Attendees:

- Patrick Lehman, PRMRWSA
- Lisa Wilson-David, City of Boca Rotan
- Patricia DiPiero, Lee County Utilities
- Brian Wheeler, TOHO
- Lauren Burack, City of Boca Rotan
- Marjorie Craig, AECOM
- Rick Ratcliffe, FSAWWA Chair
- Bertha Goldenberg, MDWASD
- Mike Condran, MHW
- Tim Brodeur, AECOM
- Rudy Fernandez, Parsons Brinckerhoff
- John Shearer, SCI
- David MacIntyre, Parsons Brinckerhoff
- Dave Slonena, Pinellas County
- Craig Varn, Manson Bolves
- Kim Kunihiro, OCU
- Rob Denis, Liquid Solutions
- Paria Shirzadi, Manson Bolves
- Doug Manson, Manson Bolves
- Charlotte St. John, BCWWS

Welcome/Introductions

Pat Lehman started the meeting at 2:10 PM with introductions

Approval of Meeting Minutes

- Motion to approve – Tim Brodeur
- Second – Lisa Wilson Davis
- Motion Passes

Legislative Committee Update - Edgar Fernandez (via phone)

See Anfield Florida Legislature 2013 Regular Session Final Report

Rule and Regulations Update – Lisa Wilson-Davis

CUPCON

The SFWMD will be holding workshops on May 14th (West Palm Beach), 16th (Fort Myers) and 17th (Kissimmee). Additional workshops are also being held around the state in other districts (see attached schedule).

Brian Wheeler added that the CUPCON conservation language was not accepted as a statewide rule, but they did accept at least 50% of the language.

62-40 will be amended on May 6th to incorporate the definitions of substitution credits and offset impacts.
Fire Flow

The fire flow rule was revised and became a “recommendation”, not a rule. The amendment will go into effect on May 1, 2013. (See attachments)

Cross Connection

Cross Connection Rule making workshop was held on April 17th. The current proposed rule was significantly different than the first rule. Most of the comments were addressed from the first round of rule making a few years back, but more areas still need to be addressed.

FDEP is looking for comments on the proposed rule by May 17th and plan to publish the rule in summer 2013 expect to adopt by end of 2013.

Schedule for 2013

<table>
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<tr>
<td>FSAWWA UC Meeting</td>
<td>Hillsborough County Utilities</td>
<td>August 22, 2013</td>
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<tr>
<td></td>
<td>332 N Falkenburg Road</td>
<td>10:00 am</td>
</tr>
<tr>
<td></td>
<td>Tampa, FL 33619</td>
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<tr>
<td>FSAWWA UC/FWEA UC Joint Meeting</td>
<td>Toho Water Authority</td>
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<td>Kissimmee, FL</td>
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<tr>
<td>Florida Water Forum</td>
<td>Renaissance Resort at Sea World</td>
<td>September 20, 2013</td>
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<td>Orlando, FL</td>
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Adjourn

Meeting adjourned at 3:08
Utility Council Meeting
Renaissance Orlando @ Seaworld – Labrid Room
Orlando, FL
April 30, 2013 @ 2:00 p.m.

AGENDA

1. Introductions

2. Utility Council Business
   a. November 27, 2012 meeting minutes

3. 2013 Legislative Session – Edgar Fernandez/Frank Bernardino

4. Regulatory Issues – Lisa Wilson-Davis/Frank Bernardino

5. Schedule for 2013

6. Other Issues

7. Adjourn
<table>
<thead>
<tr>
<th>NAME</th>
<th>REPRESENTING</th>
<th>PHONE</th>
<th>EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
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# APPROVED BUDGET for CALENDAR YEAR 2013
[Year-to-Date through April 2013]

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<th>Year To-Date [April 2013]</th>
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Florida Legislature
2013 Regular Session
Final Report

Anfield Consulting
324 East Virginia Street
Tallahassee, FL 32301
866-960-5939
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INTRODUCTION

This session the budget was again a prime issue, as were Medicaid, the Patient Protection and Affordable Care Act, elections reform, and ethics reform.

This session, 1,592 general and 66 local bills were filed. Of those, 259 general bills and 24 local bills passed both chambers. In addition, there was 1 concurrent resolution, no joint resolutions, and 2 memorials that passed both chambers.

Last session, 1,747 general and 104 local bills were filed. Of those, 238 general bills and 42 local bills passed both chambers. In addition, there were 5 joint resolutions, 1 concurrent resolution, and 6 memorials that passed both chambers. The year before last, 245 general bills passed both chambers; the year before that, 253.

Recognizing the hard work of our team of colleagues, we present this End of Session Report with summaries of the enrolled bills on which Anfield Consulting focused its attention.
Budget Issues

FY 2013-14 General Appropriations Act (SB 1500)

While focusing on protecting critical services under a more efficient government, the Republican-led Legislature upheld their commitment to not raise taxes and fees. They agreed upon a $74.5 billion budget.

SB 1500 provides:
- General Revenue: $26.8 billion
- Trust Funds: $47.7 billion

The Budget is summarized by committee as follows:

1) Education Appropriations – $22.095 billion
   - $14.157 billion General Revenue
   - $ 7.938 billion Trust Funds

2) Health Appropriations – $31.144 billion
   - $ 7.836 billion General Revenue
   - $23.308 billion Trust Funds

4) Criminal and Corrections Appropriations – $3.832 billion
   - $3.181 billion General Revenue
   - $0.650 billion Trust Funds

5) Natural Resources / Environment / Growth Management – $3.832 billion
   - DACS
     - $0.159 billion General Revenue
     - $1.306 billion Trust Funds
   - DEP
     - $0.130 billion General Revenue
     - $1.159 billion Trust Funds
   - FWCC
     - $0.027 billion General Revenue
     - $0.281 billion Trust Funds
6) Transportation Appropriations – $9.457 billion

