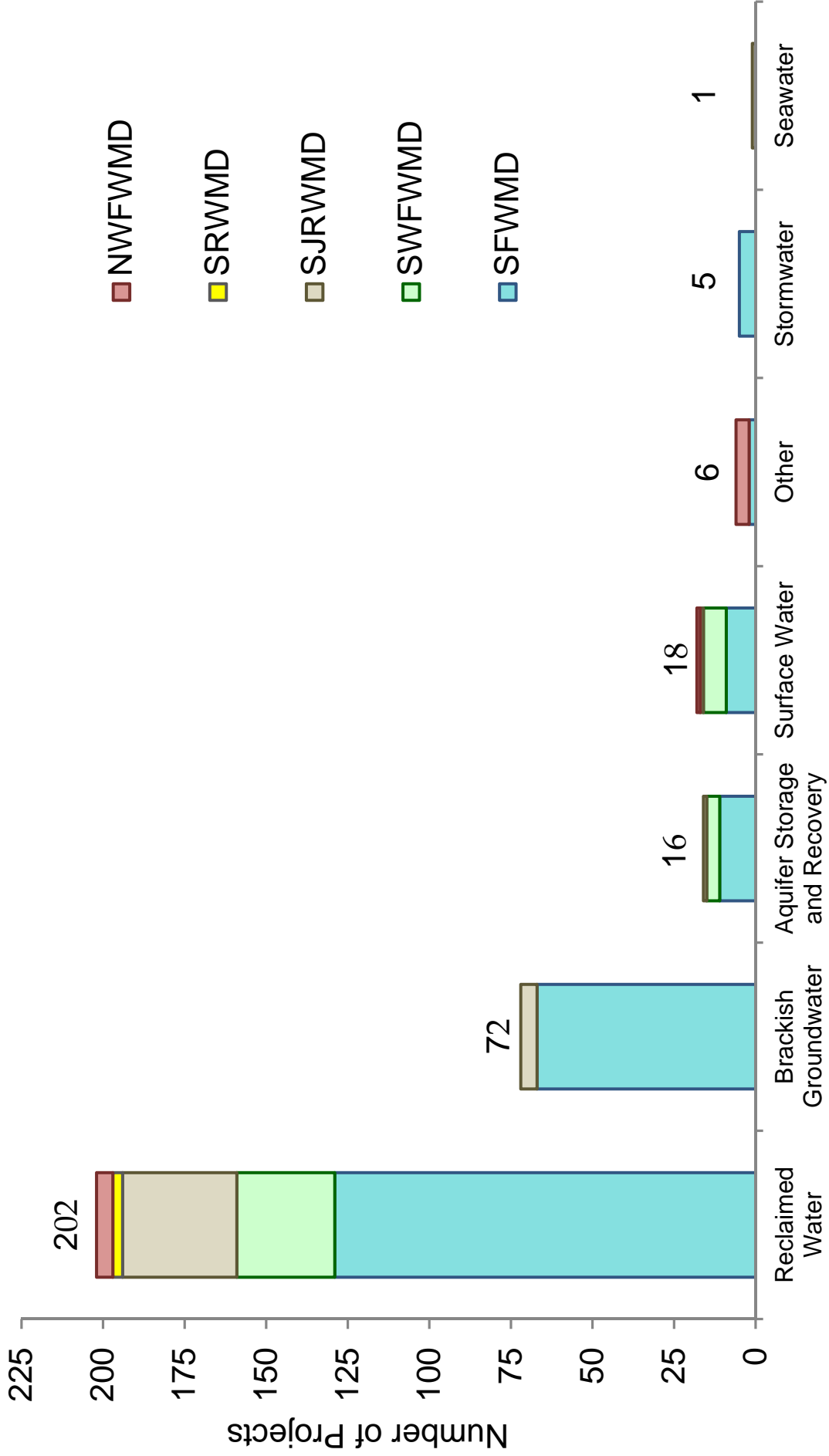


Funding Assistance

- **DEP State Revolving Fund (SRF)**
 - Since 1989
 - Low interest loans for wastewater and drinking water systems, including alternative water supply
- **WMD ad valorem**
 - Cost share funding assistance for alternative water supply projects and conservation
- **Water Protection and Sustainability Program**
 - State funding, matched by WMD ad valorem
 - Cost share funding for alternative water supply projects
 - FY 2005 - 2008

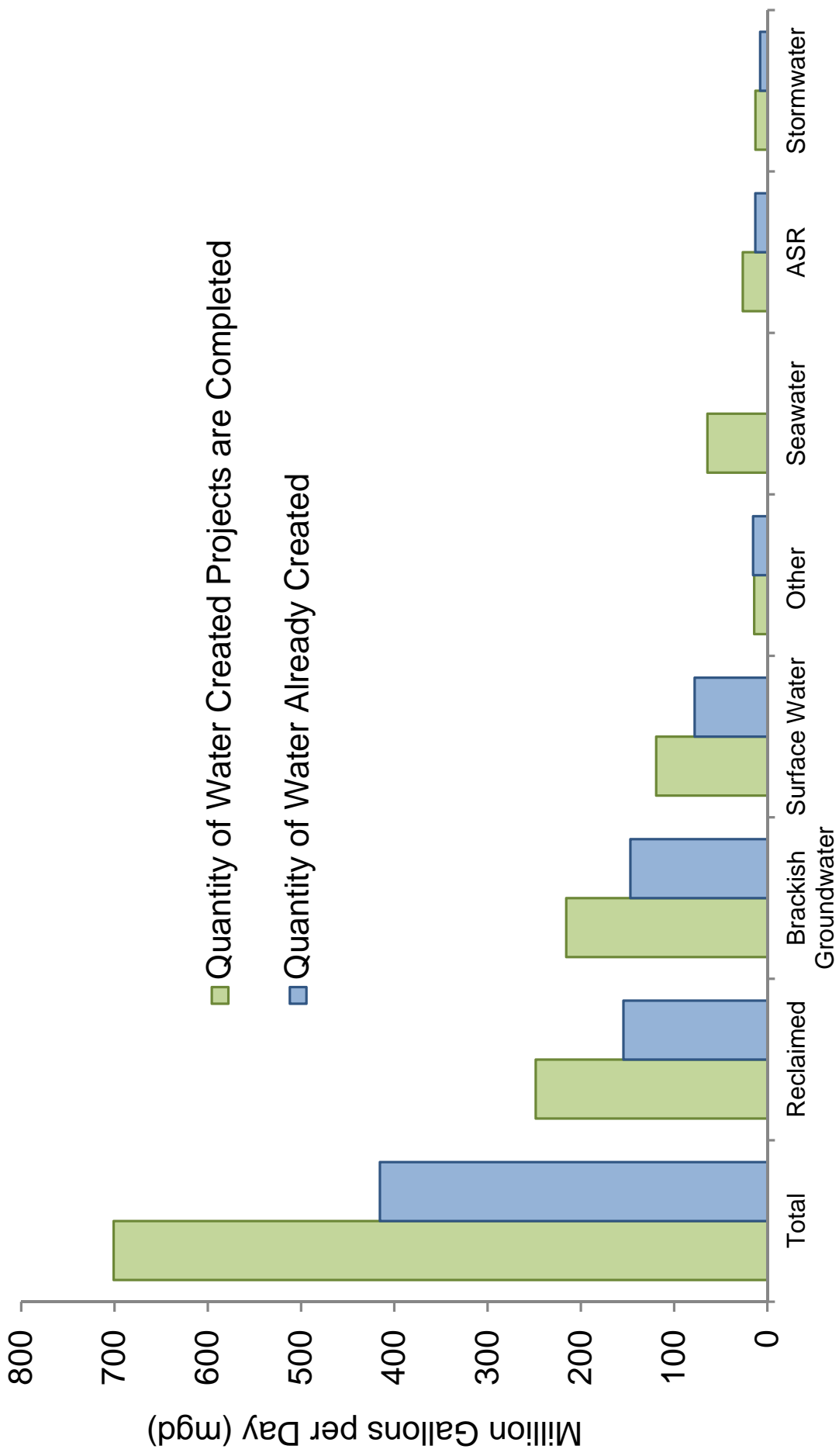


AWS Project Types Funded



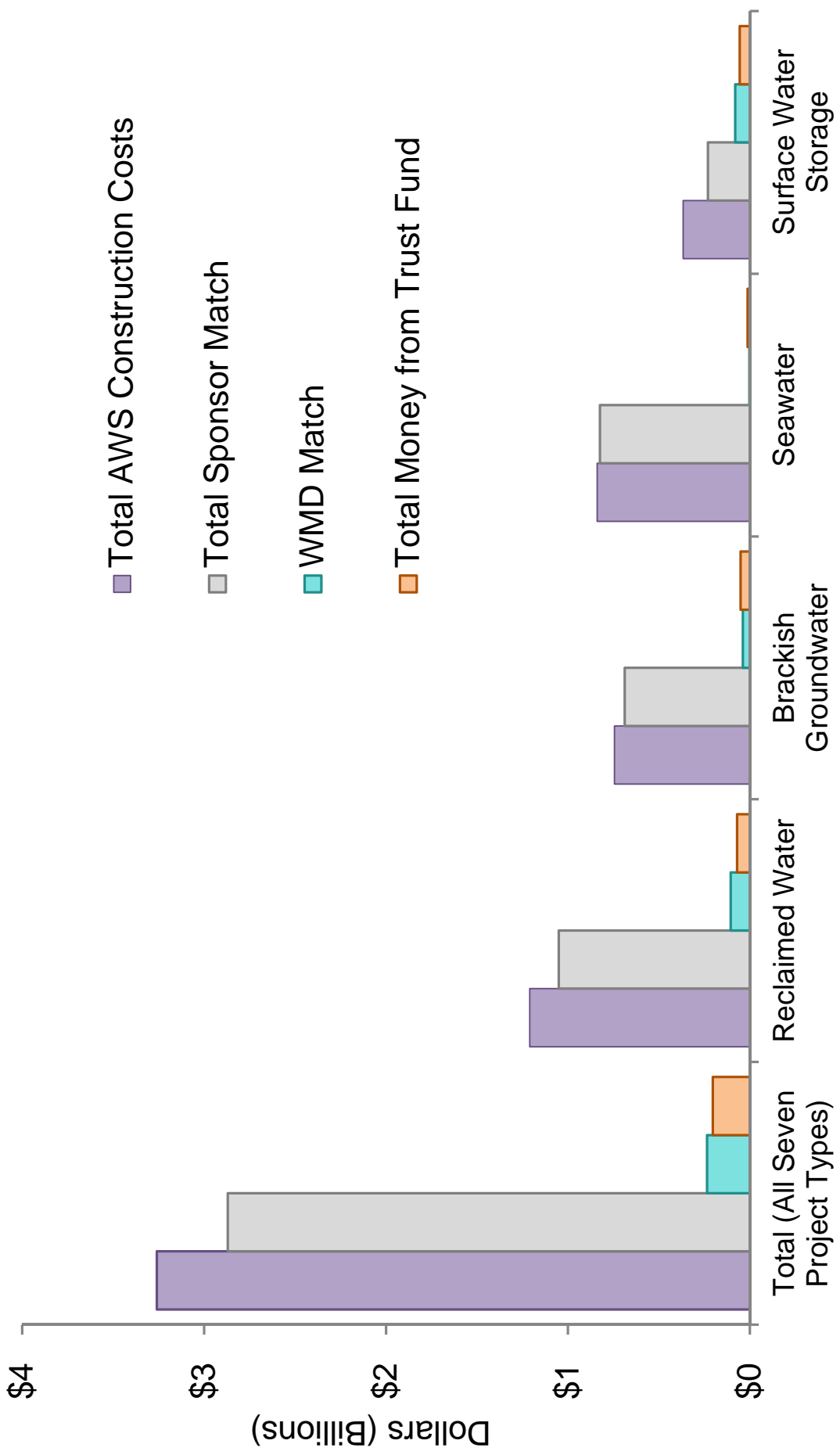


How Much Water Will Projects Provide?





How Much Will the Projects Cost?





Priority for WMD Funding Assistance

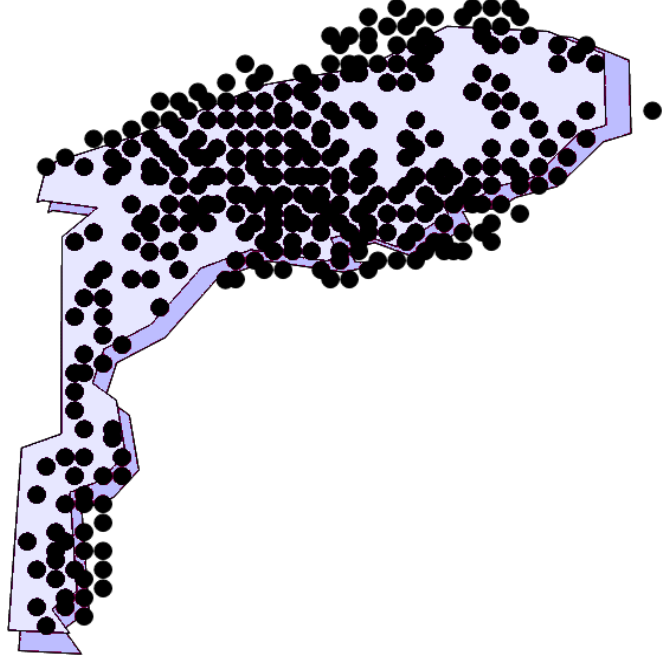
Per Ch. 373.705(3), F.S.

- Consistent with Regional Water Supply Plan and:
 - Dependable, sustainable water supply that is not otherwise financially feasible.
 - Prevents or limits water resource impacts, but not economically competitive with other options, or
 - Implements reuse, storage, recharge, or conservation.
- First priority if meets above, plus:
 - Assists with MFL recovery
 - Helps eliminate a domestic wastewater ocean outfall



Reuse in Florida

- 434 Reuse Facilities Statewide
- 722 MGD Reused in 2011
- 49% of Wastewater Flow reused
- National Leader in Reuse

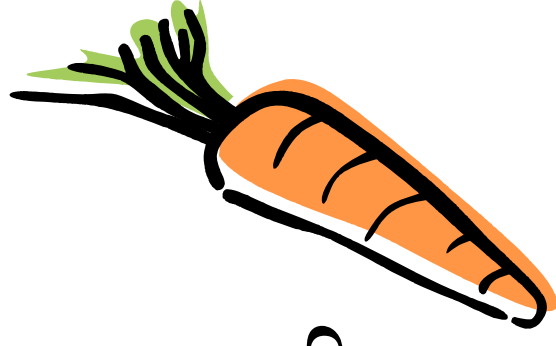


We're # 1!



