

---

**Senate Committee:  
Environmental Preservation and Conservation**

**CS/CS/CS/SB 494 — Water Conservation and Urban Fertilizer Use**

by General Government Appropriations Committee; Community Affairs Committee; Environmental Preservation and Conservation Committee; and Senators Bennett and Baker

This bill amends s. 373.62, F.S., to revise the requirements for automatic landscape irrigation systems to include technology that will interrupt or inhibit the system during periods of sufficient moisture. It requires that licensed contractors inspect these systems to ensure that they are in compliance before completing additional work on the systems. It also directs the Department of Environmental Preservation (DEP) to create a model ordinance by January 15, 2010, with minimum requirements regarding landscape irrigation systems and enforcement, for adoption by local governments no later than October 1, 2010. It provides that funds raised through penalties assessed against licensed contractors or homeowners for violations of the model ordinance be dispersed for water-conservation activities and for administration and enforcement activities.

The bill provides legislative findings regarding the beneficial effect of the use of smart irrigation systems and establishes guidelines for a variance from local day or days-of-the-week water restriction ordinances for users of “smart irrigation control systems.”

The bill creates the “Protection of Urban and Residential Environments and Water Act” in ss. 403.9335-403.9338, F.S., providing:

- Legislative findings regarding the beneficial effects of implementing the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes (2008).
- Encouragement for all local governments to adopt the model ordinance or more stringent measures.
- Required adoption by local governments of the model ordinance or more stringent measures if within the watershed of a water body impaired by nutrients.
- Development of training and testing programs by the DEP and the Institute of Food and Agricultural Sciences in urban landscape best-management practices.
- Review and approval of equivalent or more comprehensive programs offered by other entities.
- Certification of persons successfully completing one of these programs.

The bill creates s. 482.1562, F.S., to establish procedures for the issuance of a limited certification for urban landscape commercial fertilizer application licenses. It provides for fees and continuing education requirements for recertification. It creates an exemption for yard workers using the equipment of the homeowner or resident. It authorizes the Department of Agriculture and Consumer Services to adopt rules to administer this program. Lastly, the bill provides for new definitions in s. 482.021, F.S., to conform to the provisions created in s. 482.1562, F.S.

If approved by the Governor, these provisions take effect July 1, 2009.

*Vote: Senate 39-0; House 112-6*

### **CS/CS/SB 1078 — Water Management Districts/Limitation of Liability**

by General Government Appropriations Committee; Judiciary Committee; and Senator Baker

This bill amends s. 373.1395, F.S., to expand the limitation of liability of the water management districts (WMD), with respect to areas made available to the public for recreational purposes without charge, to include district lands and water areas. The bill provides that a WMD retains the limitation of liability for certain temporary commercial activities.

The bill adds a definition for “park area, district or other lands, or water areas.” It provides that the limitation of liability of a WMD applies regardless of whether the person accessing the park area, district or other lands, or water areas is an invitee, licensee, or trespasser, and regardless of whether the person was engaged in a recreational activity at the time of an accident. The limitation of liability also applies to park areas, district or other lands, and water areas used by the public for recreational activities irrespective of whether that area was actually made available to the public at the time of the accident.

Finally, the bill specifies that a private landowner, who provides an easement to a WMD to provide access through private land to lands or water areas that a WMD has made available for recreational purposes, is covered by this liability protection.

If approved by the Governor, these provisions take effect July 1, 2009.

*Vote: Senate 38-1; House 119-0*

### **SB 2080 — Water Resources**

by Senator Alexander

The bill creates s. 373.0363, F.S., which would establish the West-Central Florida Water Restoration Action Plan. Specific provisions provide definitions and legislative findings, and identify the following initiatives:

- The Central West Coast Surface Water Enhancement Initiative the purpose of which is to make additional surface waters available for public supply through restoration efforts. It is designed to allow limits on ground water withdrawals in order to slow the rate of saltwater intrusion. It will be an on-going program in cooperation with the Peace River-Manasota Regional Water Supply Authority.
- The Facilitating Agricultural Resource Management Systems Initiative (FARMS) the purpose of which is to expedite the implementation of production scale, best-management practices in the agricultural sector.
- The Ridge Lakes Restoration Initiative the purpose of which is to protect, restore, and enhance natural systems and flood protection by improving and protecting the water quality of approximately 130 lakes along the Lake Wales Ridge.