   $0.002 billion General Revenue
   $9.455 billion Trust Funds

7) General Government Appropriations – $4.455 billion

   $0.993 billion General Revenue
   $3.462 billion Trust Funds

8) Judicial Branch / State Court System – $0.444 billion

   $0.340 billion General Revenue
   $0.104 billion Trust Fund

The General Government Appropriations Committee Conference Report provides for the following:

Department of Environmental Protection
- Drinking Water Construction Loan Programs - $72.9 million
- Wastewater Construction Loan Program - $142.7
- Small County WW Loan Program - $23.3 million
- Florida Forever - $60.0 million ($50 m from sale of surplus land sales)
- Everglades Restoration - $70 million
- Springs Restoration & Protection - $10 million
- Local Water Projects - $59.5 million
- Beach Restoration - $37.5 million
- Underground Storage Tanks Cleanup - $125 million

Department of Agriculture and Consumer Services
- Agricultural Non-point Source Management - $14.4 million
- Rural and Family Lands Protection Easements - $11.1 million
- Florida Agriculture Promotion Campaign - $9.7 million
- Citrus Health Response Program - $5.9 million
- Farm Share and Food Banks - $1.0 million

The Subcommittee on Transportation, Tourism and Economic Development Appropriations Conference Report provides for the following:

Department of Economic Opportunity
- Economic Development Programs and Operation - $198.4 million.
- Visit Florida's - $63.5 million
- State Aid to Libraries - $22.3 million
- Space Florida - $19.5 million
- Small Cities Community Developmental Block Grants - $21.9 million
- Low Income Home Energy Assistance Program Grants - $78.1 million

**Department of Transportation**
- Grants and Aids for the Transportation Disadvantaged - $50.9 million
- Transportation Work Program - $9.4 billion

**Department of State**
- State Aid to Local Governments Library Grants - $24.7 million
- Cultural and Museum Grants - $7.7 million
- Historical Preservation Grants – $ 9 million
Budget Implementing Bill (SB 1502)

The Conference Committee Amendment for SB 1502, 1st Eng., implementing the 2013-2014 General Appropriations Act, provides, among other provisions, for the following:

Department of Health’s Florida Onsite Sewage Nitrogen Reduction Strategies Study – The bill extends the funding and underlying contract for the study, and directs the DOH and DEP to manage and oversee the continuation of Phase 3. SB 1502 clarifies that the main focus and priority to be completed during Phase 3 is testing and recommending cost-effective passive technology design criteria for nitrogen reduction.

With regard to the control of nutrients the bill provides that, notwithstanding any other law, before Phase 3 is completed, a state agency may not adopt or implement a rule or policy that:

- Mandates, establishes, or implements more restrictive nitrogen reduction standards to existing or new onsite sewage treatment systems or modification of such systems; or
- Directly or indirectly, such as through an administrative order developed by the Department of Environmental Protection as part of a basin management action plan adopted pursuant to s. 403.067, Florida Statutes, require the use of performance-based treatment systems or similar technology. However, more restrictive nitrogen reduction standards for onsite systems may be required through a basin management action plan if such plan is phased in after completion of Phase 3.

Everglades Restoration - The bill expands the permittable uses of funds form the Save Our Everglades Trust Fund to include the implementation of the Long-Term Plan as defined in s. 373.4592(2) and provides a recurring $12 million appropriated from the General Revenue Fund and a recurring $20 million appropriated from the Water Management Lands Trust Fund to the Department of Environmental Protection for the Restoration Strategies Regional Water Quality Plan as described in HB 7065.

Water Management Lands Trust Fund - For FY 2013-14 the bill expands the uses for the funds in the WMLTF to include:

- Three million dollars to be distributed to the Suwannee River Water Management District for springs restoration and protection projects.
- Three million dollars to be distributed to the Northwest Florida Water Management District for Apalachicola Bay water quality improvement projects.
- Four million dollars to be distributed to the South Florida Water Management District for J.W. Corbett Levee system improvements.
- One million dollars to be distributed to the Southwest Florida Water Management District for Duck Slough/Thousand Oaks flood mitigation.

Florida Forever Act – For the upcoming fiscal year the bill provides:

- Ten million dollars for land acquisition projects that provide conservation lands to protect the state’s military installations against encroachment.
- The remaining moneys appropriated from the Florida Forever Trust Fund shall be for land acquisitions that are less-than-fee interest, or for partnerships in which the state’s
portion of the acquisition cost is no more than 50 percent, or for conservation lands needed for military buffering or springs or water resources protection.

**Underground Storage Tanks Program** – This program is currently mired in controversy regarding fraud and improper management of state resources. In order to address some of these issues SB 1502 provided the following guidance:

- All task assignments, work orders, and contracts for providers under the Petroleum Restoration Program entered by the DEP on or after July 1, 2013, pursuant to this section and ss. 376.3071 and 376.30713 must:
  - Be procured through competitive bidding pursuant to s. 485 287.056, s. 287.057, or s. 287.0595.
  - Require that a statement under oath be executed and provided to the department concurrently with the execution of the task assignments, work orders, or contracts by:
    - All owners, responsible parties, and cleanup contractors and subcontractors, that no compensation, remuneration, or gift of any kind, directly or indirectly, has been solicited, offered, accepted, paid, or received in exchange for designation or employment in connection with the cleanup of an eligible site, except for the compensation paid by the department to the contractor for the cleanup.
    - All cleanup contractors and subcontractors receiving compensation for cleanup of eligible sites, stating that they have never paid, offered, or provided any compensation in exchange for being designated or hired to do cleanup work, except for compensation for the cleanup work.
- Any owner, responsible party, or cleanup contractor or subcontractor who falsely executes a statement required pursuant to subparagraph (d)2. is prohibited from participating in the Petroleum Restoration Program.

**Transportation Work Plan** – The bill authorizes the Department of Transportation (DOT) to use appropriated funds for the purpose of funding the costs of land acquisition, design, and construction of multiuse trails and related facilities. Funds specifically appropriated for this purpose may not reduce, delete, or defer any existing projects funded as of July 1, 2013, in the DOT 5-year work program.