Incentives

- Funding for AWS and Water Conservation projects
- Reuse Credits in CUP program
- CUP permit extensions for successful water conservation



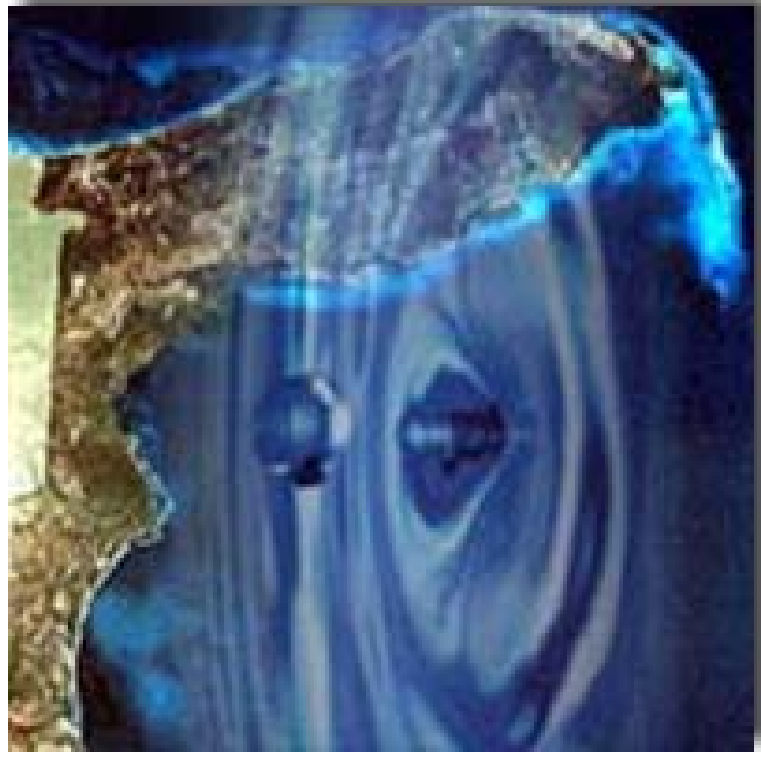


Contact

Janet G. Llewellyn
Policy Administrator
Office of Water Policy

Janet.Llewellyn@dep.state.fl.us

850 / 245-3139



FDACS Role in Water Supply Development and Conservation

February 20, 2013

House Agriculture and Natural Resources Subcommittee
Rep. Matt Caldwell, Chair

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

Rich Budell, Director
Office of Agricultural Water Policy



Water Supply & Conservation

- Agriculture is second largest user of fresh water in Florida
- Access to adequate quantities of fresh water is critical
- Participation in long-range water supply planning
- Commitment to conservation/efficiency (Mobile Irrigation Laboratories)
- In partnership with water management districts and FDEP to develop alternative water supply projects



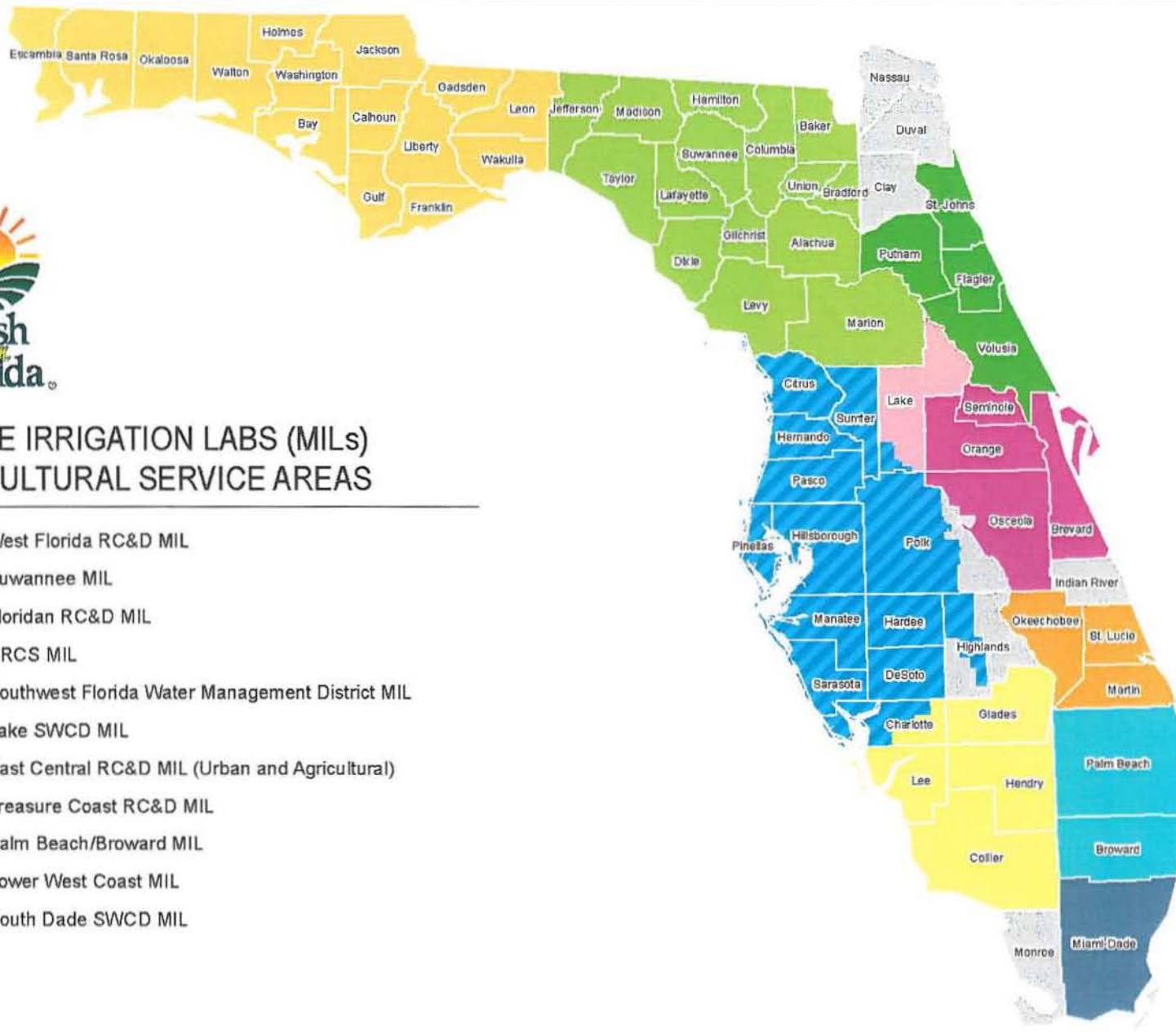
Water Supply & Conservation

- Nearly 90% of agricultural water use is for food production
- Preserving agricultural lands is critical for water storage and treatment, ground water recharge, and wildlife corridors
- Participate with stakeholders to develop innovative water storage programs on private lands
- Cooperatively develop programs to compensate landowners for providing environmental benefit to the public

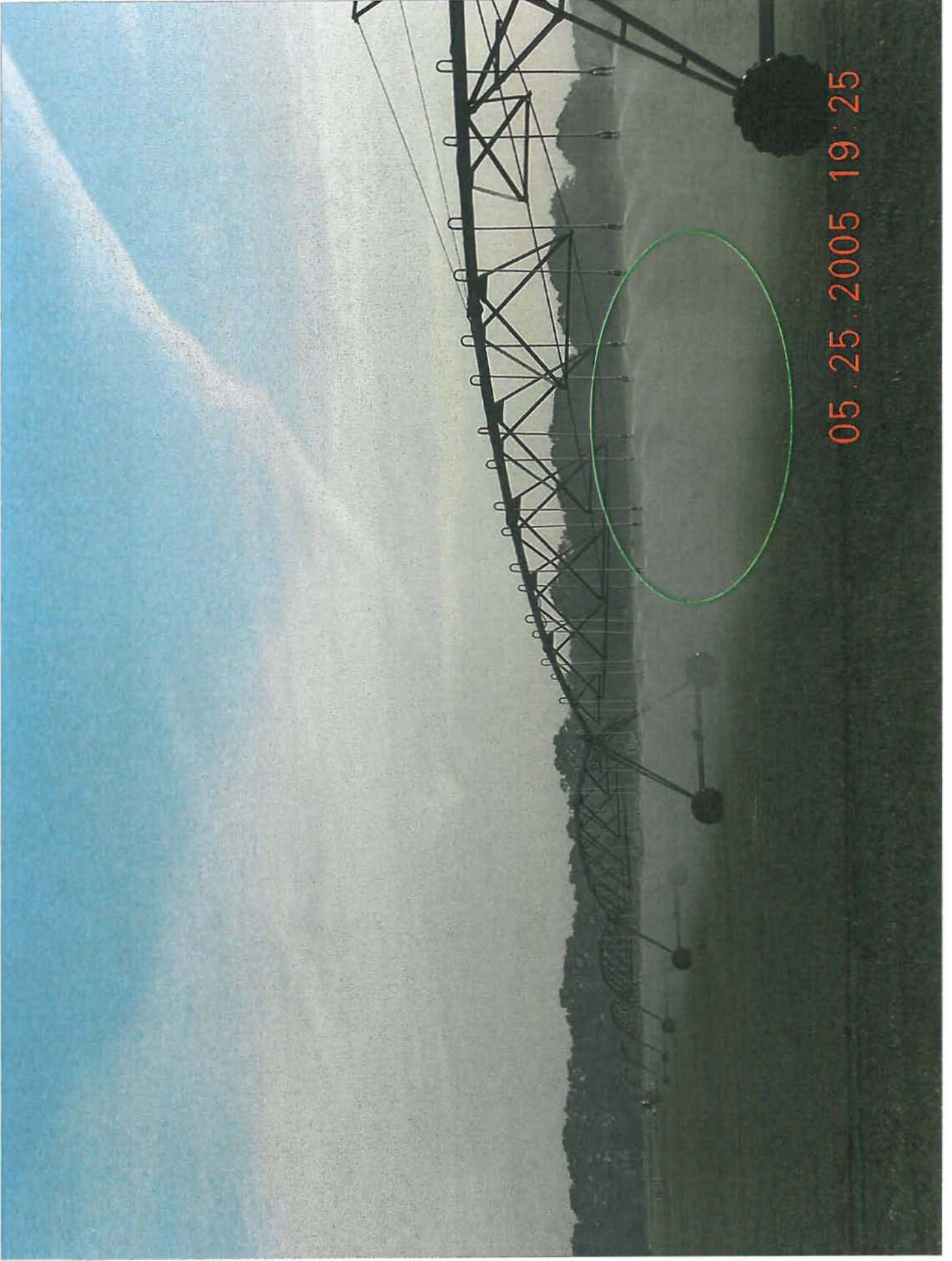


MOBILE IRRIGATION LABS (MILs) AGRICULTURAL SERVICE AREAS

- West Florida RC&D MIL
- Suwannee MIL
- Floridan RC&D MIL
- NRCS MIL
- Southwest Florida Water Management District MIL
- Lake SWCD MIL
- East Central RC&D MIL (Urban and Agricultural)
- Treasure Coast RC&D MIL
- Palm Beach/Broward MIL
- Lower West Coast MIL
- South Dade SWCD MIL







05.25.2005 19:25



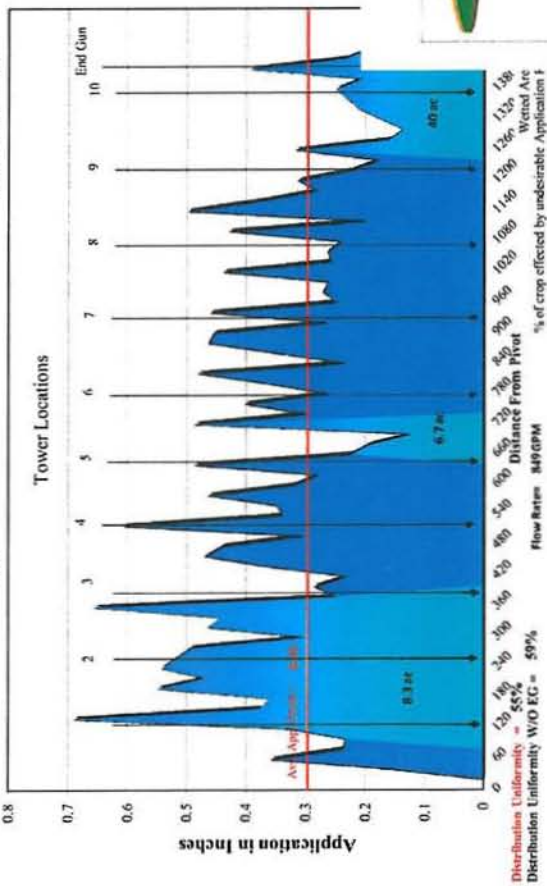
**Radford Farms
Left Side**

Resource Conservation Partners
P.O. Box 961, 1303 Riverside Dr.,
Steinhatchee, FL 32359
(386)-209-5301

As of: March 9, 2012

Ver. 5.1.1

Application Uniformity



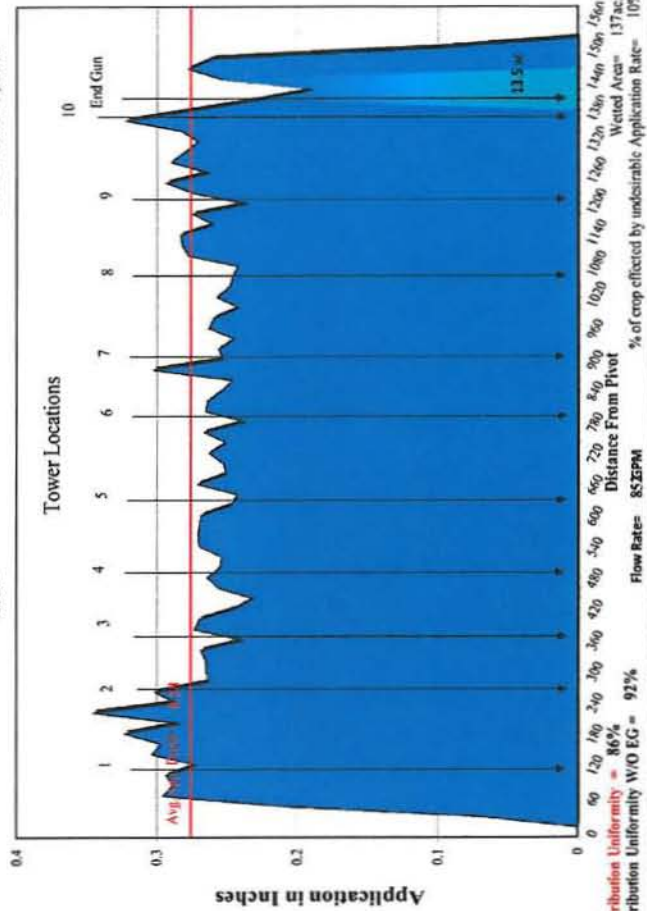
**Radford Farms
Left Side**

Resource Conservation Partners
P.O. Box 961, 1303 Riverside Dr.,
Steinhatchee, FL 32359
(386)-209-5301

As of: June 19, 2012

Ver. 5.1.1

Application Uniformity

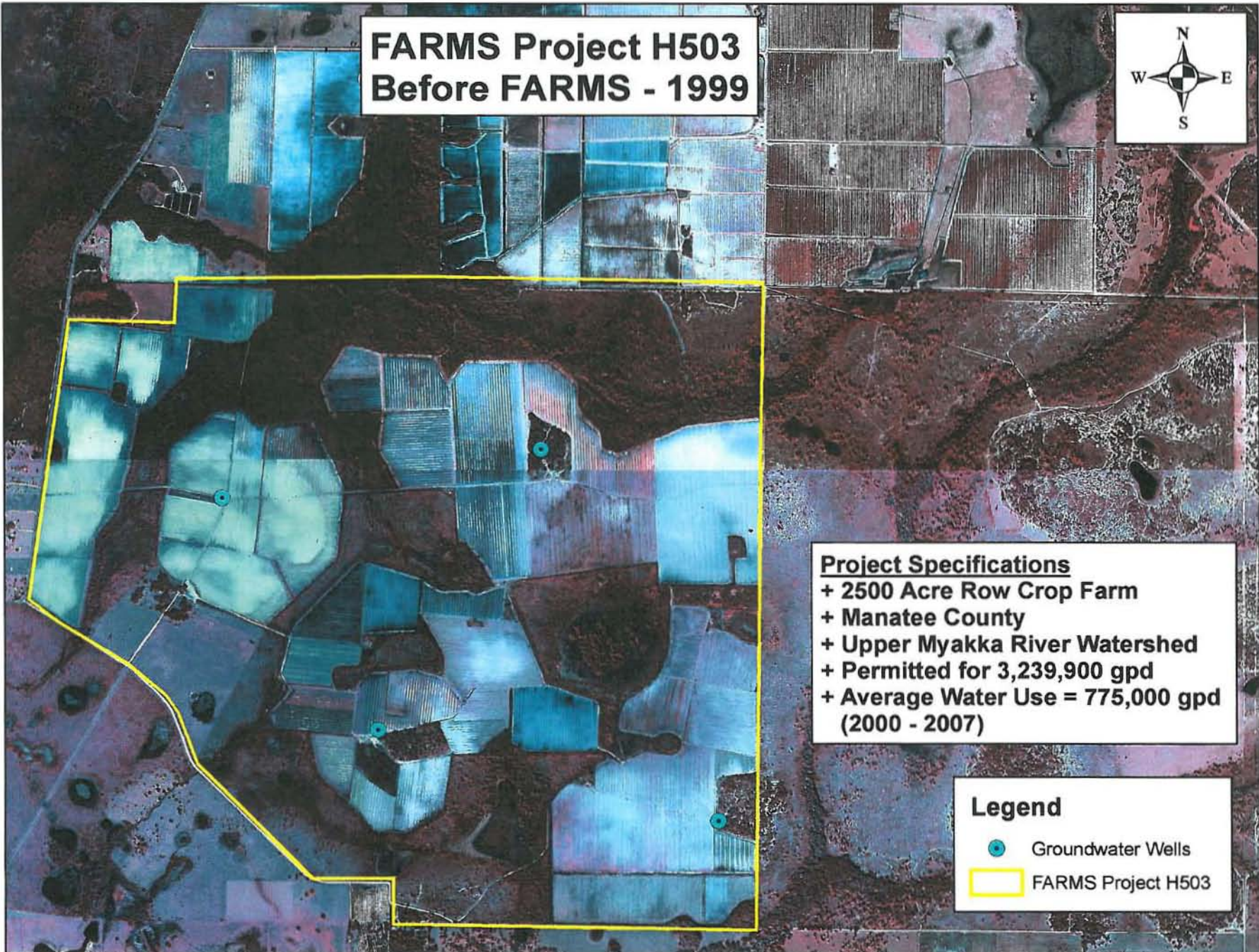


**FARMS Project H503
Before FARMS - 1999**



Project Specifications
+ 2500 Acre Row Crop Farm
+ Manatee County
+ Upper Myakka River Watershed
+ Permitted for 3,239,900 gpd
+ Average Water Use = 775,000 gpd
(2000 - 2007)