- The Upper Peace River Watershed Restoration Initiative the purpose of which is to improve the quality of waters and ecosystems in the watershed of the Upper Peace River.
- The Central Florida Water Resource Development Initiative the purpose of which is to create and implement a long-term plan that takes a comprehensive approach to limit ground water withdrawals in the Southern Water Use Caution Area and to identify and develop alternative water supplies for Polk County.

The bill repeals s. 23, (ch. 2008-150, L.O.F.) which prohibited the Department of Environmental Protection from issuing a permit for the operation of a Class I landfill within the Southern Water Use Caution Area given certain conditions.

The bill contains a number of provisions dealing with the operations of the state's water management districts, these include:

- Reenactment of s. 373.069, F.S., which establishes the districts.
- Limiting, to 180 days, the amount of time a basin member may serve once their term of office has expired if the vacancy has not been filled.
- Decreasing from 6 to 4 the membership of the Manasota Basin Board.
- Providing that Governing Board members may serve as full voting members on basin boards.
- Repealing the Oklawaha River Basin Advisory Council and the Lake Panasoffkee Restoration Council.
- Providing additional guidance for the development of rules related to water well contractor licensing.
- Amending a provision to provide that the chairs of the substantive legislative committees may review and comment on water management districts budgets.
- Allowing water management district governing boards to conduct meetings using means of communications media technology.
- Requiring the Governing Boards to delegate their authority for the issuance of Consumptive Use Permits (CUPs) and Environmental Resource Permits (ERPs) to the Executive Directors of the districts except in cases of denial.
- Prohibiting governing board members from interfering with the processing of CUPs and ERPs.
- Providing for the issuance of 25 or 50 year CUPs for specific renewable energy projects or alternative water supply projects.
- Removing the 10-year limitation for payment in lieu of taxes.
- Directing that no water management district may issue bonds if the debt service for such bonds exceeds 20 percent of their annual ad valorem revenue.

The bill also makes a number of changes concerning landscape practices utilized in the state. Specifically it removes the term “xeriscape” from Florida Statutes, and replaces the term with “Florida-friendly landscaping.” It also amends a number of statutory sections to incorporate additional principles into the definition of Florida-friendly landscaping. These principles include:

- Planting the right plants in the right place.
- Efficient watering.
- Appropriate fertilization.
- Mulching.
- Attraction of wildlife.
- Responsible management of yard pests.
- Recycling yard waste.
- Reduction of stormwater runoff.
- Waterfront protection.

The bill requires each water management district to assist local governments by developing or providing a Florida-friendly landscape model ordinance. The bill also identifies the various public and private entities the districts are to cooperate with in developing the ordinance. In addition the districts are to work with the department, county extension agents or offices, nursery and landscape industry groups, and other interested stakeholders to promote the use of Florida-friendly landscaping practices through educational programs and publications.

The bill also provides that a deed restriction, covenant, or local government ordinance may not be enforced to prohibit any property owner from implementing Florida-friendly landscaping. It also prohibits all deed restrictions, covenants, or local government ordinances from restricting the use of Florida-friendly landscaping.

The bill directs that the districts take into consideration whether the applicable local government has adopted ordinances for landscaping or irrigation systems when evaluating water use applications from public water suppliers.

The bill also requires all state agencies and water management districts to use Florida-friendly landscaping on all public property associated with a building, facility or road constructed after June 30, 2009. It also directs that they create a 5-year phased plan for those buildings, facilities or roads constructed before June 30, 2009.

If approved by the Governor, these provisions take effect July 1, 2009.