**Bicycle and Pedestrian Ways** – The 2013 session marked a historic investment by the State in the development of statewide multiuse trails. To that end, SB 1502 provides authority to DOT for the acquisition and development of an integrated system of interconnected multiuse trails of statewide significance and to pay the costs of land acquisition, design, and construction of trails and related facilities. When selecting projects for funding under this section, DOT is required to give priority to trail projects that have been identified by the Florida Greenways and Trails Council as a priority within the Florida Greenways and Trails System pursuant to chapter 260 and shall provide trail connectivity by eliminating gaps between existing trails. All projects funded under this section shall be included in DOT’s work program developed pursuant to s. 339.135.
Substantive Legislation

Public-Private Partnerships (HB 85)

This bill was a priority of the Governor and is intended to provide public agencies with an additional tool for the implementation, maintenance and operation of capital improvement projects.

Section 1 Amends s. 255.60, F.S., to authorize public-private partnerships (PPPs) to enter into special contracts for public service work with non-profit organizations. The expansion will allow PPP arrangements regarding the preservation, maintenance, and improvement of park land, so long as the property comprises at least 20 acres with contiguous public facilities that are capable of seating at least 5,000 people in a permanent structure; and would apply to public education buildings as well, so long as the building is at least 90,000 square feet.

Section 2 Creates s. 287.05712, F.S., establishing a more expansive public-private partnership program along the lines of the one currently employed by FDOT. Section 2 consists of the following subsections:

Subsection 1: Provides definitions, including, but not limited to, definitions of what constitutes a “responsible public entity” and a “qualifying project.”

Subsection 2: Provides legislative findings and intent, including a finding that public-private partnerships in the past have proven a timely and cost-effective means of meeting public demand for new infrastructure and a statement of intent that the bill encourage investment in the state by private entities and provide flexibility to public and private entities contracting for the provision of public services.

Subsection 3: Creates the Public-Private Partnership Guidelines Task Force to recommend guidelines for the Legislature to consider for the purpose of creating a uniform process for establishing public-private partnerships. The seven-member task force, whose members must be appointed by August 31, 2013, must meet and produce a final report for submission no later than July 1, 2014. This subsection sets forth a list of considerations for the Task Force, and criteria for recommendations. (Note: the adoption of guidelines recommended by the Task Force is not a prerequisite to request or receive proposals for a qualifying project or to enter into a comprehensive agreement for a qualifying project.)

Subsection 4: Creates procurement procedures to allow a responsible public entity, as defined in the bill, to solicit or receive proposals. A public entity may establish a reasonable application fee for an unsolicited proposal, sufficient to pay the cost of the proposal’s review. This section also sets forth notice requirements. The public entity may also engage the services of a private consultant to assist with the evaluation. A school board must receive approval of the local governing body before it may enter into a comprehensive agreement. In considering an unsolicited proposal, a public entity may require a technical study prepared by a nationally recognized expert with experience in preparing analysis for bond rating agencies.
Subsection 5: Sets out the material and information that must accompany an unsolicited proposal, unless waived by a public entity.

Subsection 6: Provides that private entities and any subcontractors they use will need to meet minimum standards and financial requirements established by the public entity for qualifying professional services and contracts for traditional procurement projects. Also provides for the issuance of surety bonds or payment guarantees and procedures upon a default of performance. This section also specified how proposals are to be ranked.

Subsection 7: Provides for public notice to affected local jurisdictions and procedures for providing comments from those affected local jurisdictions regarding the proposal to the responsible public entity within 60 days.

Subsection 8: Allows public-private entities to enter into an interim agreement prior to, or in connection with, entering into a comprehensive agreement on a qualifying project. Such an arrangement would allow private entities to commence initial planning activities and feasibility studies for a qualifying project for which they may be compensated.

Subsection 9: Requires that public and private entities enter into a comprehensive agreement before work begins and sets out what the comprehensive plan must, and may, contain.

Subsection 10: Allows the agreement entered into under this part with a private entity to authorize the private entity to establish fees on the public for use of the facility, pursuant to the comprehensive agreement. Any revenues must be regulated by the responsible public entity, with a negotiated portion of those revenues to be returned to the public entity over the life of the agreement.

Subsection 11: Allows a private entity to enter into a private-source financing agreement between financing sources and the private entity.

Subsection 12: Requires that the private entity develop or operate the facility according to the provisions stipulated in the comprehensive agreement and that they cooperate with the responsible public entity in establishing interconnection between the qualifying project and other related facilities at the request of the public entity. This section also provides that private facilities that are constructed under this section must comply with federal, state, and local laws; state, regional, and local comprehensive plans; the responsible public entity’s rules, procedures, and standards for facilities; and such other conditions that the responsible public entity determines are in the public’s best interest and that are included in the comprehensive agreement. This section also provides that the public entity may provide services to the private entity; and that a private entity may provide additional services for the qualifying project to the public or to other private entities if the provision of additional services does not impair the private entity's ability to meet its commitments to the responsible public entity pursuant to the comprehensive agreement.

Subsection 13: Provides that upon expiration or termination of the comprehensive agreement, all revenues and fees for use of the facility may be utilized by the public entity for its
maintenance and upkeep. Should the private entity default on its financial obligations, the compensation due to it would be made payable to all investors and lenders involved in the project. Public entities will not be permitted to pledge their full a faith and credit to secure financing from a private entity.

**Subsections 14 & 15:** Provides for the continued application of sovereign immunity for public entities and their employees for participation in a public-private partnership.

**Section 3** Allows counties to enter into public-private partnership agreements, and to receive competitive bids, both solicited and unsolicited, for construction and improvement of county roads, provided that it:

(a) Is in the best interest of the public.
(b) Would only use county funds for portions of the project that will be part of the county road system.
(c) Would have adequate safeguards to ensure that additional costs or unreasonable service disruptions are not realized by the traveling public and citizens of the state.
(d) Upon completion, would be a part of the county road system owned by the county.
(e) Would result in a financial benefit to the public by completing the subject project at a cost to the public significantly lower than if the project were constructed by the county using the normal procurement process.

The section also establishes notice requirements regarding any project.