Legend
● Groundwater Wells
□ FARMS Project H503



FARMS Project H503 After FARMS - 2007

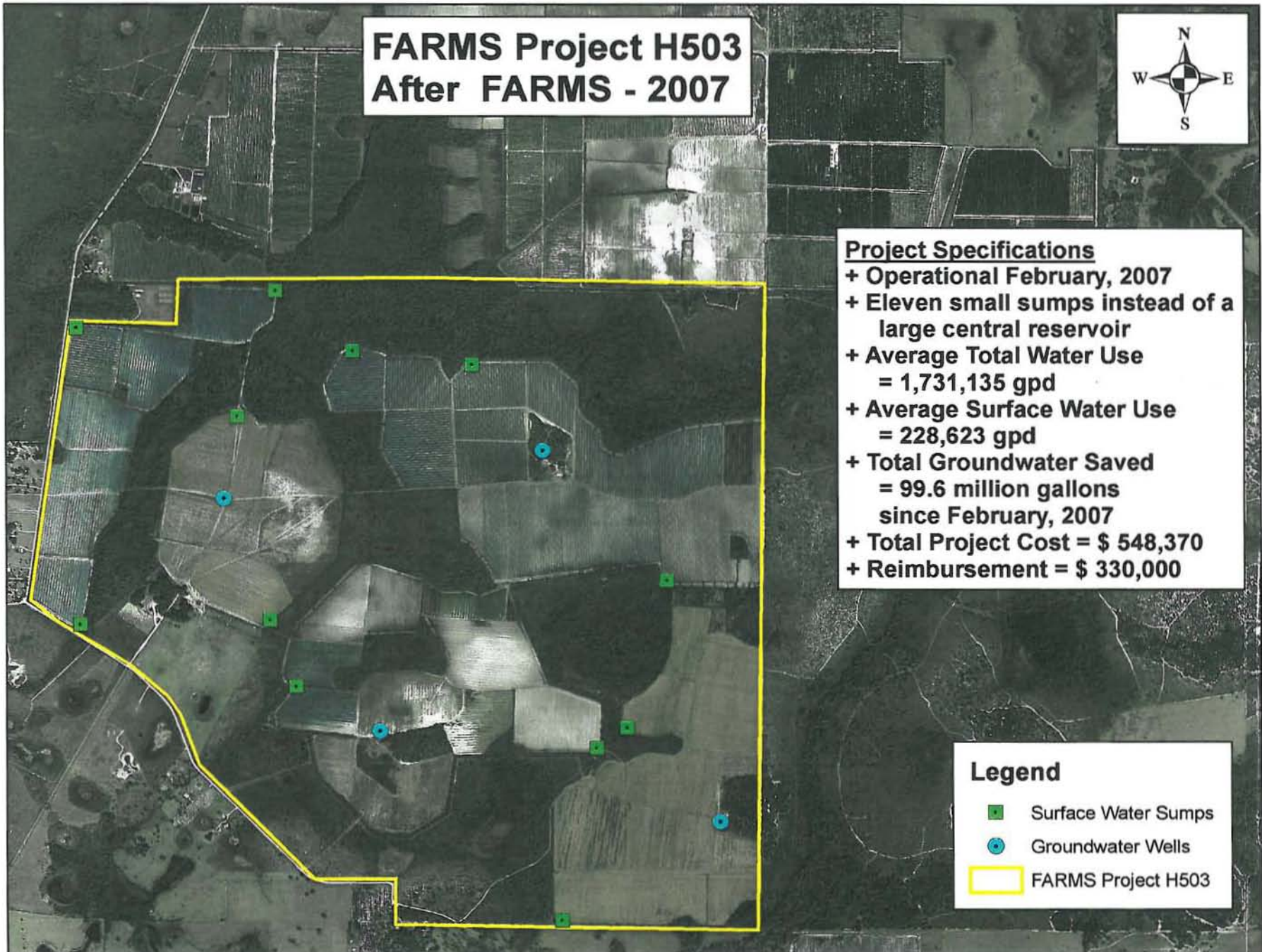


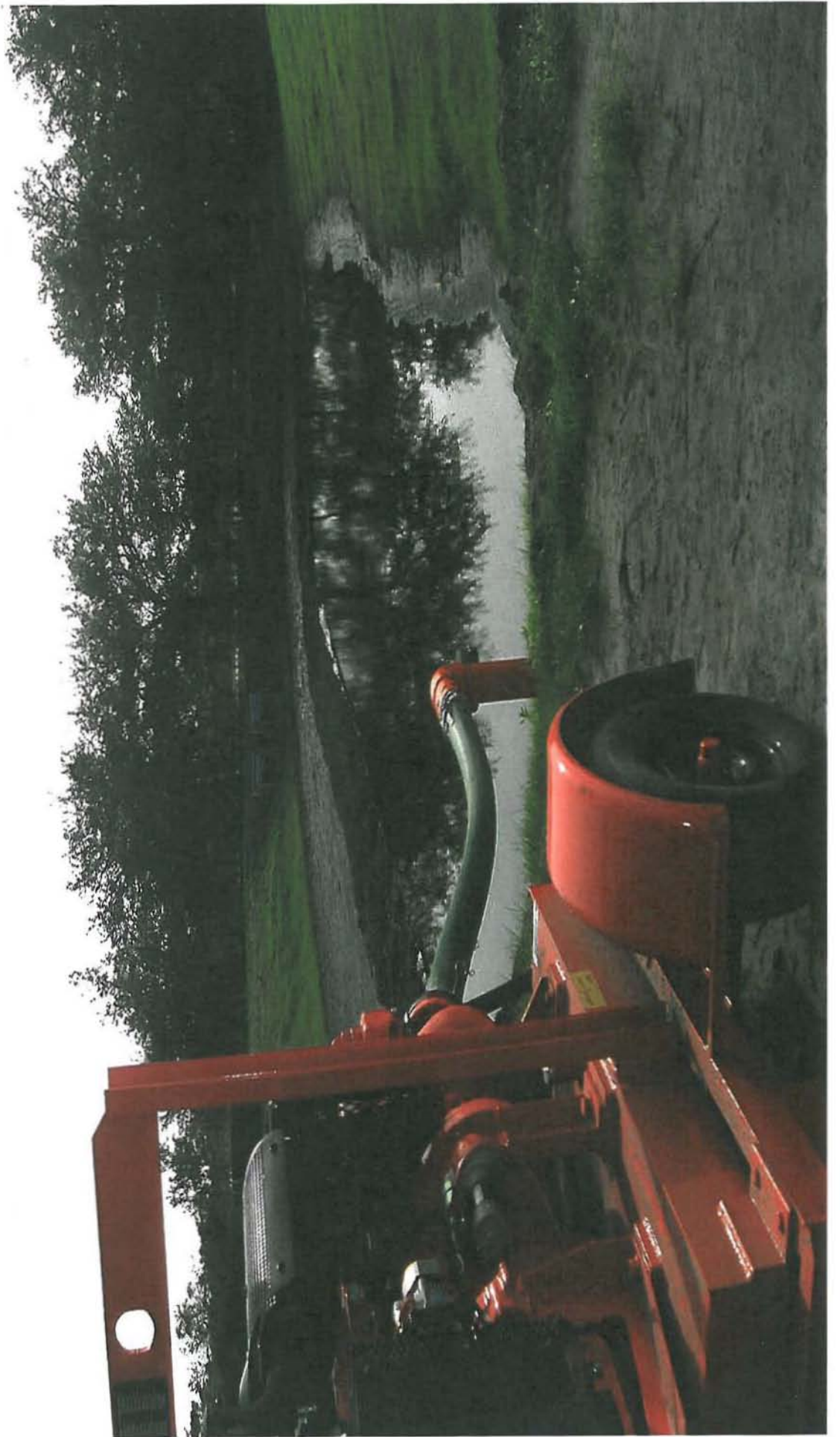
Project Specifications

- + Operational February, 2007
- + Eleven small sumps instead of a large central reservoir
- + Average Total Water Use = 1,731,135 gpd
- + Average Surface Water Use = 228,623 gpd
- + Total Groundwater Saved = 99.6 million gallons since February, 2007
- + Total Project Cost = \$ 548,370
- + Reimbursement = \$ 330,000

Legend

- Surface Water Sumps
- Groundwater Wells
- FARMS Project H503








Policy Challenges

- Agriculture is a “self-supplier” of water – cannot pass on the costs of wells, pumps, etc.
- Only 2.8% of all water on the planet is fresh
 - 75% of which is tied up in ice caps and glaciers
 - Remaining 25% of fresh water is ground water and surface water
 - A whopping 0.7% of all the water on the earth....
- Projected population growth from 7 to 9 billion by 2050
- Food production will have to increase 70%
- Water available for agriculture will decrease



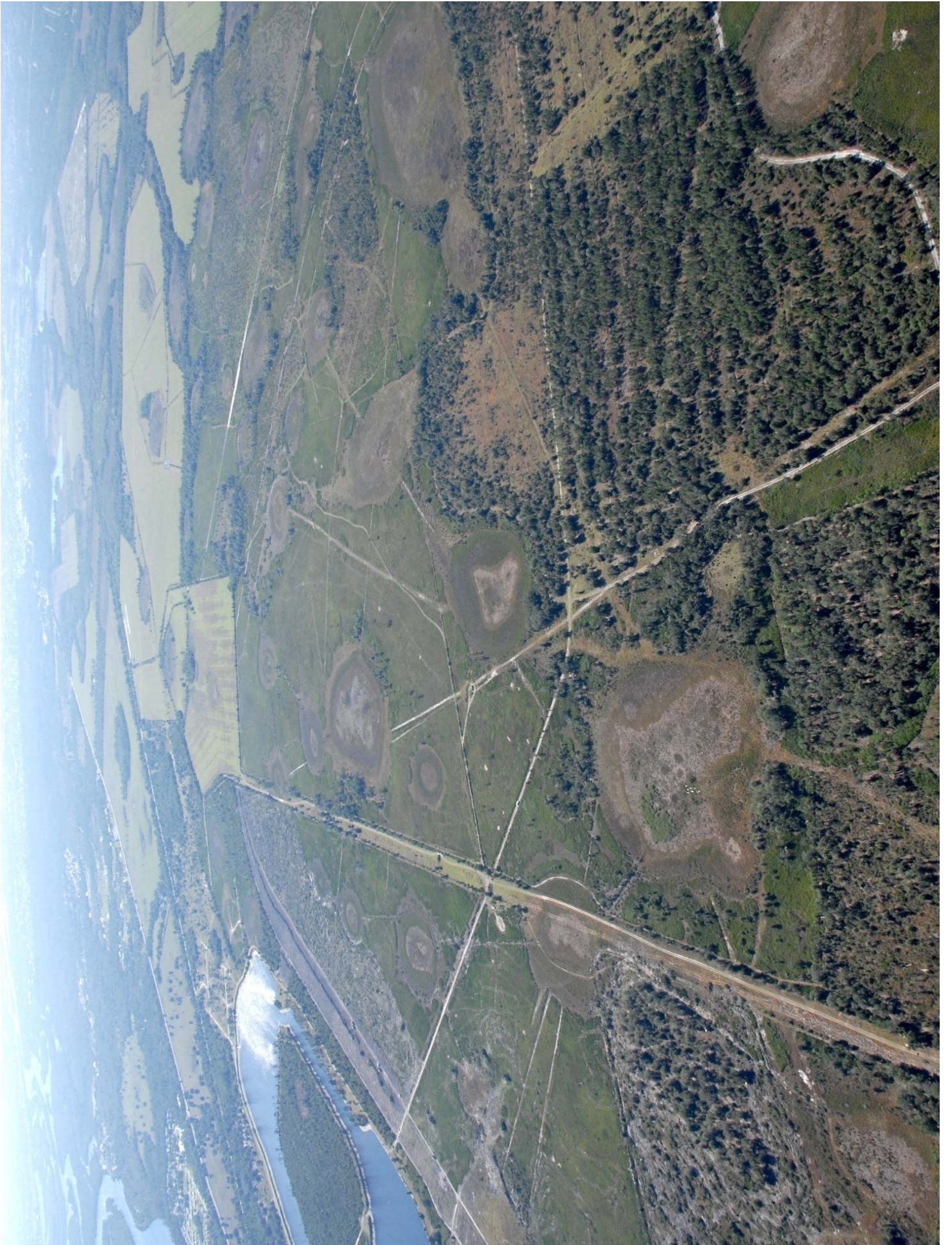
“We live in a highly industrialized and urban culture, but it is important to remember that there is no such thing as a post-agricultural society. Policy decisions concerning agriculture, our environment, water supply and land use need to reflect this fundamental truth.”

- Timothy Weiskel 1990

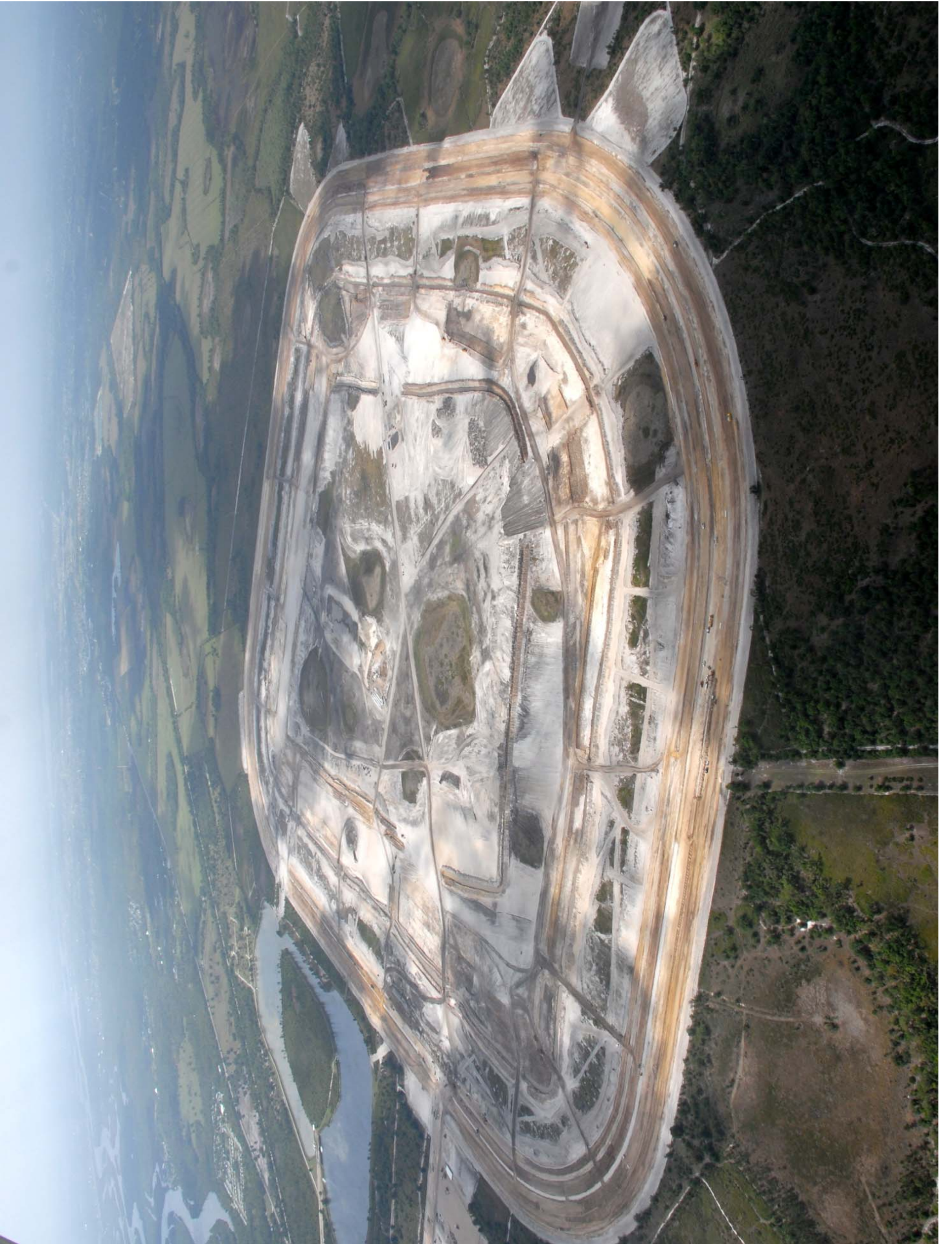
Questions?