*Vote: Senate 39-0; House 117-0*

### **CS/CS/SB 2150 — Fish and Wildlife Conservation Commission Guide Dog Check-Off**

by General Government Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Bennett

This bill creates an unnumbered section of Florida law and directs the Fish and Wildlife Conservation Commission to create a voluntary \$2 contribution check-off option on all recreational activity licenses issued under ch. 379, part VI, F.S., for the purpose of providing funds to Southeastern Guide Dogs, Inc. This entity is a non-profit organization located in Palmetto, Florida, and the contributions will be used for the “Paws for Patriots” program to breed, raise, and train guide dogs for the blind.

Applicants for recreational licenses will have an option to donate \$2 by selecting a check-off on the form. The Fish and Wildlife Conservation Commission is directed to retain 90 cents from each \$2 contribution to cover vendor fees and administrative costs. The remaining amount is distributed on a quarterly basis to the Southeastern Guide Dogs, Inc.

If approved by the Governor, these provisions take effect July 1, 2009.

*Vote: Senate 39-0; House 117-0*

### **HB 73 — Permit Process for Economic Development**

by Rep. Schenck and others (CS/SB 852 by Commerce Committee and Senators Fasano, Gaetz, and Crist)

This bill creates s. 380.0657, F.S., the “Mike McHugh Act,” an expedited permitting process for economic development projects. It requires the Department of Environmental Protection or the appropriate water management district to adopt programs to expedite the processing of environmental resource permits and wetland resource permits. This streamlining process is specifically targeted for economic development projects that have been identified by a municipality or county as meeting the definition of “target industry business.” It provides for a mandatory pre-application review process and it specifies the time period in which permits must be issued.

If approved by the Governor, these provisions take effect July 1, 2009.

*Vote: Senate 37-0; House 118-0*

### **CS/CS/HB 1423— Fish and Wildlife Conservation Commission**

by Finance and Tax Council; General Government Policy Council; and Rep. Troutman and others (CS/CS/SB 2536 by Judiciary Committee; Environmental Preservation and Conservation Committee; and Senator Constantine)

This bill is the comprehensive agency package for the Florida Fish and Wildlife Conservation Commission (FWC). The bill amends invasive plant control provisions ss. 206.606, 253.002, 369.20, 369.22, and 369.25, F.S., to complete the transfer of this function to the FWC. It creates

ss. 379.501, 379.502, 379.503, and 379.504, F.S., and amends s. 403.088, F.S., establishing penalties and conditions related to water pollution to allow the FWC to utilize judicial and administrative remedies, instead of criminal penalties, to resolve aquatic plant management permitting violations.

The bill amends s. 327.73, F.S., related to penalties for vessels scarring seagrasses. Persons damaging seagrasses in an aquatic preserve, due to the careless operation of a boat, could be charged with a non-criminal infraction. The bill creates s. 403.9335, F.S., the Florida Coral Reef Protection Act which consolidates Department of Environmental Protection (DEP) statutory authorities and improves responses to coral reef injuries and their restoration. The bill amends s. 403.1651 to enable the state to recover damages from those responsible for coral reef injuries.

The bill revises several fees and amends outdated fishing regulations. The bill amends s. 320.08056, F.S., to increase the fees for the Conserve Wildlife and Save the Manatee specialty license plates. It also amends s. 319.32, F.S., to increase the out-of state vehicle title fee. The bill amends ss. 379.354, and 379.3671, F.S., to increase specific hunting and fishing permit fees, wildlife management area permit fees, and to create a deer permit. Further, effective July 1, 2009, subsection (7) of s. 379.366, F.S., which sunsets several provisions in statute relating to blue crab regulation, is repealed. The bill amends s. 379.3671, F.S., to reduce the time period from 3 to 2 years when commercial lobster trap certificates will be considered abandoned and will revert to the FWC.

The bill amends ss. 379.304 and 379.338, F.S., and creates s. 379.3381, F.S., providing for the disposition and photographing of evidence. The bill allows recreationally harvested saltwater fish to be disposed of in the same manner as freshwater fish and game. It would allow the officer to photograph the evidence and keep the seized fish or wildlife on ice and dispose of it when convenient to their patrol activities.