**Section 4** Amends s. 348.754, F.S. to increase the amount of time the Orlando-Orange County Expressway Authority is allowed to enter into leases from 40 to 99 years.

**Effective Date: July 1, 2013**

**Agricultural Lands (HB 203)**

In 2003, the Legislature passed the Agricultural Lands and Practices Act, which prohibits counties from passing ordinances regulating, prohibiting, restricting, or otherwise limiting the agricultural activities of a bona fide farm or farm operation on land classified as agricultural if those activities are already regulated by a state or federal agency. The intent of the act is to protect growers from potentially duplicative ordinances passed by local governments. The Wekiva Study Area and Everglades Protection Area are excluded from the Act’s provisions.

Section 1 of the bill expands amends s. 163.3162, F.S. so that it now applies to “governmental entities” which means the act will now apply not just to counties, but also to any other “governmental entities” (with the exception of water management districts).

The bill also expands the provisions of that section to provide that a governmental entity may not charge a fee on a specific agricultural activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, F.S., if such agricultural activity is
regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the DEP, Department of Agriculture and Consumer Services (DACS), or a water management district as part of a statewide or regional program, or if the activity is expressly regulated by the US Army Corps of Engineers, the US Dept. of Agriculture, or the EPA.

Section 2 expands section 604.50, F.S., to provide that a nonresidential farm building, farm fences, or farm signs that are located on lands used for bona fide agricultural purpose are exempt from the Florida Building Code and any municipal or county code or fee, except for floodplain regulations.

Effective Date: July 1, 2013

Water Management Districts (SB 244)

The water management districts (WMDs) were established along surface hydrological boundaries. As Florida’s population grows and groundwater pumping increases, withdrawals along the boundary of one WMD can cause significant harm to the resources in an adjoining WMD. While a WMD has the authority to protect all water resources, including water bodies in an adjacent WMD, it cannot use an adopted reservation, minimum flow and level (MFL) and recovery and prevention strategies adopted by a neighboring WMD without separately going through its own rulemaking process. The current statutory authority may result in duplication of effort and rulemaking activity when a withdrawal affects water bodies in adjoining WMDs. It can also create inconsistent and inequitable treatment of water use permit applicants.

Current law allows for the implementation of an interagency agreement in cases where a single project or local government initiative crosses the boundaries of multiple WMDs, in which case a single district is appointed full regulatory responsibilities for that project. However, this authority to establish similar interagency agreements does not exist for non-regulatory water management activities or responsibilities (such as employee insurance pools), nor is a WMD allowed to fund resource management activities in an adjoining district.

As for the development of regional water supply plans, while all WMDs are required to create one, only the Southwest Florida Water Management District is required to do so jointly with a regional water supply authority (i.e. local utilities) by statute.

Section 1 of the bill amends s. 373.042, F.S. regarding minimum flows and levels. That section requires water management districts to annually submit to DEP a priority list and schedule for establishment of minimum flows and levels for waters within the district. The bill adds language providing that the districts also must submit any reservations proposed by the district to be established pursuant to s. 373.223(4); and those listed water bodies that have the potential to be affected by withdrawals in an adjacent district for which the department’s adoption of a reservation pursuant to s. 373.224(4) or a minimum flow or level may be appropriate. This section also requires a water management district to provide the DEP with technical information and staff support for the development of a reservation, minimum flow or level, or
recovery or prevention strategy adopted by the department by rule without the district’s adoption by rule of such reservation, minimum flow or level, or recovery or prevention strategy.

Section 2 of the bill amends s. 373.046, F.S. regarding interagency agreements, to add a new paragraph (7). The new language provides legislative authority for the WMDs to enter into an interagency agreement in order to share funding and resource management responsibilities for activities, studies, or projects for resources that affect multiple WMDs in a geographic area.

Section 3 of the bill provides that cooperative funding programs are not subject to rulemaking under chapter 120, F.S., but an approved program that affects the substantial interests of a party is subject to s. 120.569, F.S.

Section 4 amends s. 373.709, F.S., to extend the requirement that a WMD develop its regional water supply plan with local governments and utilities is now extended to all districts in the state.

**Effective Date: July 1, 2013**

**Public Construction Projects (HB 269)**

This 37-page bill provides a number of changes to building codes, development permits, and onsite sewage treatment systems. Among the changes made by the bill in the growth and environmental areas are:

It amends s. 255.20, F.S., to require that local bids and contracts for public construction works must specify in the contract lumber, timber, and other forest products produced and manufactured in this state, if wood is a component of the public work, and if the price, fitness and quality are equal.

It amends s. 255.2575, F.S. (regarding energy-efficient and sustainable buildings) to create a new (4)(a), to read similarly to the above change, requiring that each state agency, county officials, boards of county commissioners, school boards, city councils, city commissioners, and “all other public officers of state boards or commissions” for the construction of public bridges, buildings, and other structures must use lumber, timber, and other forestry products produced and manufactured in Florida if such products are available and their price, fitness, and quality are equal. The new requirements do not apply to plywood for “monolithic concrete forms;” if the structural or service requirements cannot be met by native species; if the project is funded in whole or in part by a federal source which requires that no restrictions be placed on point of manufacture; or if it is a transportation project for which federal aid funds are available.
Onsite Sewage Treatment Systems

Under current law, no modification or upgrade of a system is required when remodeling a home so long as a new bedroom is not added. However, this exemption does not cover inspections or pump-outs.

This bill exempts homeowners from having to have an inspection or pump-out of their onsite sewage treatment system every time they remodel or add an addition to their home, provided that no new bedrooms are added. It also requires that any remodeled additions not be built over or encroach upon the onsite system or any part thereof that might compromise the system’s effectiveness. The Department of Health will be charged with reviewing floor plans to ensure compliance. If the review and verification is not completed within 7 business days, the addition will be deemed approved.

The bill also adds new language that specifically states that no state agency may exclude the use of any of the approved rating systems and buildings codes listed in statute.

Development Permits

Under current law, counties may provide disclaimers and notice of permit condition with any development permit they issue. However, as the law is currently written, it is not a requirement.