Rich Budell, Director
Office of Agricultural Water Policy

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



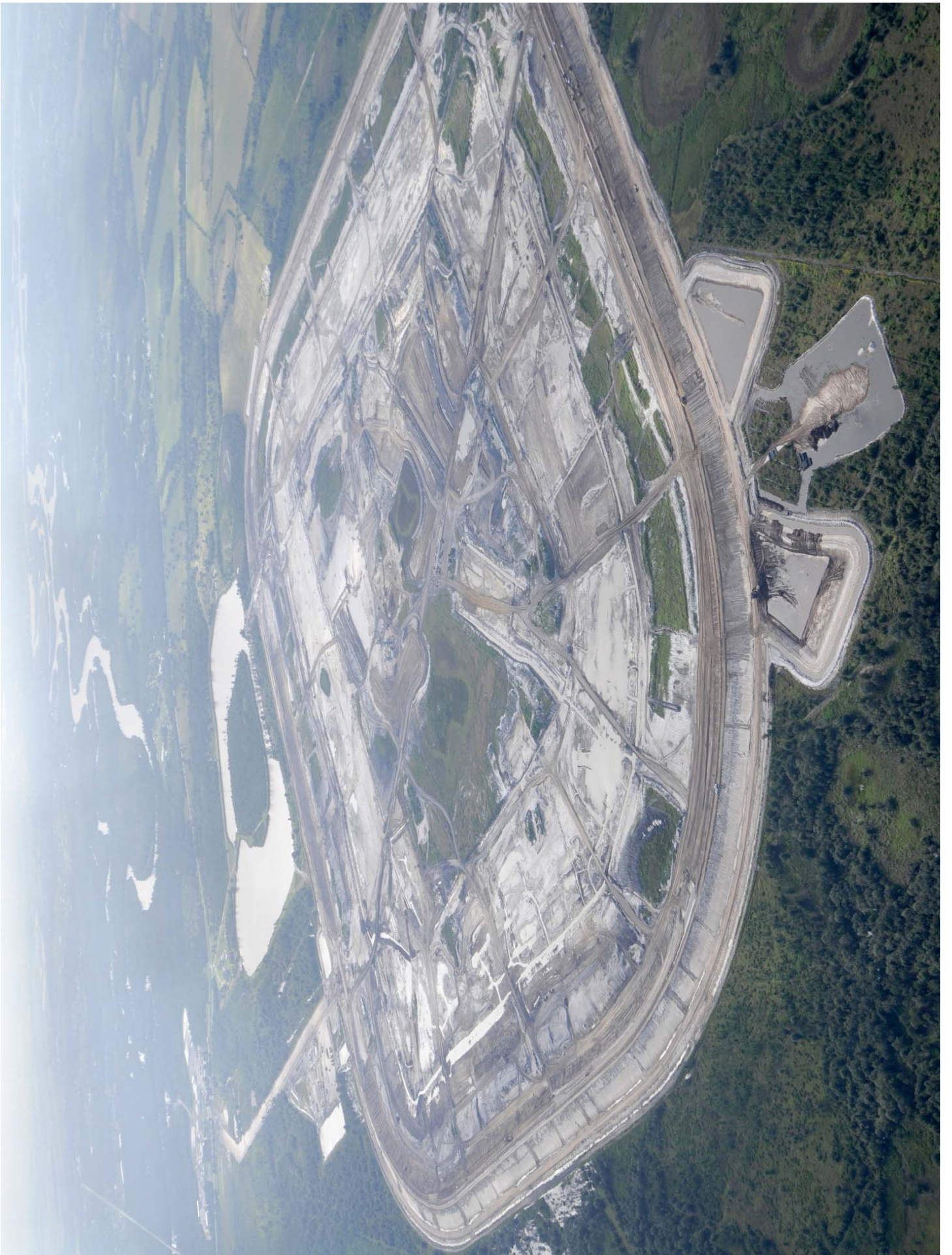








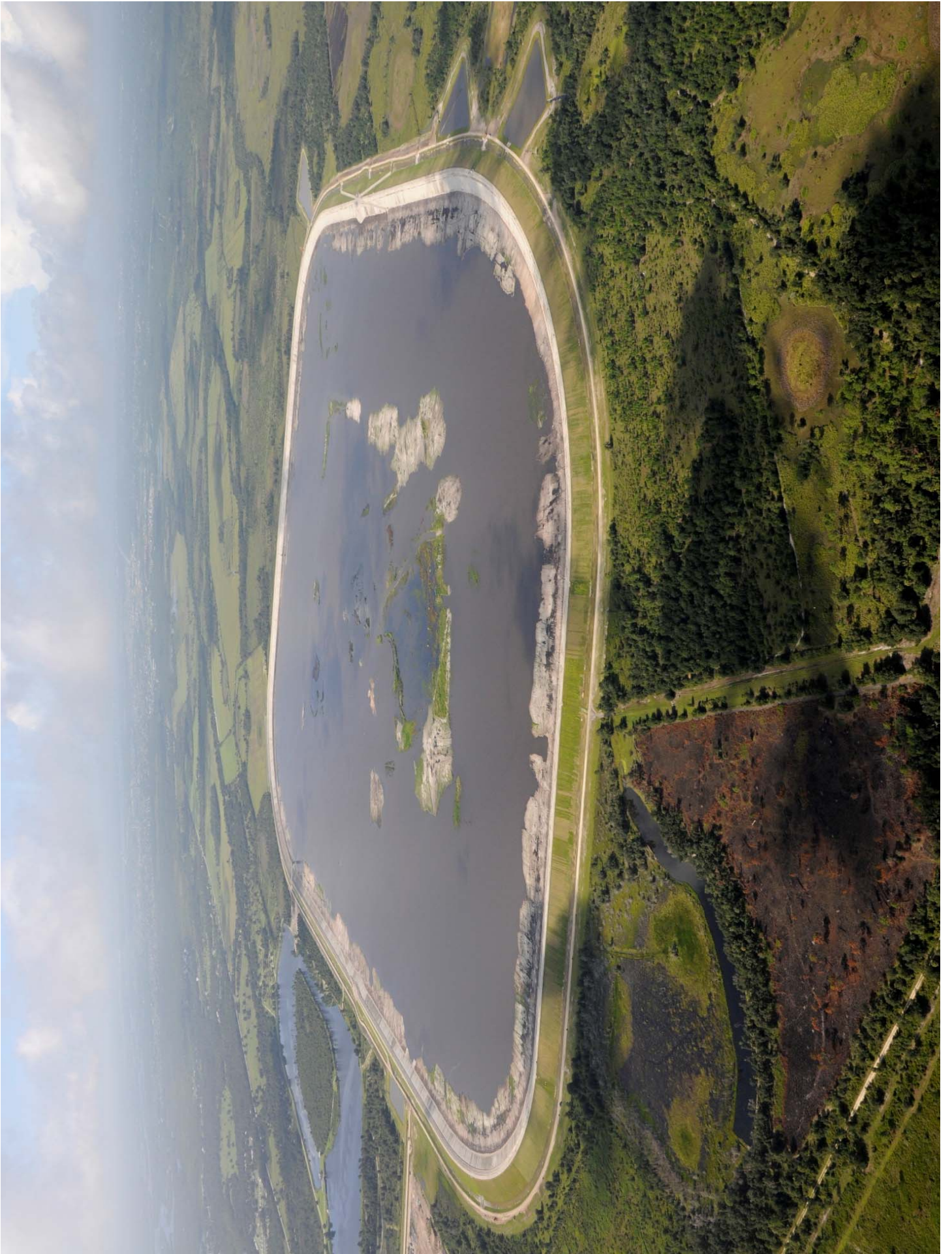


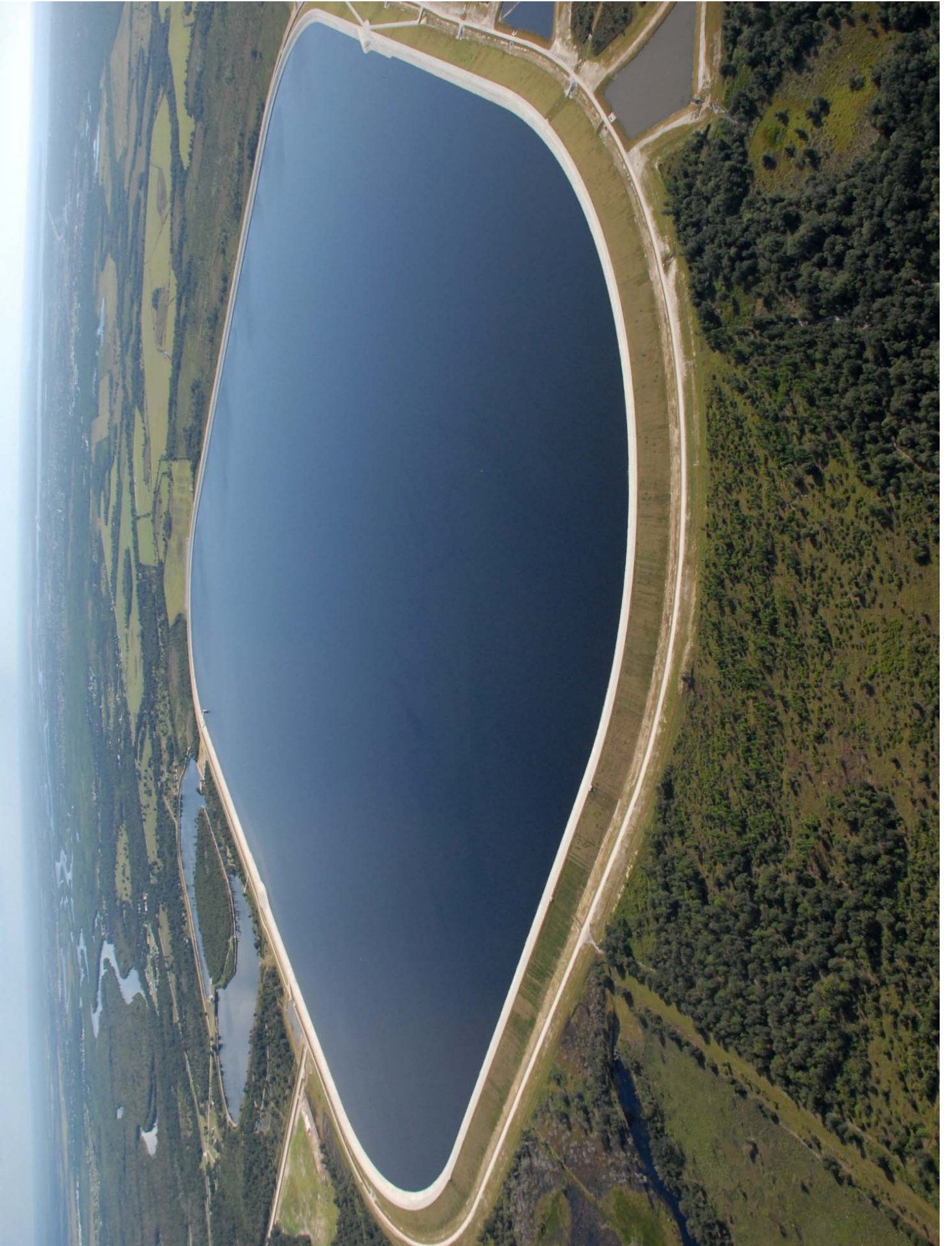














HOUSE AGRICULTURE & NATURAL RESOURCES
SUBCOMMITTEE
'ALTERNATIVE WATER SUPPLY'

FEBRUARY 20, 2013

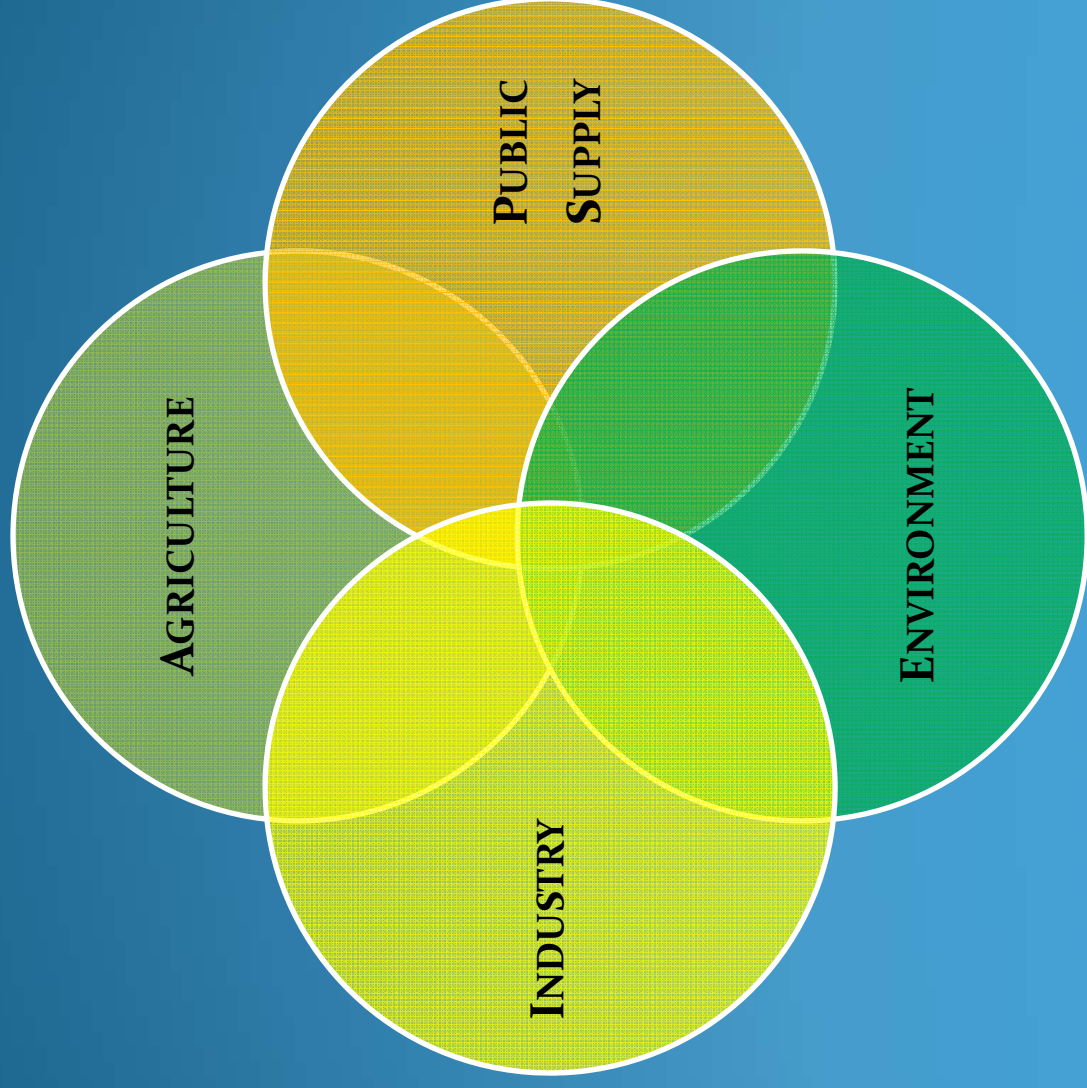
PATRICK J. LEHMAN, EXECUTIVE DIRECTOR
PEACE RIVER MANASOTA REGIONAL WATER SUPPLY AUTHORITY
LAKEWOOD RANCH, FLORIDA



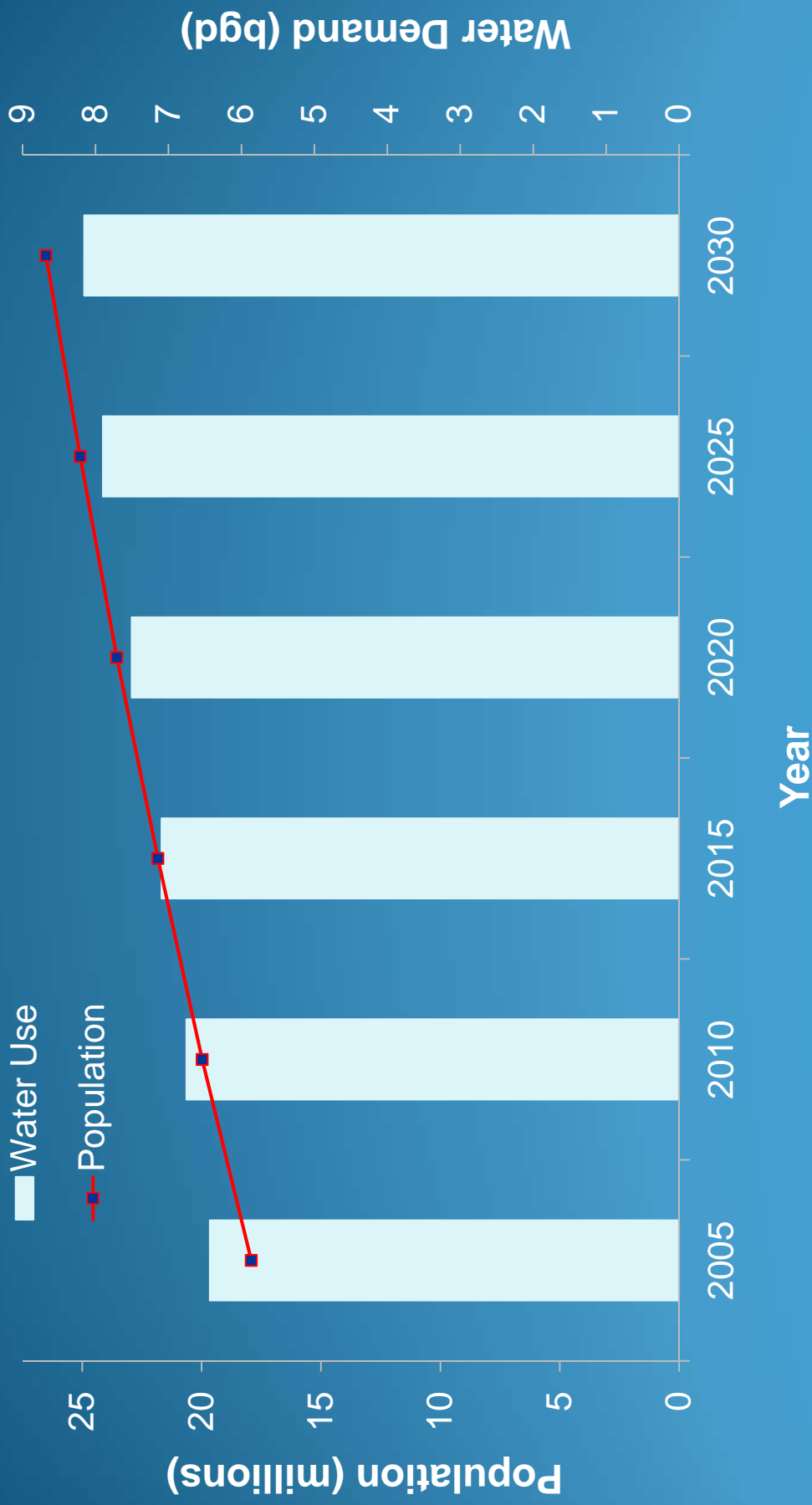
HONEST!
BEFORE THE WATER
WARS THESE THINGS
USED TO FLOAT DOWN
THE RIVER!