The bill makes substantial changes to boating laws and covers a myriad of issues effecting boaters. The bill amends s. 327.395, F.S., to require that any person born on or after January 1, 1988, may not operate a vessel powered by a motor of 10 horsepower or greater unless they have been issued a valid boating safety identification card or are exempted by rule. Further, the bill amends ss. 327.35 and 327.36, F.S., concerning Boating Under the Influence (BUI); making the threshold for BUI the same as Driving under the Influence. It lowers the threshold for enhanced penalties when charged with a BUI, from a Blood Alcohol Level (BAL) of 0.20 or more to 0.15 or more. Additionally, the BAL of 0.20 or more is lowered to 0.15 or more, making it more stringent for the purposes of mandatory adjudication.

The bill amends s. 327.46, F.S., clarifying the criteria needed to establish boating-restricted areas for both the commission and local governments and revises provisions for the placement of navigation, safety, and information markers and provides exemptions for certain uniform waterway markers and certain permit requirements. The bill amends ss. 327.40, 327.41, and 327.42, F.S., to assist permit applicants (local governments) with the what, where, who, and how regarding uniform waterway markers.

It revises provisions prohibiting mooring to or damaging markers or buoys. The bill directs the FWC, in consultation with the Department of Environmental Protection, to establish a pilot program to explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields. It limits regulations by a county or municipality of the operation, equipment, and other matters relating to vessels operated upon the waters of this state. The bill amends ss. 328.03, 328.07, 328.46, 328.48, 328.56, 328.58, 328.60, 328.65, 328.66, and 328.72, F.S., to include the phrase “operate, use, or store” when referring to the certificate of title for a vessel and provides exemptions. By including this phrase consistently in statute it provides law enforcement the ability to better track owners of vessels that are operated or stored on the waters of the state.

It amends ss. 327.66 F.S., and 327.73, F.S., which deal with the transportation of fuel in unapproved containers. It prohibits the possession or operation of a vessel equipped with unapproved fuel containers and the transportation of fuel in a vessel except when in compliance with federal regulations. Persons found in violation of these provisions are guilty of a third degree felony, punishable as provided in ss. 775.082, 775.083, and 775.084, F.S.

The bill repeals s. 327.22, F.S., relating to regulation of vessels by municipalities and counties. The bill amends s. 327.02, F.S., the definition of “live aboard” vessel. It clarifies that the vessel is not used in navigation and includes in its meaning any vessel for which a declaration of domicile has been filed.

The bill amends ss. 379.3751, 379.3761, 379.3762, 379.401, and 379.4015, F.S., related to alligator trapping and farming agents licenses and specific penalties. The bill eliminates the requirement that all farming and trapping agent licenses be issued under a specific alligator farming or alligator trapping license holder. It allows alligator farming and alligator trapping agents to possess, process, and sell alligator hides and meat. However, it prohibits the unlawful killing, injuring, possessing, or capturing of alligators or other crocodilia or their eggs.

Further it eliminates the prohibition on issuing alligator farming, alligator farming agent, alligator trapping, alligator trapping agent, and alligator processor licenses to persons who have been convicted of any violation of ss. 379.3015 or 379.409, F.S., or FWC rules related to the illegal taking of crocodilian species. It includes clarifying language that allows alligator farmers to possess and process alligator hides and meat for sale.

If approved by the Governor, these provisions shall take effect July 1, 2009, except as otherwise expressly provided in this act.

*Vote: Senate 39-0; House 113-2*

**HB 7035 — Open Government Sunset Review/Written Valuations of State-Owned Surplus Lands**

by Governmental Affairs Policy Committee and Rep. Mayfield (CS/SB 1268 by Governmental Oversight and Accountability Committee and Environmental Preservation and Conservation Committee)

The bill amends s. 253.034, F.S., to remove a repeal date, thereby reenacting the public record exemption for a written valuation of surplus land and relating documents used to form the valuation or that would pertain to the valuation. It also reorganizes the exemption and makes clarifying changes.

If approved by the Governor, these provisions take effect October 1, 2009.

*Vote: Senate 40-0; House 115-0*