The bill makes it a requirement for counties to attach disclaimers and certain permit conditions when issuing development permits.

Effective Date: July 1, 2013

Community Transportation Projects (HB 319)

Provides clarifying language to s. 163.3180(5)h (which provides requirements for transportation concurrency) that local governments that continue to implement a transportation concurrency system, “whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, laws of Florida, or as subsequently modified, must” comply with the requirements of that section.

The bill also provides that a local government may accept contributions from multiple applicants for planned improvements, if it maintains a separate account designated for that purpose.
The bill also provides that if a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in s. 163.3180(5)f.

Such alternative mobility funding system may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development’s identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government’s plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency.

**Effective Date: Upon becoming a law**

**Powers and Duties of the DEP (SB 326)**

In 1933, a large belt of wetlands was purchased by the federal government across the state with the intention of building a commercial shipping channel. After two failed attempts, the project was scrapped, and the lands transferred to the state to be converted into a conservation and recreation area now known as Marjorie Harris Carr Cross Florida Greenway or CFG for short (Water Resource Development Act, 1990, Sec. 402). The state rules governing the transfer remain in statute and stipulate a number of requirements relating to the sale and management of surplus CFG lands, many intended to refund the counties the ad valorem taxes which were paid to the canal district in acquiring the lands. Once all interested parties have been reimbursed, state rules provide that the remaining funds may be used for conservation management of the greenway (under federal rules, it is mandatory that remaining funds be used for this purpose). Since all the counties involved in the sale have since been fully reimbursed, these provisions have become obsolete.

This bill repeals the provisions of the WRD Act regulating the sale of surplus CFG lands, allowing them to fall under the state’s own general rules, as laid out by the DEP’s Division of State Lands, for the sale of surplus lands, which in turn will allow the state to remain consistent with the federal government requirement for the disposition of surplus CFG lands, while at the same time freeing up funds for managing the greenway itself.

**Effective Date: July 1, 2013**
**Theft of Utility Services (SB 338)**

Theft of, or tampering with, utility services currently is covered under Section 812.14, F.S., which classifies it as a first-degree misdemeanor. A civil action filed under this section also allow a plaintiff utility to recoup 3 times the value of the service illicitly obtained or $1,000, whichever amount is larger.

Section 812.014, F.S., on the other hand, covers general thefts and allows for stiffer penalties based upon the dollar value of the property or sometimes the nature of the stolen goods itself (for example, stealing a fire extinguisher is an automatic third degree felony, regardless of the dollar value of the extinguisher itself).

This bill provides that theft of utility services is punishable under the general theft statute, s. 812.014, F.S., allowing for value-based penalties. Stolen property valued under $100 would thus constitute a 2nd degree felony. Between $100 and $300, a 1st degree misdemeanor. Between $300 and $20,000, a 3rd degree felony. Between $20,000 and $100,000, a 2nd degree felony. Over $100,000, a 1st degree felony.

The amount for which a defendant may be liable is also increased, from $1,000 to $3,000, or three times the value of the utilities stolen, whichever amount is higher.

**Effective Date: October 1, 2013**

**Consumptive Use Permits for Alternative Water Supplies (SB 364)**

The bill amends s. 373.236(5), F.S., to add a new subparagraph (b). That paragraph allows applications for permits for the development of alternative water supply to have a term of at least 30 years, if there is sufficient data to provide reasonable assurance that permit conditions will be met for the duration of the permit.

If, within seven years after a permit is granted, the permittee issues bonds to finance the project, completes construction of the project, and requests an extension of the permit duration, the permit shall be extended to expire upon the retirement of the bonds or 30 years after the construction project is complete, whichever occurs later. However, a permit’s duration may not be extended by more than 7 years beyond the permit’s original expiration date.

Such permits will be subject to periodic compliance reports; however, if the permittee demonstrates that the bonds issued to finance the project are outstanding, the quantity of alternative water allocated in the permit may not be reduced during a compliance report review unless a reduction is needed to address harm to water resources or to existing legal uses present when the permit was issued.

Permits under this section may not authorize the use of non-brackish groundwater supplies or non-alternative water supplies.
On-site Sewage Treatment and Disposal Systems (HB 375)

Amends s. 381.0065, F.S., to provide that the property owner of an owner-occupied, single-family residence may be approved and permitted by the Department of Health (DOH) as a maintenance entity for his or her own performance-based or aerobic treatment system upon written certification from the system manufacturer’s approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for construction, maintenance, or repairs on the system but is subject to all permitting requirements.

For performance-based systems, the property owner is required to obtain a biennial system operating permit from the DOH for each system. The department is required to inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria.

The bill also provides that a septic tank contractor licensed under part III of chapter 489, if approved by the manufacturer, may not be denied access by the manufacturer to aerobic treatment unit system training or spare parts for the maintenance entities. After the original warranty period, component parts for an aerobic treatment system may be replaced with parts that meet manufacturer’s specifications but are manufactured by others. Owners of aerobic treatment units must obtain a system operating permit from the DOH and allow inspections.

(Note: Similar language is contained in another bill that also passed this session. Please see HB 7019.)

Effective Date: July 1, 2013

Domestic Wastewater Discharged Through Ocean Outfalls (SB 444)

This bill allows utilities discharging through outfalls to meet the existing 60 percent reuse requirement for utilities with ocean outfalls by contracting with another utility within their service area or within Miami-Dade, Broward, or Palm Beach Counties rather than by installing a reuse system within the facility itself. The bill specifies that although facilities discharging through a common outfall must still meet the 60 percent reuse requirement individually, they may be allowed to apportion out wastewater to other utilities within their service area or the tri-county area. These apportionments would require approval by the DEP and the amount diverted may not exceed a certain amount. A copy of any apportionment contract between water utilities must be submitted to the DEP.
The bill also updates the requirements for the detailed reuse plans utilities are required to develop by July 1, 2013. The new information included in the plan must identify: (1) the technical, environmental, and economic feasibility of various reuse options, (2) an analysis of the costs necessary for utilities to meet state and local water quality criteria, (3) a comparative estimate of achieving reuse requirements from ocean outfalls and other sources, (4) an evaluation of the demand for reuse in the context of future regional water supply demands, the availability of traditional sources of water, the need for alternative water supplies, the offset reuse would have on potable supplies and other factors contained in the SFWMD’s Lower East Coast Regional Water Supply Plan.