STAY SKAL
96 TAMPA
- RIGUNE

Multiple Water Users

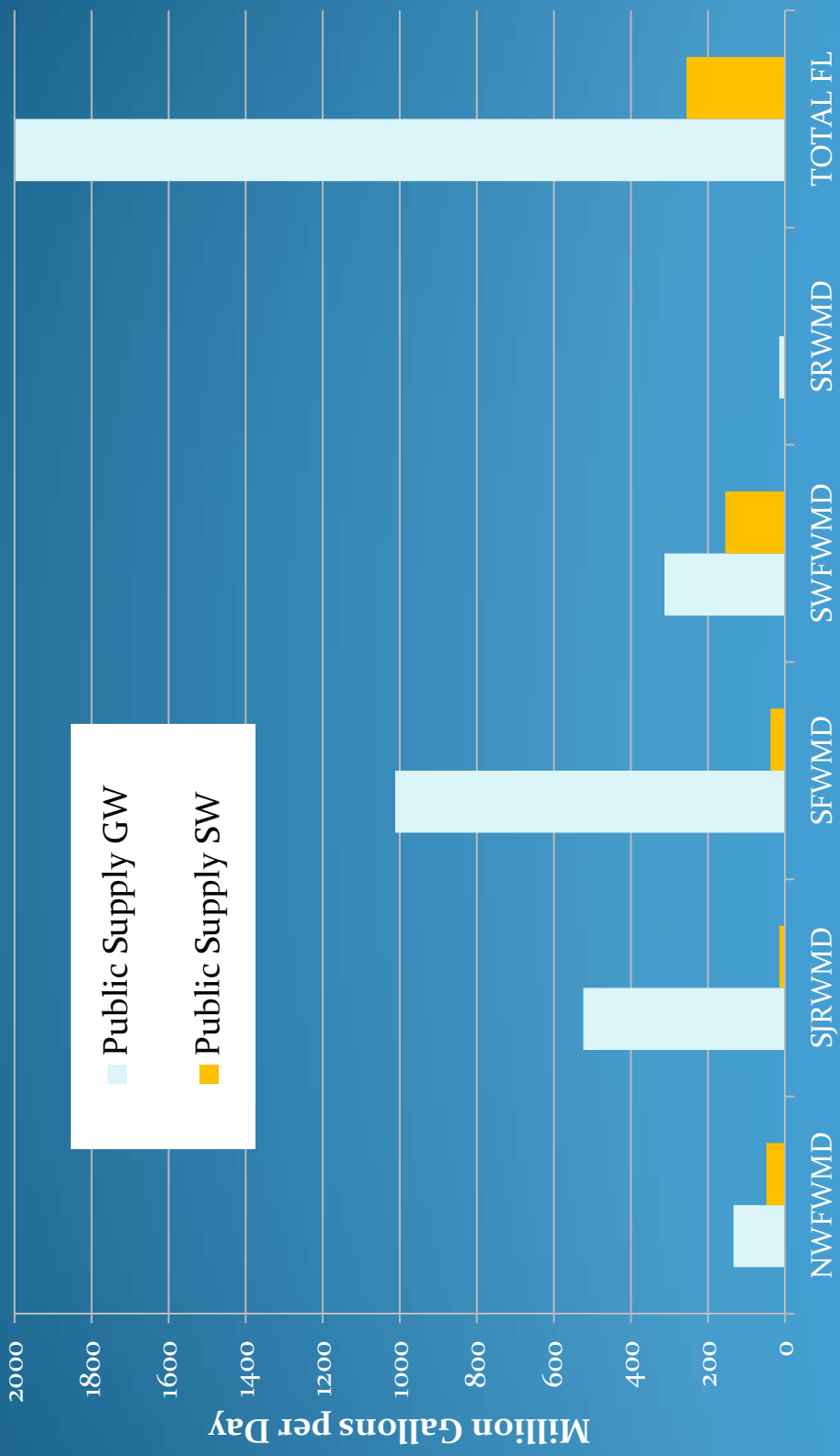


Statewide Demand and Population Projections



Data Source: DEP 2011

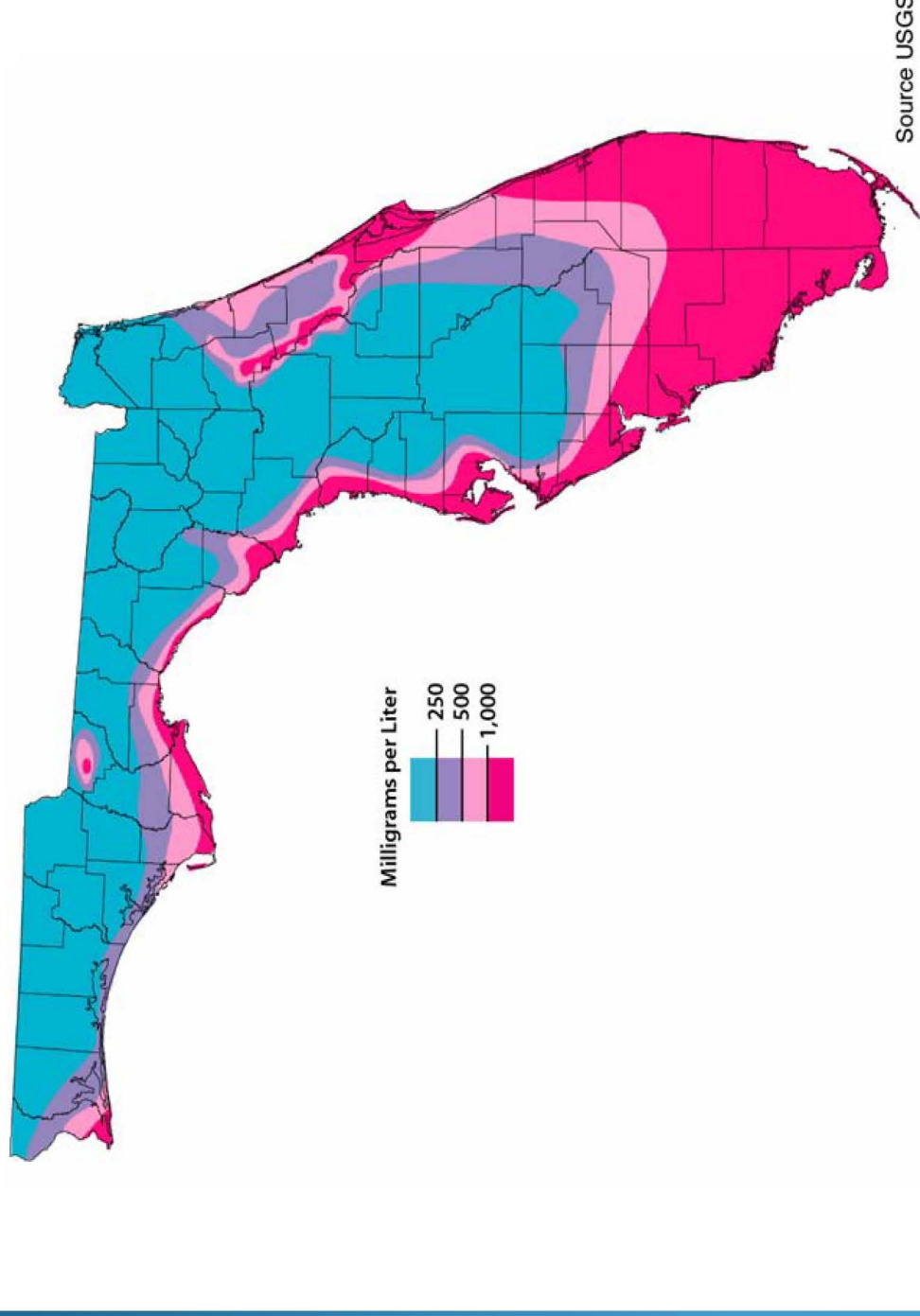
2010 Public Supply Water Use (draft USGS)



Water Management District

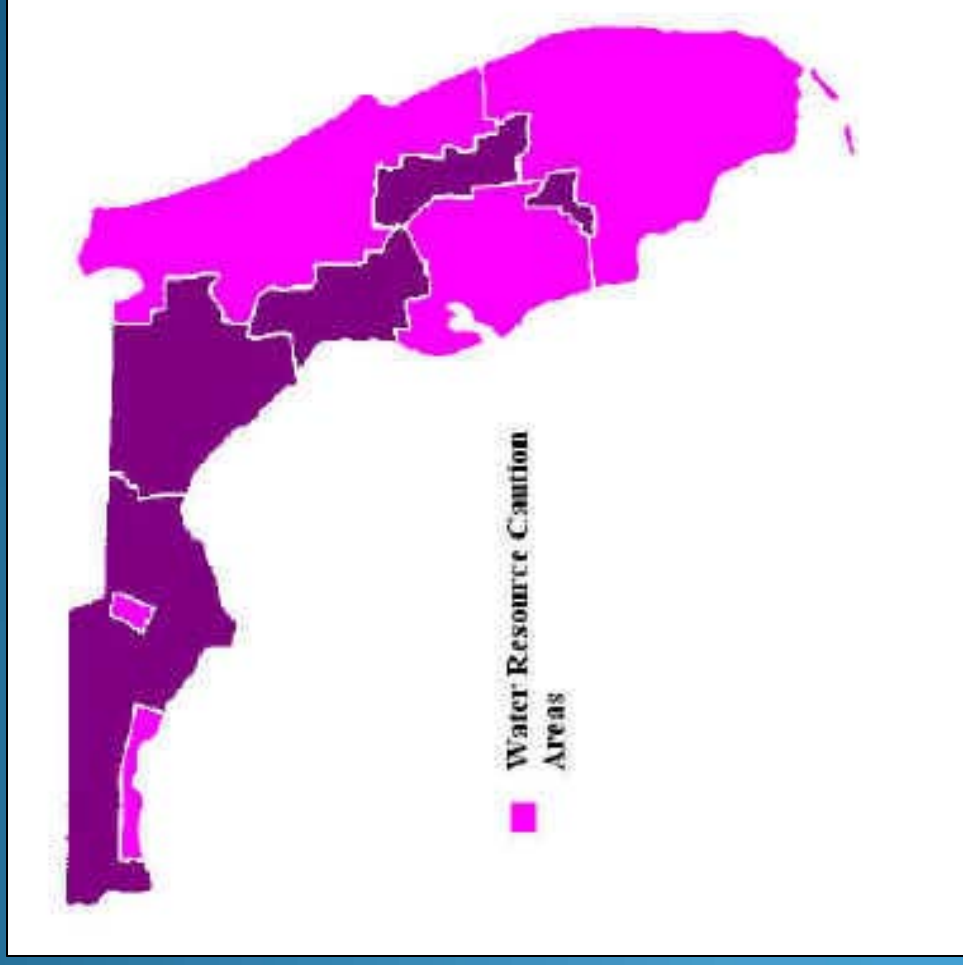
Why Alternative Water Supplies

Chloride Concentration in the Upper Floridan Aquifer



Why Alternative Water Supplies

Water resource caution areas are areas that have critical water supply problem or are projected to have critical water supply problems within the next 20 years as required by Chapter 62-40, F.A.C.



Why Alternative Water Supplies

Chapter 373.707(1)(b):

“There is a need for development of alternative water supplies for Florida to sustain its economic growth, economic viability, and natural resource.”



What are Alternative Water Supplies

Alternative water supplies include sources such as:

- Seawater
- Brackish groundwater
- Surface Water
- Stormwater
- Reclaimed water
- Conservation



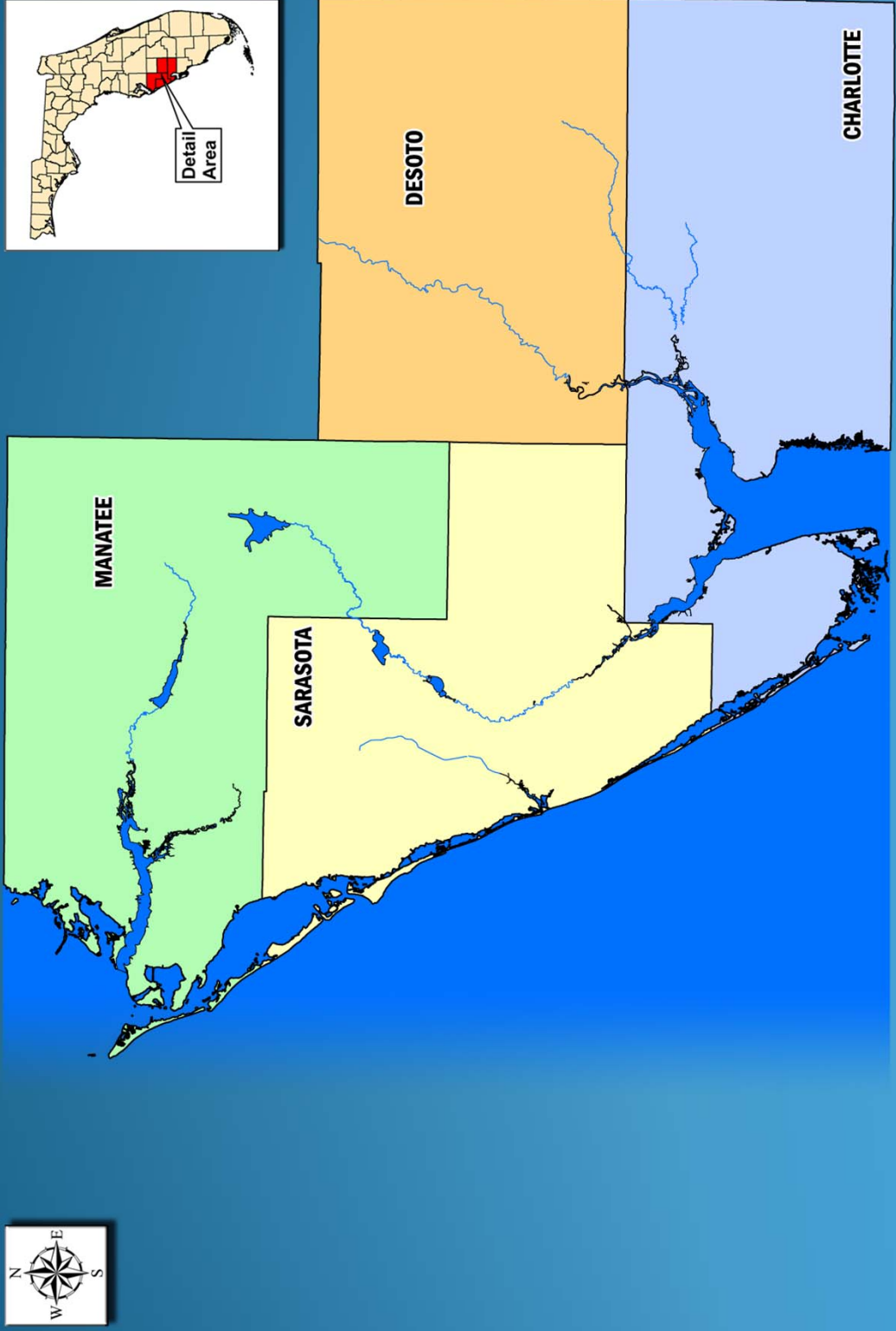
Who Pays for Alternative Water Supplies

Chapter 373.707(2)(c):

“Funding for development of alternative water supplies shall be a shared responsibility of water suppliers and users, the State of Florida, and the water management districts...”