These plans will need to be evaluated by the DEP, the SFWMD, and all affected utilities involved, each of whom will be allowed to recommend adjustments to the reuse requirements based on their evaluations to the Legislature, if necessary. These recommendations will need to be provided to the Legislature by February 15, 2015.

**Effective Date: Signed by Governor, Chapter No. 2013-031**

**Growth Management (HB 537)**

This bill is the latest chapter in the “Hometown Democracy” movement that has attempted to require local referenda for the approval of certain developments.

HB 537 amends s. 163.3167(8), F.S., which prohibits an initiative or referendum process in regard to any development order or plan amendment or map amendment. The bill allows an initiative or referendum process in regard to a local comprehensive plan amendment or map amendment that affects more than five parcels of land if it is expressly allowed by specific language in a local government charter that was lawful and in effect on June 1, 2011; and provides that a general local government charter provision for an initiative or referendum process is not sufficient.

The bill also provides that it is the intent of the Legislature that initiative and referendum be prohibited in regard to any development order, and in regard to any local government comprehensive plan or map amendment, except as specifically and narrowly permitted in the bill. The bill provides language that the prohibition is intended to be remedial in nature and applies retroactively.

The bill also repeals section 4 of chapter 2012-75, Laws of Florida, retroactive to June 30, 2012. That provision was adopted last year in an attempt to address a specific circumstance and development in St. Johns County.

(See also **HB 7019**)

**Effective Date: Upon becoming a law**

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Fossil Fuel Combustion Products (SB 682)

This bill creates s. 403.7047, F.S., establishing a regulatory program in statute for the beneficial use of Fossil Fuel Combustion Products (FFCPs) such as fly ash combustion residue. The bill defines “beneficial use” as the use of FFCPs as building materials, substitutes for raw materials or products, or as necessary ingredients or additives in other products according to accepted industry practices. It also provides a list of those FFCPs that may be applied in this manner and specifies that FFCPs listed for beneficial use must comply with applicable DEP rules and be conducted in a manner that does not pose a significant risk to public health or violate applicable air or water quality standards. The DEP may take appropriate action if it is found that a beneficial use violates water quality standards and criteria, or creates a significant health risk to the public. Beneficial uses must also abide by local and federal laws, criteria, and permitting requirements applicable to beneficial uses, as well as water certifications pursuant to the Clean Water Act. The bill also provides some of its own regulatory rules in the application of certain FFCPs.

Fossil fuel combustion products may not be placed within 3 feet of groundwater, within 15 feet of wetlands or natural water bodies, or within 100 feet of a potable well source which is used or might be used for human or livestock consumption, nor may they be placed in manner where they might leak into the surrounding land or air, or discharge into any water bodies (including groundwater) or otherwise enter the environment in a manner that causes contamination or a risk to public health.

Owners of the property where the product is placed must submit electronic notice on the dates, placement, and type of fossil fuel combustion product used to the DEP.

Beneficial FFCPs are exempted from regulation under part IV, chapter 403, F.S., while disposal facilities that accept fly ash, bottom ash, boiler slag, or flue gas emission control materials from a clean coal (or other innovative fuel) burning electric or steam power generation facility are exempted from the prohibition on hazardous waste landfills in Florida.

Effective Date: July 1, 2013

Water Quality Credit Trading (HB 713)

This legislation expands the existing water quality trading program, which is currently limited in geographic scope, to apply statewide. The DEP retains its rulemaking authority over the program, including its power to authorize water credit trading programs within BMAPs. Prices for water quality credits are to be established by the market, although credit traders will be required to regularly report to the DEP on the status of that market. The bill also deletes an obsolete requirement that the DEP report to Legislature on the progress of the St. John’s River pilot program. Participation in the program is voluntary.
Effective Date: July 1, 2013

Stormwater Management Permits (SB 934)

Amends s. 373.4131, F.S. to require that the statewide environmental resource permit rules must provide for a conceptual permit for a municipality or county that creates a stormwater management master plan for urban infill and redevelopment areas or CRAs created under chapter 163. Upon approval by the DEP or water management district, the master plan will become part of the conceptual permit. The rules must also provide for an associated general permit for the construction and operation of urban redevelopment projects that met the original criteria established in the conceptual permit.

Conceptual permits and associated general permits must not conflict with the requirements of a federally-approved program pursuant to s. 403.0885, F.S., or with the implementation of a TMDL or BMAP.

Before a conceptual permit is granted, the municipality or county must assert that the stormwater discharges from the urban redevelopment area do not cause or contribute to violations of water quality standards by demonstrating a net improvement in the quality of the discharged water existing on the date the conceptual permit is approved.

The conceptual permit must be for a term of at least 20 years unless a shorter period is requested, and must include an option to renew.

A conceptual permit must describe the rate and volume of stormwater discharges from the urban redevelopment area, including the maximum rate and volume of stormwater discharges as of the date that the conceptual permit is approved.

The conceptual permit must contain provisions regarding the use of stormwater best management practices and must ensure the stormwater management systems constructed within the urban redevelopment area are operated and maintained in compliance with s. 373.416, F.S.

Effective Date: July 1, 2013

Water Supply (SB 948)

The bill revises a number of the provisions of law relating to the development of water supply plans. Specifically, SB 948:

Amends s. 373.701, F.S., to include utility companies, private landowners, water consumers, and DACS to the list of entities that should cooperate in order to meet water needs.
Amends s. 373.703, F.S., to add “self-suppliers” to the list of entities the governing boards of WMDs must engage in planning in order to assist in meeting water supply needs. The bill also adds self-suppliers to the list of entities the governing boards must assist in meeting water supply needs. In addition, the bill adds self-suppliers to the list of entities the governing boards can join with for the purpose of carrying out its powers, and can contract with to finance acquisitions, construction, operation, and maintenance, provided that such contracts are consistent with the public interest.