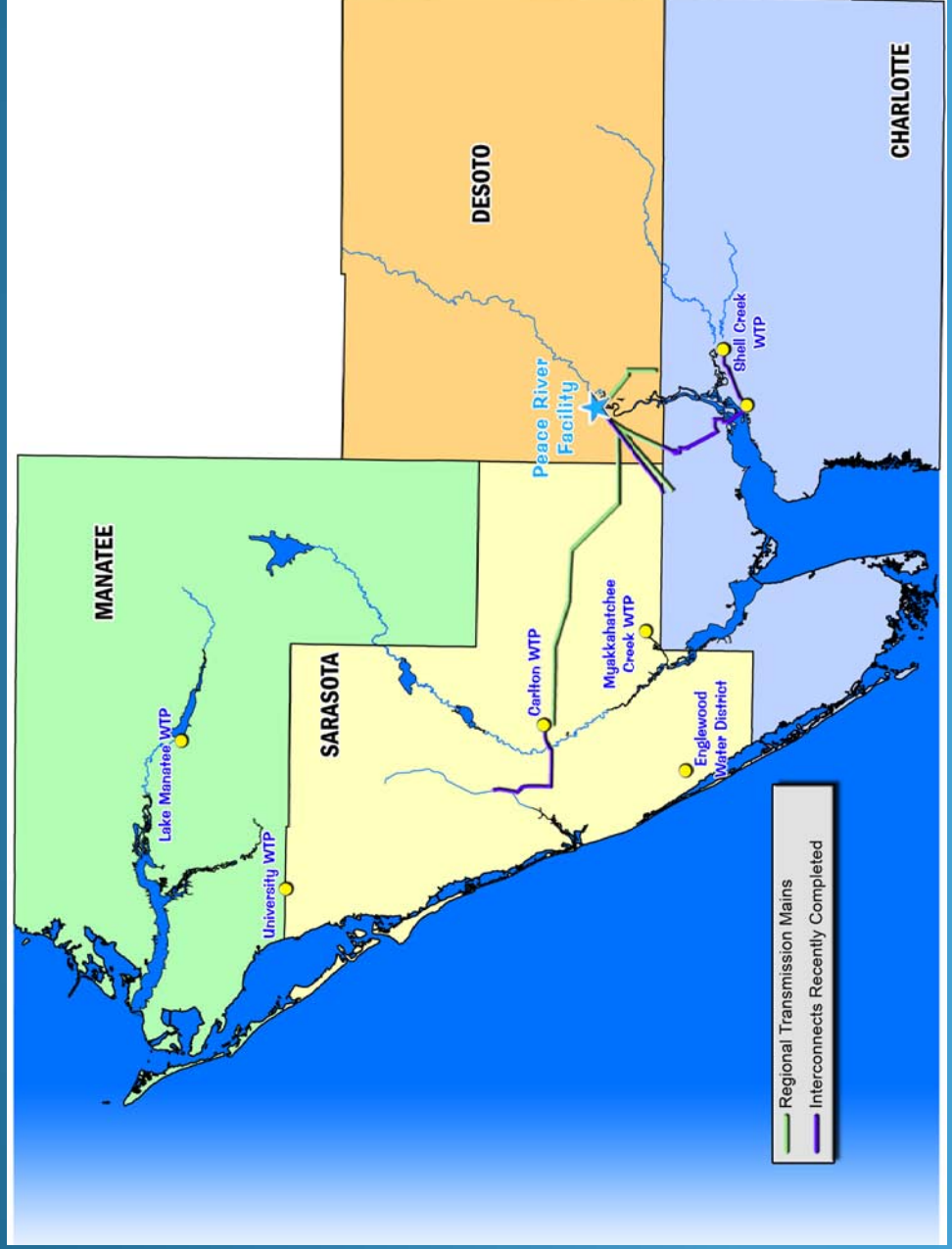


Peace River Manasota Regional Water Supply Authority



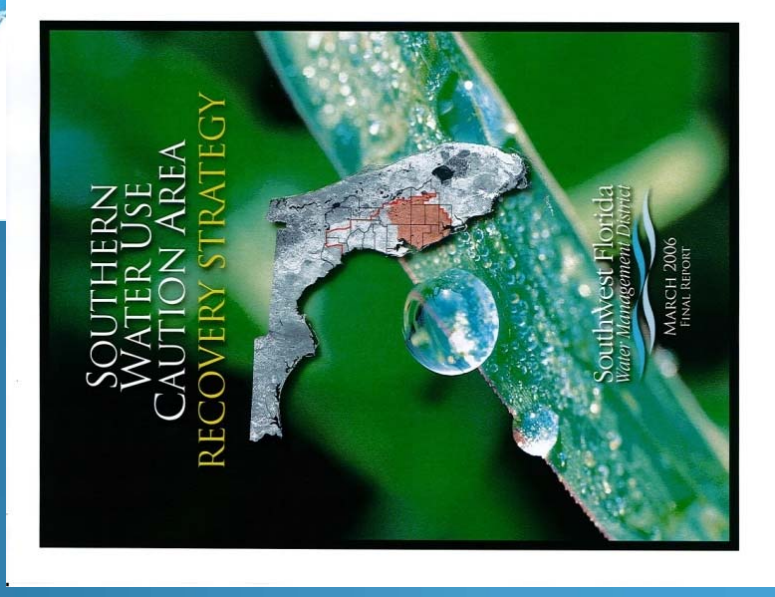
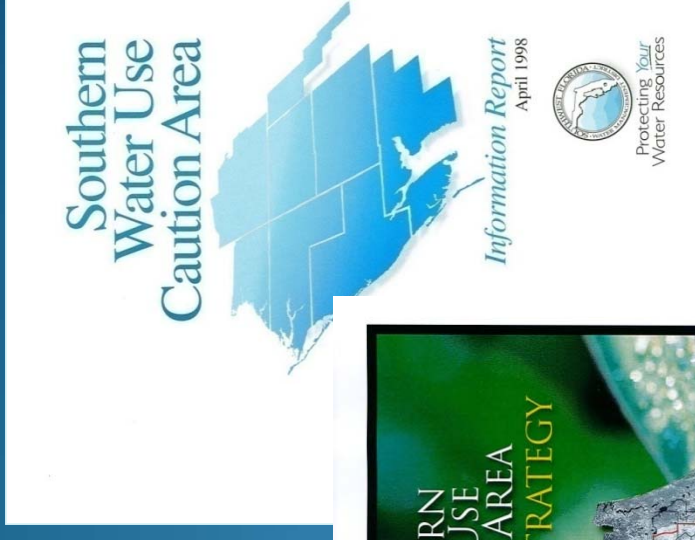
Water Transmission

Existing Regional System



Southern Water Use Caution Area

“The Recovery Strategy focuses on supplying the majority of the water needs of the residential and commercial land uses with surface water (mostly captured high flows of rivers), reclaimed water and desalinated seawater.”



IF YOU'VE PRAYED
FOR RAIN, YOU
CAN STOP NOW

NOW ENROLLING
LEARNING TREE
PRESCHOOL
FREE - Y P K - FREE
737-8842





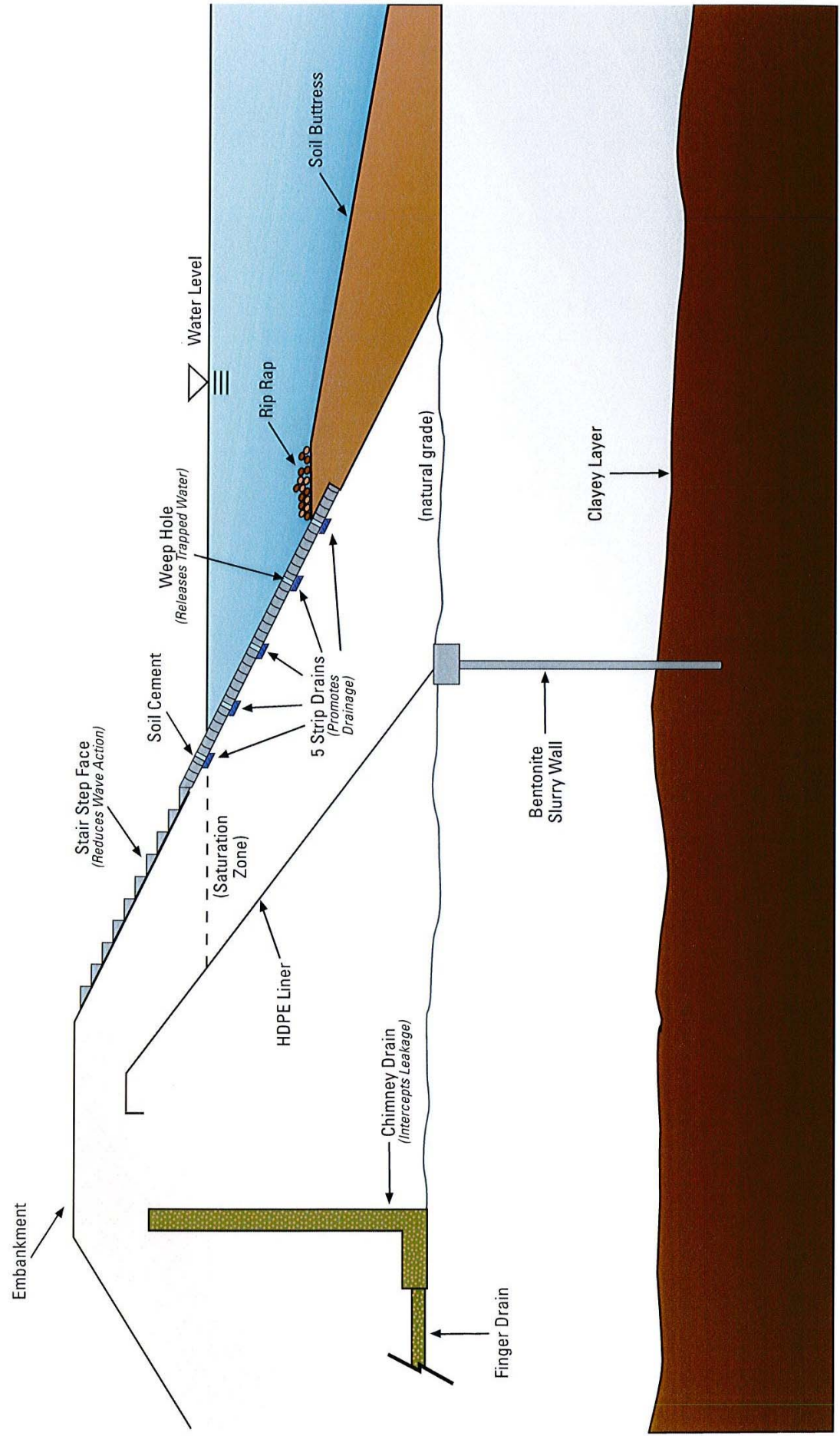
Peace River Facility



Peace River Regional Reservoir
[April 2010]

Off-Stream Reservoir

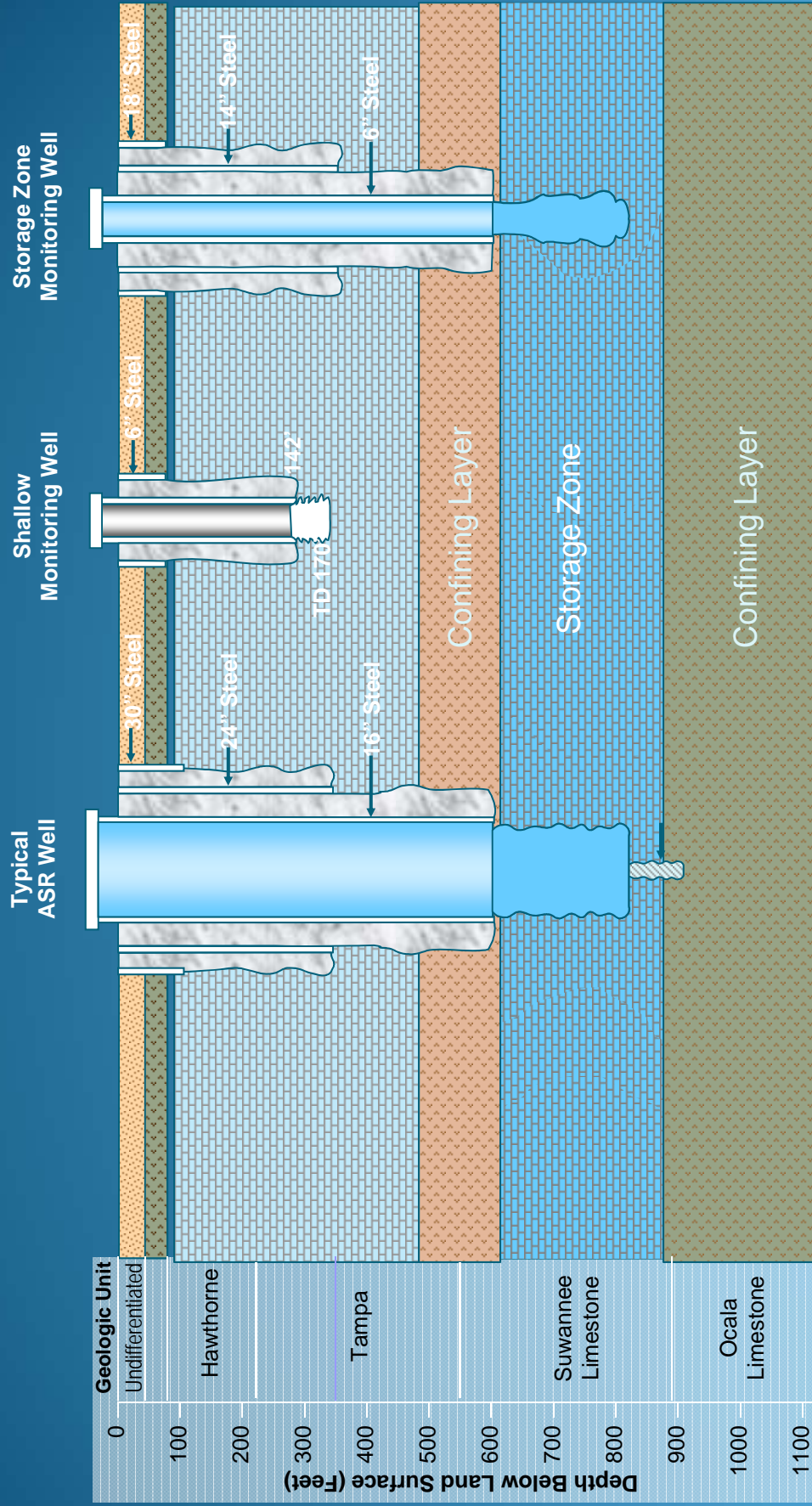
Peace River Manasota Regional Water Supply Authority Reservoir No. 2 - Cross Section





ASR Well

Typical ASR



Peace River Manasota

Regional Water Supply Authority

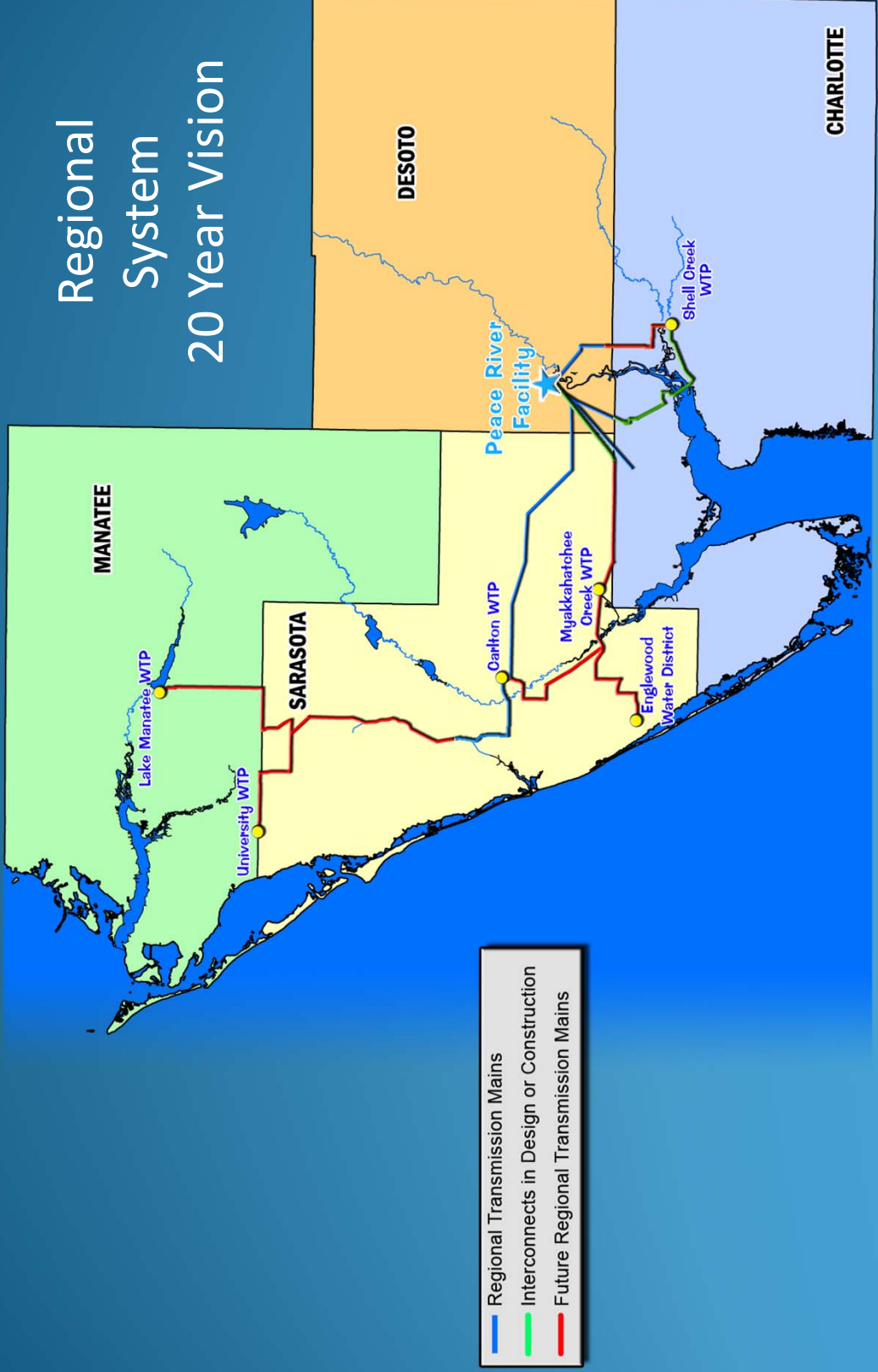
Expansion Program Source of Funds	Amount
Authority Funds	\$ 190 M
SWFWMD Grant Funds	\$ 110 M
SB444 Funds	\$ 26 M
WRAP Funds	\$ 5 M
U.S EPA Grant Funds	\$ 9 M
	\$ 335 M



Peace River Manasota

Regional Water Supply Authority

Regional System 20 Year Vision



Fl. ag chief: Water a balancing act

By GREG MARTIN
STAFF WRITER

ARCADIA — From the foot of a reservoir so big it could hold 400,000 swimming pools, Florida Agriculture Commissioner Adam Putnam spoke of a need for regional stakeholders to work together to balance water allocations among urban residents, agriculture and the environment.