Amends s. 373.709, F.S., to include DACS in the list of entities the governing boards of the WMDs must coordinate and cooperate with when conducting water supply planning for water supply planning regions. The bill provides that a water supply development component for each water supply planning region identified by the district must include agricultural demand projections used for determining the needs of agricultural self-suppliers. Such agricultural demand projections must be based upon the best available data. When determining the best available data for agricultural self-supplied water needs, the WMD must consider the data indicative of future water supply demands provided by the DACS and agricultural demand projection data and analysis submitted by a local government pursuant to the public workshop described in s. 373.709(1), F.S., if the data and analysis support the local government’s comprehensive plan. Any adjustment of or deviation from the data provided by DACS must be fully described, and the original data must be presented along with the adjusted data. The bill also includes the term “self-suppliers” in the list of entities that WMDs are to assist in developing multijurisdictional approaches to water supply project development.

Amends s. 570.085, F.S., directing DACS to establish an agricultural water supply planning program that includes the following:

- The development of data indicative of future agricultural water supply demands which must be:
  - Based on at least a 20-year planning period.
  - Provided to each WMD.
  - Considered by each WMD when developing WMD water management plans.

- The data on future agricultural water supply demands, which are provided to each WMD, must include, but not be limited to:
  - Applicable agricultural crop types or categories.
  - Historic, current, and future estimates of irrigated acreage for each applicable crop type or category, spatially for each county, including the historic and current methods and assumptions used to generate the spatial acreage estimates and projections.
  - Crop type or category water use coefficients for a 1-in-10 year drought average used in calculating historic, current, and future water demands, including data, methods, and assumptions used to generate the coefficients. Estimates of historic and current water demands must take into account actual metered data as available. Projected future water demands must incorporate appropriate potential water conservation factors based upon data collected as part of DACS agricultural water conservation program pursuant to s. 570.085(1), F.S.
An evaluation of significant uncertainties affecting agricultural production which may require a range of projections for future agricultural water supply demands.

In developing the data of future agricultural water supply needs, DACS must consult with the agricultural industry, the University of Florida’s Institute of Food and Agricultural Sciences, DEP, the WMDs, the National Agricultural Statistics Service, and the U.S. Geological Survey.

DACS must coordinate with each WMD to establish a schedule for provision of data on agricultural water supply needs.

Effective Date: July 1, 2013

Archeological Sites and Specimens (HB 975)

Amends s. 267.12, F.S., to expand the area where unauthorized archaeological activity is prohibited to include land owned by water authorities, as defined in the bill, and authorizes the Department of State’s, Division of Historic Resources to issue permits for archaeological research at these locations. The bill(s) define “water authority” as “an independent special created by special act whose purpose is to control and conserve water resources.” Water management districts are not included under this definition.

Effective Date: July 1, 2013

Environmental Regulation (HB 999)

For the second year in a row the Legislature passed a comprehensive environmental regulation omnibus bill that addresses many and varied natural resource management and regulatory issues. The bill consists of 24 sections:

Regulatory Procedures

- Section 1- Amends s. 20.255, F.S. to allow the DEP to adopt rules requiring or providing incentives for electronic submission of forms, documents, fees, or reports tied to permitting. The rules must provide accommodation or exemption for financial or technological hardship.
- Section 17 – Amends s. 403.061, F.S., to allow DEP to adopt rules providing incentives for electronic submission of forms, documents or fees required for permits under certain chapters or reporting requirements for such permits.

Development Permit Applications by Local Governments
• Sections 2 and 3 – Amend ss. 125.022 and 166.033, F.S. to place restrictions on how many times a county or city may request additional information from a development permit applicant, unless waived in writing by the applicant, and increase the level of internal review and approval for each succeeding request. Before a third request for information, an applicant must be offered a meeting to try to resolve outstanding issues.

**Tax on Phosphate Mining**

• Section 4 - Amends s. 211.3103, F.S. to clarify the definition of “phosphate related expenses” as it relates to revenue raised from the state excise tax on phosphate mining activities to include environmental education, as well as maintenance and restoration of reclaimed lands and county environmental lands that were formerly phosphate lands.

**Activities on Sovereignty Submerged Lands**

• Section 5 – Amends s. 253.0345, F.S. to make changes to special events submerged lands leases for boat shows, to extend the period of a particular event from 30 to 45 days, and provides for a permit duration for such periodic events of 10 years. The provision also provides for lease fees to be based on the period and actual size of preempted area used during the special event, and for the leases to allow reconfiguration of the temporary structures within the lease area with notice of the configuration and size of the preemption to the DEP.

• Section 6 – Amends provisions of s. 253.0346, F.S., regarding lease of sovereignty submerged lands for marinas, boatyards, and marine retailers, to establish discounts for clean marinas open to the public, and for clean boatyards, or clean marine retailers.

• Section 7 – Amends s. 253.0347, F.S., regarding leases of sovereign submerged lands for private residential single family and multifamily docks and piers, and makes changes to lease fees for single family and multifamily residential private docks.

• Section 22 – Amends s. 403.8141, F.S., to clarify that special event permits must be for a period that runs concurrently with the consent of use or lease issued and must allow for movement of the temporary structures within the footprint of the lease area.

**Construction of Marinas and Mooring Fields**

• Section 8 – Amends s. 373.118, F.S., to provide for general permits and delegation of permits for mooring fields of not more than 100 vessels.

**Consumptive Use of Water**

• Section 9 – Amends s. 373.233, F.S., to clarify and provide consistency across the water management districts regarding competing applications for water and when those applications are complete.