"This (water) is important to every Floridian," he said. "Agriculture clearly understands; they are the biggest loser and the first losers when it comes to water wars."

Putnam was speaking as guest of honor at the Peace River/Manasota Regional Water Supply Authority's annual barbecue Friday. About 150 attendees, including numerous representatives from several of the authority's four members — Charlotte, DeSoto, Sarasota

and Manatee counties. It was sponsored by Friends of Peace River Water, which is a group of the authority's contractors.

This year's barbecue came amid the first serious dry spell since the authority's 6 billion-gallon project was completed at a cost of \$77 million in 2009. Although the lack of rainfall and low water supply still has the authority on track to supply 27 million gallons more than 190 days.

Pat Lehman, authority director, said he often goes to the barbecue without sacrificing water for the environment.

"If you look around here today, I hope you can see the answer," he said.

He was referring to the authority's strategy of scalping high flows from the Peace and storing them for

“project was way ahead of its time and should be a model for the state”

“authority’s reservoir visionary and exciting”



SUN PHOTOS BY GREG MARTIN



Ed Copeland of HDR, left, talks with Tom Dobbs, construction manager for the Peace River/Manasota Regional Water Supply Authority.



Florida Agriculture Commissioner Adam Putnam tells a group of local government officials and utility consultants of the importance of balancing demands for water resources between urban, agricultural and environmental interests.

WATER | 8

2011 in the U.S. House. He was elected the state's commissioner of agriculture in 2010.

He called the authority's reservoir "visionary and exciting."

"This Manasota project was way ahead of its time and should be a model for the state," he said.

Putnam also spoke against a long-standing

movement to dismantle the state's five water-management districts and transfer control over water resources to one agency in Tallahassee.

"Nothing's ever apolitical, but (the districts) are as much apolitical as anything can be," he said.

He noted the districts are established along watershed boundaries.

He said he also was opposed to one proposal that would allow water to be exported from rural areas in one region to urban areas in another. North Florida likely would win in a battle drawn over those lines because it has more clout, he said.

Instead, regions should cooperate on projects entailing desalination, reuse,

surface-water reservoirs and conservation, he said. The agriculture department established best-management practices for water conservation that saved 1 billion gallons per year, he said.

"Make no mistake, getting it right impacts every Floridian," he said.

The authority's projects are not just remarkable

for their size, said Dorian Popescu, an engineer with the DMK firm. They also are noteworthy because representatives from the region's four counties teamed up with the Southwest Florida Water Management District to fund them.

"It's a huge thing to be able to withstand a long period of drought," he said.

Email: gmartin@sun-herald.com



Peace River Manasota Regional Water Supply Authority

www.regionalwater.org

Peace River Regional Reservoir
[April 2010]



Florida's Water Challenge

**Presentation for
House Agriculture and Natural Resources Committee
February 20th, 2013**

**By
Florida Water Advocates**





**“There has never been a more
critical time to invest in our
essential water infrastructure.”**

**Jeff Eger, Executive Director
Water Environment Federation
US Conference of Mayors
January 22, 2013**



A Recognized National Crisis:

- **AWWA "Buried No Longer: Confronting America's Infrastructure Crisis" Report**
- <http://www.awwa.org/Portals/0/files/legreg/documents/BuriedNoLonger.pdf>
- **National Association of Water Companies (NAWC) and U.S. Chamber of Commerce effort on water infrastructure, "Water is Your Business"**
- <http://waterisyourbusiness.org>
- **American Society of Civil Engineers report on the future economic costs of failing to act on infrastructure needs**
- [http://www.asce.org/uploadedFiles/Infrastructure/Failure to Act/Report.pdf](http://www.asce.org/uploadedFiles/Infrastructure/Failure%20to%20Act_Report.pdf)
- **Congressional Research Service - Water Infrastructure Needs and Investment: Review and Analysis of Key Issues**
- <http://www.fas.org/sgp/crs/homesec/RL31116.pdf>
- **Drinking Water Infrastructure Needs Survey and Assessment | Drinking Water Infrastructure Needs Survey | US EPA**
- <http://water.epa.gov/infrastructure/drinkingwater/dwns/index.cfm>





Florida's Water Resources Priorities

- **Protecting State's economy & quality of life.**
 - Safeguarding fragile environments (rivers, wetlands, lakes, springs & estuaries) that drive our tourism and recreational industries.
 - Ensuring adequate supplies to support Florida's agriculture & economic growth.
- **Developing alternative supplies of water to support safe growth.**
- **Restoring our already impacted natural systems.**
- **Repairing or replacing aging infrastructure.**





Florida Faces A Daunting Challenge

- **\$24.09 Billion in new drinking water and wastewater infrastructure by 2020.** (FWEA: 9/2012)
- **\$1.0 to \$3.2 Billion per year to implement EPA Numeric Nutrient Criteria Rules.** (FWQC / Cardno Entrix: 11/2010)
- **\$7.2 Billion to repair or replace aging transmission and distribution water and wastewater infrastructure over next 20 years.** (EPA Report to Congress 2007)
- **\$750 million dollars are needed over the next 10 years for capital improvements and long term maintenance programs to support flood control.** (ASCE: 10/2012)



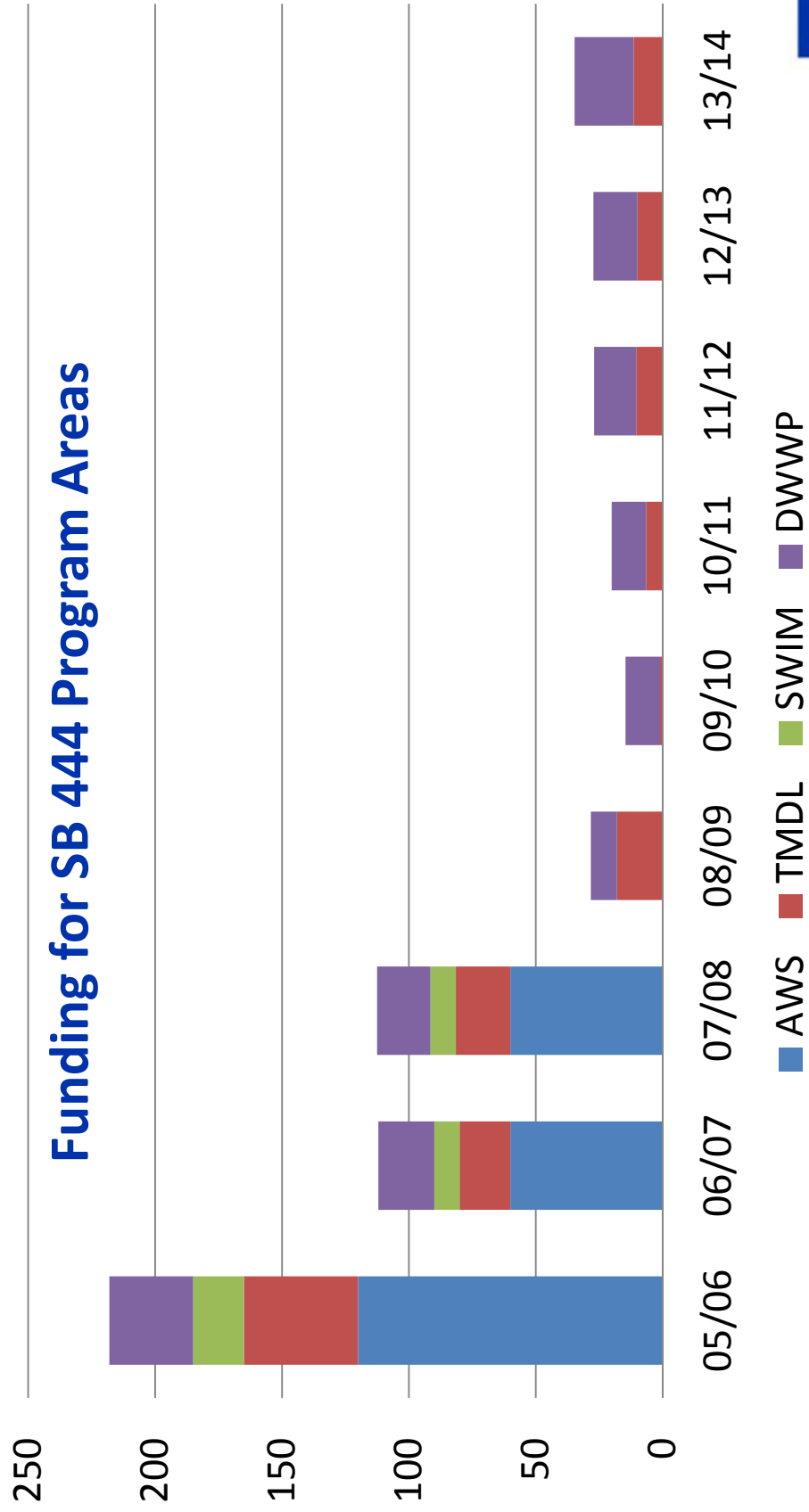


Florida Water Protection and Sustainability Program

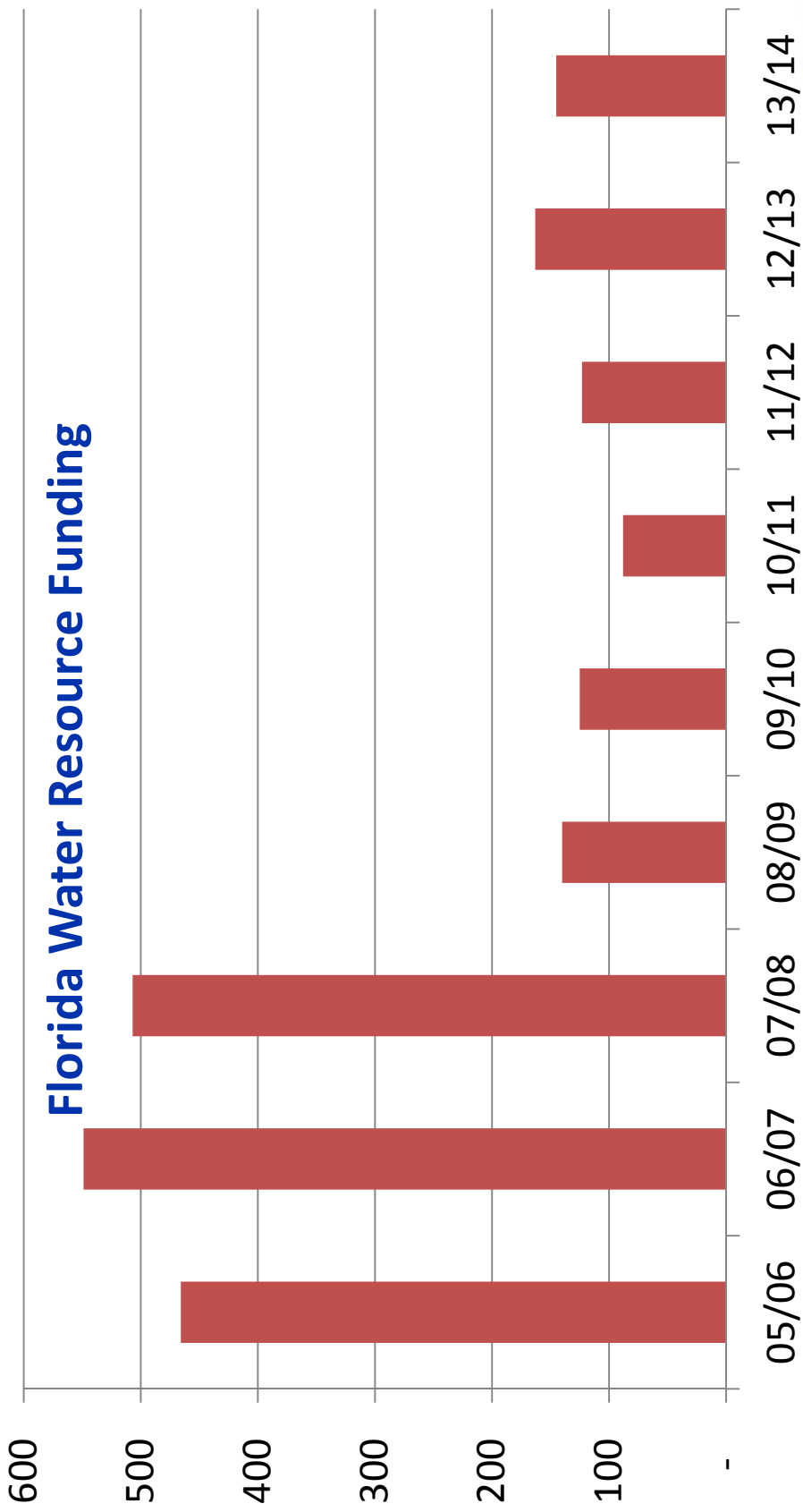
- **Enacted in 2005 (SB 444) with universal support**
(Chs. 403.890 & 373.707, f.s.)
- **Recurring \$100 Million for:**
 - Alternative Water Supply Development
 - Development and Implementation of TMDLs
 - Surface Water Improvement Project Support
 - Small Disadvantaged Community Wastewater Projects.



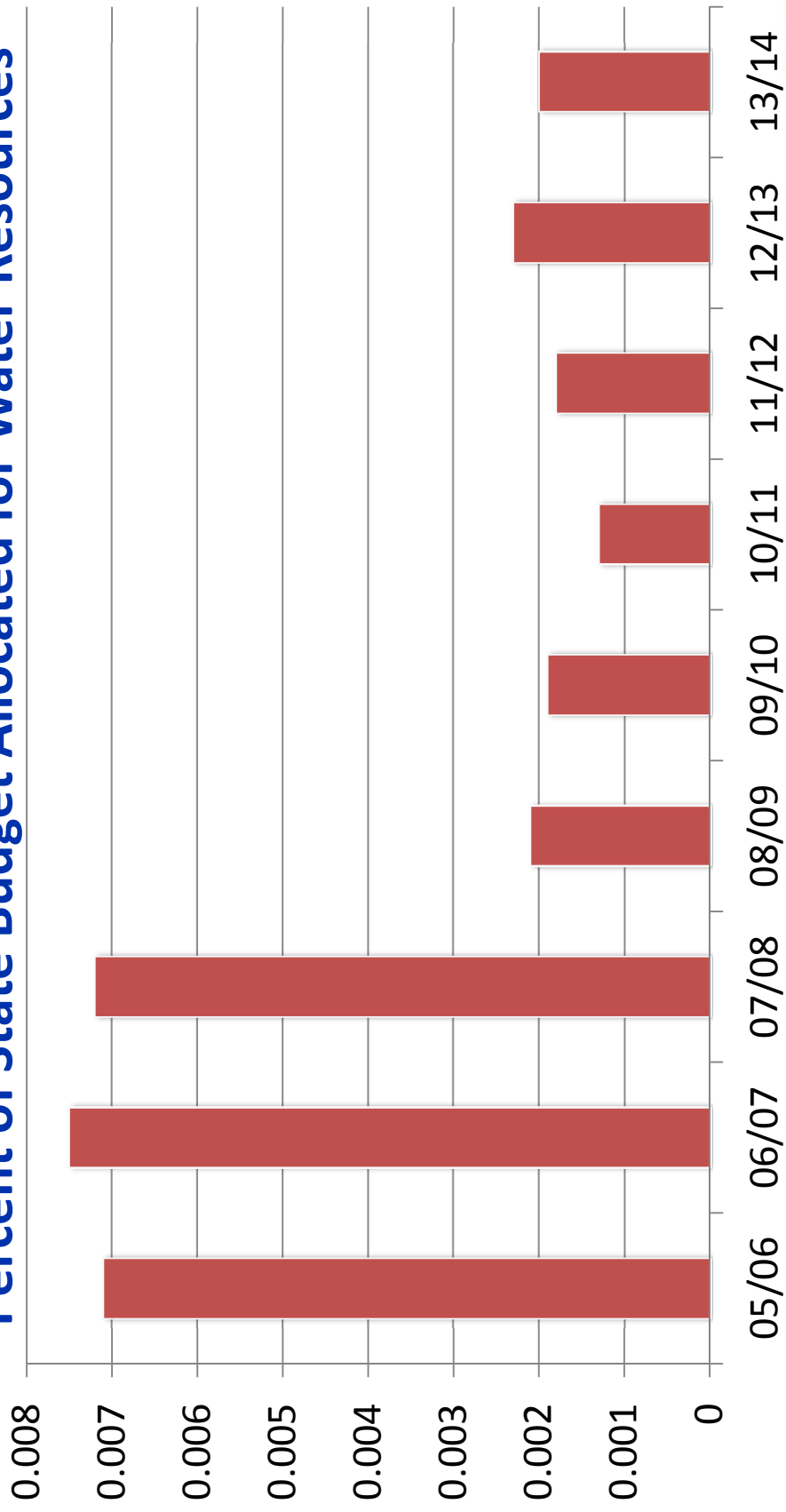
Funding for SB 444 Program Areas



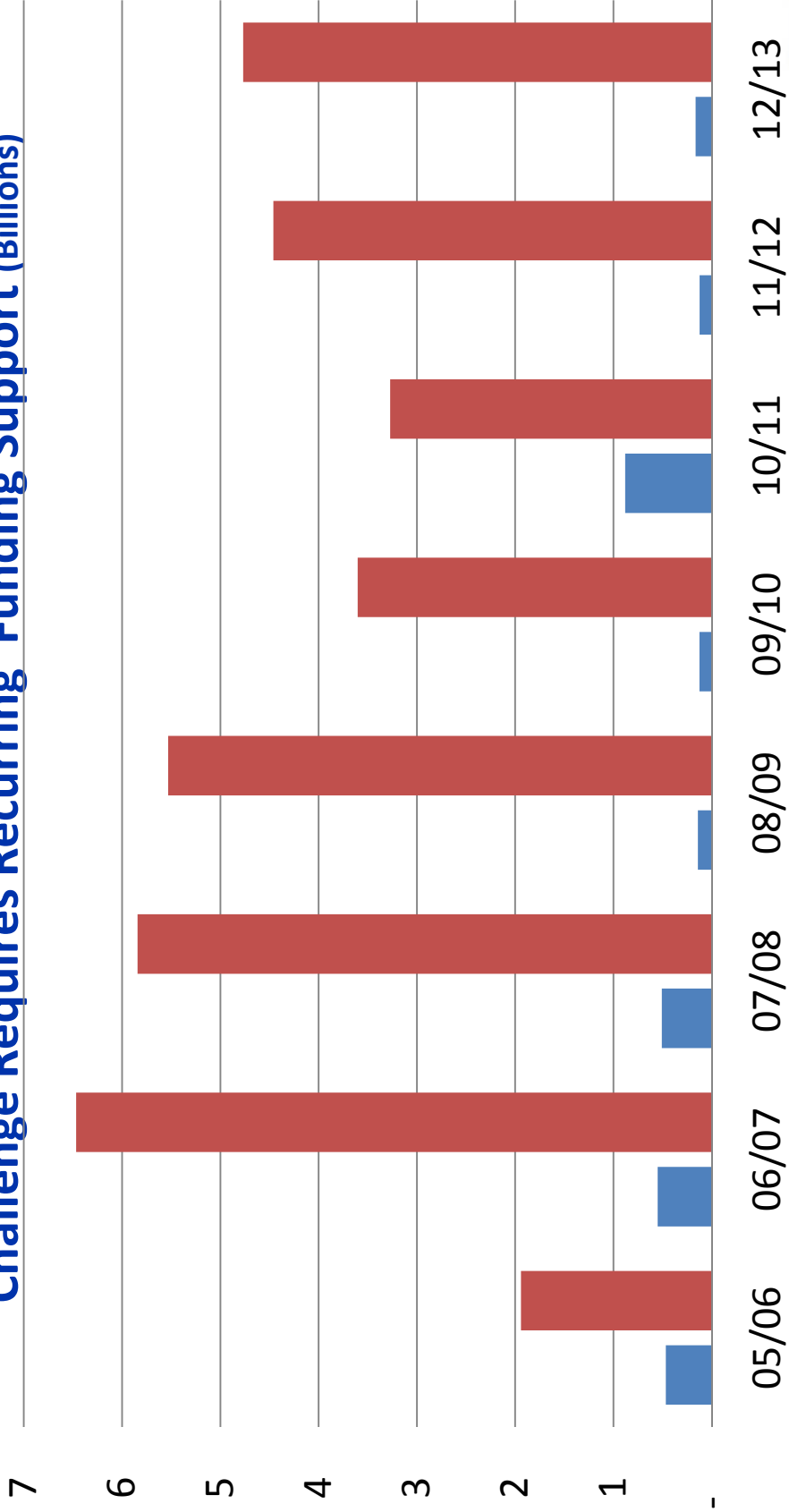
Florida Water Resource Funding



Percent of State Budget Allocated for Water Resources



Challenge Requires Recurring Funding Support (Billions)



■ Water ■ Trans. WP

A graphic on the left side of the slide showing a blue water splash with ripples, contained within a blue-bordered rounded rectangle.

WATER: It is Our Business

**“ I don’t want to reach a day where
a Texas company announces it’s moving
to **Florida** or Ohio because of water
issues.”**

Joe Straus
Speaker Texas House of Representatives
January 2013



QUESTIONS?

Floridawateradvocates.com



Florida Water Resources Funding

Fiscal Year	FY 2005/06	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Approps Bill No.	2600	5001	2800	5001	2600	5001	2000	5001	Gov Prop
1 Member Water Projects (CBIRS)	80,785,583	170,433,274	118,934,000	-	-	-	1,250,000	6,850,000	-
2 WPSTF - Alternative	120,000,000	60,000,000	60,000,000	-	-	-	-	-	-
3 WPSTF - TMDL	45,000,000	20,000,000	21,429,490	18,000,000	1,000,000	6,463,233	10,385,000	9,892,250	11,385,000
4 WPSTF - SWIM	20,000,000	10,000,000	10,000,000	-	-	-	-	-	-
5 WPSTF - WWG	20,000,000	10,000,000	10,000,000	-	-	-	-	-	-
6 Mulberry Clean-up	19,500,000	19,000,000	18,200,000	9,100,000	-	14,680,000	3,030,000	-	-
7 Keys Wastewater	7,000,000	20,000,000	-	-	-	-	-	50,000,000	-
8 Non-Point Source Mgmt. Plans	23,500,000	29,400,000	23,500,000	4,900,000	11,000,000	5,000,000	5,000,000	5,000,000	7,551,000
9 Drinking Water SRL	49,210,000	65,700,000	70,145,900	71,990,000	90,474,000	62,400,000	91,053,594	68,079,716	72,928,158
10 Wastewater SRL	101,199,737	95,800,000	91,000,000	125,070,000	163,386,374	95,173,516	164,346,724	131,820,672	142,713,270
11 Small Disadvantaged WWG	13,000,000	12,000,000	11,000,000	10,300,000	13,600,000	13,600,000	16,600,000	17,350,000	23,301,810
12 Lake Okeechobee	-	28,928,051	-	-	-	-	-	-	-
13 Everglades Restoration DOT	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	4,400,000	4,400,000
14 Everglades Restoration (GR & SOETF)	100,000,000	135,000,000	200,000,000	50,000,000	50,000,000	10,000,000	29,955,500	30,000,000	60,000,000
15 Northern Everglades	-	-	-	-	3,000,000	3,000,000	3,000,000	3,000,000	7,551,000
16 Agricultural BMP's	-	-	-	11,265,696	963,000	6,576,000	5,151,000	651,000	-
17 Drinking Water Federal Stimulus	-	-	-	-	2,300,000	-	-	-	-
18 Sub-TOTAL	601,195,320	678,261,325	636,209,390	302,625,696	337,723,374	218,892,749	331,771,818	327,043,638	322,279,238
19 Federal Grant (80% SRL)	120,327,790	129,200,000	128,916,720	157,648,000	203,088,299	126,058,813	204,320,254	159,920,310	172,513,142
20 Federal Grant (NPS)	15,000,000	15,000,000	15,000,000	4,500,000	10,000,000	4,500,000	4,500,000	4,500,000	4,551,000
21 Federal Water Stimulus	-	-	-	-	2,300,000	-	-	-	-
22 Total State Water Program Funding	465,867,530	549,061,325	507,292,670	140,477,696	124,635,075	88,333,936	122,951,564	162,623,328	145,215,096
23 Total State Budget	65,429,000,000	73,636,900,000	70,831,300,000	66,250,500,000	66,505,900,000	70,259,000,000	69,155,600,000	69,962,700,000	74,200,000,000
24 % of State Budget for Water	0.007120199	0.007456334	0.007161984	0.002120402	0.001874045	0.001257262	0.001777897	0.002324429	0.001957077

Water Protection and Sustainability Program
 State Revolving Loan Programs

* NOTE: This spreadsheet is intended to reflect the total amount of revenues invested by the State of Florida. It does not include any of the State's political subdivisions, including water management districts, special districts, counties or municipalities.



Agriculture & Natural Resources Subcommittee

Wednesday, February 20, 2013

9:00 AM

Reed Hall (102 HOB)

AMENDMENTS

**Will Weatherford
Speaker**

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



Amendment No.

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 Roberson, K. offered the following:

Amendment (with title amendment)

Remove lines 77-91 and insert:

7 service contract. The maintenance entity shall inspect each
 8 aerobic treatment unit system at least twice each year and shall
 9 report quarterly to the department on the number of aerobic
 10 treatment unit systems inspected and serviced. Reports may be
 11 submitted electronically. A property owner of an owner-occupied
 12 single-family residence may be approved and permitted by the
 13 department as a maintenance entity for his or her own system
 14 upon written certification from the manufacturer or the
 15 manufacturer's approved representative that they have received
 16 training on the proper installation and service of the unit.
 17 Maintenance entity service agreements must conspicuously
 18 disclose that a property owner of an owner-occupied single-
 19 family residence has the right to maintain their own system and
 20 is exempt from contractor registration requirements for



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21 performing such construction, maintenance, or repairs on such
22 system, but is subject to all permitting requirements. A septic
23 tank contractor licensed under Part III of chapter 489 shall not
24 be denied the access to training and spare parts by the
25 manufacturer, for maintenance entities. Component parts for the
26 aerobic treatment units after the original warranty period may
27 be replaced with parts that meet manufacturer's specifications
28 but are manufactured by others. The owner shall allow the
29 department to inspect during reasonable hours each aerobic
30 treatment unit system at least annually, and such inspection may
31 include collection and analysis of system-effluent samples for
32 performance criteria established by rule of the department.

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

37 Remove lines 3-7 and insert:

38 disposal systems; amending s. 381.0065, F.S.; providing that
39 property owners of an owner-occupied single-family residence may
40 be approved as a maintenance entity under certain conditions;
41 providing that maintenance entity agreements must disclose that
42 property owners of an owner-occupied single-family residence may
43 be approved and permitted as a maintenance entity and is exempt
44 from registration requirements, but is subject to all permitting
45 requirements under the Department of Health; providing an
46 effective
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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 Adkins offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (k) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.



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20 (1) For the exercise of such privilege, a tax is levied on
21 each taxable transaction or incident, which tax is due and
22 payable as follows:

23 (k) At the rate of 6 percent of the sales price of each
24 gallon of diesel fuel not taxed under chapter 206 purchased for
25 use in a vessel, except dyed diesel fuel that is exempt pursuant
26 to s. 212.08(4)(a)4.

27 Section 2. Subsection (4) of section 212.0501, Florida
28 Statutes, is amended to read:

29 212.0501 Tax on diesel fuel for business purposes;
30 purchase, storage, and use.—

31 (4) Except as otherwise provided in s. 212.05(1)(k), a
32 licensed sales tax dealer may elect to collect such tax pursuant
33 to this chapter on all sales to each person who purchases diesel
34 fuel, except dyed diesel fuel used for commercial fishing and
35 aquacultural purposes listed in s. 206.41(4)(c)3., for
36 consumption, use, or storage by a trade or business. When the
37 licensed sales tax dealer has not elected to collect such tax on
38 all such sales, the purchaser or ultimate consumer shall be
39 liable for the payment of tax directly to the state.

40 Section 3. Paragraph (a) of subsection (4) of section
41 212.08, Florida Statutes, is amended to read:

42 212.08 Sales, rental, use, consumption, distribution, and
43 storage tax; specified exemptions.—The sale at retail, the
44 rental, the use, the consumption, the distribution, and the
45 storage to be used or consumed in this state of the following
46 are hereby specifically exempt from the tax imposed by this
47 chapter.



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48 (4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.-

49 (a) Also exempt are:

50 1. Water delivered to the purchaser through pipes or
51 conduits or delivered for irrigation purposes. The sale of
52 drinking water in bottles, cans, or other containers, including
53 water that contains minerals or carbonation in its natural state
54 or water to which minerals have been added at a water treatment
55 facility regulated by the Department of Environmental Protection
56 or the Department of Health, is exempt. This exemption does not
57 apply to the sale of drinking water in bottles, cans, or other
58 containers if carbonation or flavorings, except those added at a
59 water treatment facility, have been added. Water that has been
60 enhanced by the addition of minerals and that does not contain
61 any added carbonation or flavorings is also exempt.

62 2. All fuels used by a public or private utility,
63 including any municipal corporation or rural electric
64 cooperative association, in the generation of electric power or
65 energy for sale. Fuel other than motor fuel and diesel fuel is
66 taxable as provided in this chapter with the exception of fuel
67 expressly exempt herein. Motor fuels and diesel fuels are
68 taxable as provided in chapter 206, with the exception of those
69 motor fuels and diesel fuels used by railroad locomotives or
70 vessels to transport persons or property in interstate or
71 foreign commerce, which are taxable under this chapter only to
72 the extent provided herein. The basis of the tax shall be the
73 ratio of intrastate mileage to interstate or foreign mileage
74 traveled by the carrier's railroad locomotives or vessels that
75 were used in interstate or foreign commerce and that had at



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76 least some Florida mileage during the previous fiscal year of
77 the carrier, such ratio to be determined at the close of the
78 fiscal year of the carrier. However, during the fiscal year in
79 which the carrier begins its initial operations in this state,
80 the carrier's mileage apportionment factor may be determined on
81 the basis of an estimated ratio of anticipated miles in this
82 state to anticipated total miles for that year, and
83 subsequently, additional tax shall be paid on the motor fuel and
84 diesel fuels, or a refund may be applied for, on the basis of
85 the actual ratio of the carrier's railroad locomotives' or
86 vessels' miles in this state to its total miles for that year.
87 This ratio shall be applied each month to the total Florida
88 purchases made in this state of motor and diesel fuels to
89 establish that portion of the total used and consumed in
90 intrastate movement and subject to tax under this chapter. The
91 basis for imposition of any discretionary surtax shall be set
92 forth in s. 212.054. Fuels used exclusively in intrastate
93 commerce do not qualify for the proration of tax.

94 3. The transmission or wheeling of electricity.

95 4. Dyed diesel fuel placed into the storage tank of a
96 vessel used exclusively for the commercial fishing and
97 aquacultural purposes listed in s. 206.41(4)(c)3.

98 Section 4. This act shall take effect July 1, 2013.
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101 -----
102 **T I T L E A M E N D M E N T**

103 Remove everything before the enacting clause and insert:



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104 An act relating to the tax on sales, use, and other
105 transactions; amending s. 212.05, F.S.; providing an exception
106 to sales tax for dyed diesel fuel used in vessels for commercial
107 fishing and aquacultural purposes; amending s. 212.0501, F.S.;
108 providing an exception from sales tax collected by a licensed
109 sales tax dealer for dyed diesel fuel used in vessels for
110 commercial fishing and aquacultural purposes; amending s.
111 212.08, F.S.; providing a sales tax exemption for dyed diesel
112 fuel used in vessels for commercial fishing and aquacultural
113 purposes; providing an effective date.



Amendment No.

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	_____	

Committee/Subcommittee hearing bill: Agriculture & Natural Resources Subcommittee

Representative Nelson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 253.7827, Florida Statutes, is amended to read:

253.7827 Transportation and utility crossings of greenways lands.—

(3) Furthermore, the Legislature recognizes the needs expressed by Marion County to provide for the southerly extension of Sixtieth Avenue between State Road 200 and Interstate 75 and for the extension to cross the greenways lands to allow for the orderly growth and development of Marion County. Right-of-way for this extension across greenways lands shall be designed to mitigate the impacts to the extent practical, and the value of such lands shall be paid based on fair market value or, at the option of Marion County, the value



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20 can be subtracted from the amount of reimbursement due the
21 county pursuant to s. 253.783

22 Section 2. Subsection (2) of section 253.783, Florida
23 Statutes, is repealed.

24 Section 3. This act shall take effect July 1, 2013.

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

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Remove lines 3-9 and insert:

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Department of Environmental Protection; amending s. 253.7827,

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F.S.; removing an obsolete reference for purposes of calculating

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the reimbursement for transportation and utility crossings of

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greenways lands in Marion County; repealing s. 253.783(2), F.S.,

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relating to additional powers and duties of the department to

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dispose of surplus lands that were for the construction,

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operation, or promotion of a canal across the peninsula of the

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state and refund payments to counties; providing an effective

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date.

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