**Alternative Water Supply Development**
• Section 10 – Amends s. 373.236 to prohibit a water management district from reducing an existing permitted allocation of water during a permit term as a result of actions taken to diversify water supplies to include sources resistant to drought, including planned future construction of, or additional water becoming available from, a new seawater desalination plant, unless such restrictions are included as part of conditions of a permit or a funding agreement with the water management district. The language in the bill reads: “In order to promote the sustainability of natural systems through the diversification of water supplies through the development of seawater desalination plants, a water management district may not reduce an existing permitted allocation of water during the permit term as a result of planned future construction of, or additional water becoming available from, a new seawater desalination plant that does not receive funding from a water management district.” Except as expressly provided in this subsection, nothing in the new language is to be construed to alter the existing authority of a water management district to modify a consumptive use permit pursuant to chapter 373.

Water Shortage Declarations

• Section 11 – Amends s. 373.246, F.S. to authorize notification of permittees of a water shortage or emergency by electronic mail.

Well Construction and Regulation

• Sections 12 and 13 – Amend ss. 373.308 and s. 373.323, F.S. to provide that DEP may authorize WMDs, delegated local governments, or local county health departments to issue well permits, and upon such authorization, issuance of such permits will be the sole responsibility of the delegated entity. Other local government entities are prohibited from imposing additional or duplicate requirements or establishing a separate program for permitting the location, abandonment, boring, or other activities reasonably associated with the installation and abandonment of a groundwater well. These sections also amend s. 373.323 to provide that licensure under that section by a WMD shall be the only water well construction license required.

Exemptions from Wetland Regulations

• Section 14 – Amends s. 373.406, F.S. to provide exemptions from ERP (Environmental Resource Permits) for the following:
  o Construction, operation, or maintenance of wholly owned, manmade excavated farm ponds as defined in s. 403.927 constructed entirely in uplands. The exemption does not extend to alteration and maintenance to connect the farm pond to or expand the farm pond into other wetlands or surface waters, nor does it apply to farm ponds that cover an area greater than 15 acres and has an average depth of more than 15 ft., or which is less than 50 ft. from any wetlands.
  o Activities affecting wetlands created solely by the unauthorized flooding or interference with natural flow of surface water caused by an unaffiliated adjoining landowner. Requests for the exemption must be made within 7 years after the cause of the flooding or interference, and must be submitted in writing to the water management district or department. Such activities may not begin
without a written determination from the district or department confirming that
the activity qualifies for the exemption. The exemption does not apply to
activities that discharge dredged or fill material into waters of the United States,
including wetlands, subject to s. 404 of the Clean Water Act.

**Petroleum Contamination Clean-up Program**

- Section 15 – amends s. 376.30713 regarding preapproved advanced cleanup of
  petroleum contaminated sites to authorize the DEP to enter into preapproved contracts
  for a total of $15 million, as opposed to the existing $10 million, per year, and raising
  the cap on the single-facility amount from $500,000 to $5 million.

**Damages from Pollution from Petroleum and Dry-cleaning Facilities**

- Section 16 – amends s. 376.313, F.S., to clarify that a cause of action may not be
  brought for damages as a result of a discharge that was authorized pursuant to chapter
  403.

**Fees for Air Emissions**

- Section 18 – Amends s. 403.0872(11), F.S., to require that fees for air emissions are to
  be based on actual emissions of regulated pollutants and greenhouse gases for which an
  allowable numeric emission-limiting standard is specified.

**Environmental Data Collection and Use**

- Section 19 – Amends s. 403.088, F.S., to provide that DEP may not use results from a
  field procedure or laboratory method unless the procedure or lab method has ben
  adopted by rule or noticed and approved by DEP in accordance with rule.

**Regulation of Recovered Materials**

- Section 20– Amends s. 403.7046, F.S., regarding regulation of recovered materials.
  The new language precludes a local government from using registration information
  submitted by a recovered materials dealer to compete with the dealer until 90 days after
  the registration information is submitted. This section also allows a recovered materials
  dealer, or an association whose membership includes recovered materials dealers, to
  initiate an action for alleged violations of this section, and allows a court to award costs
  and fees to the prevailing party.

**Restoration of Seawalls**

- Section 21 - Amends s. 403.813, F.S., to provide that a permit is not required for the
  restoration of seawalls at their previous locations or upland of, or within 18 inches (as
  opposed to the current limit of 12 inches) water ward of their previous locations.
Expedited Permits for Natural Gas Pipelines

- Section 23 - Amends s. 403.973, F.S., to allow for projects to construct interstate natural gas pipelines subject to certification by the Federal Energy Regulatory Commission to qualify for expedited permitting.

Everglades Restoration

- Section 24 - Ratifies certain land exchanges and lease extensions in the Everglades Agricultural Area already approved by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund that are needed in connection with Everglades restoration activities.

Effective Date: July 1, 2013

Agritourism (SB 1106)

Amends s. 570.96, F.S., to provide legislative intent to eliminate duplication of regulatory authority over agritourism as expressed in that section. Provides that except as otherwise provided for in this section, and notwithstanding any other provision of law, a local government may not adopt an ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461. The provisions do not limit the powers or duties of a local government to address an emergency under chapter 252.

“Agritourism activity” does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or accommodate the general public.

The bill also amends s. 570.961, F.S. and s. 570.963, F.S., to provide a release from liability for agritourism operators for injuries resulting from injuries occurring during an agritourism activity which in the bill is specifically defined as “those dangers or conditions that are an integral part of an agritourism activity” and includes such things as surface and subsurface conditions, natural conditions of land, vegetation and waters, the behavior of wild or domestic animals, and the ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. The term also includes the potential of a participant to act in a negligent manner that may contribute to the injury of the participant or others, including failing to follow instructions or exercise reasonable caution.

Operators will not be released if they commit an act or omission that constitute gross negligence or willful or wanton disregard for the safety of a participant, or intentionally injures a participant. Operators are required to post signage containing bill-specified warning language informing guests of these dangers. This language must be included in any contracts signed, either for services, rentals, or instruction.

Effective Date: July 1, 2013
Florida Fire Prevention Code (SB 1122)

Amends current rules to provide exemptions for buildings and agricultural structures. One or two story buildings that are less than 10,000 sq. ft., and which are classified under both the Florida Fire Prevention Code and the Florida Building Code as business or mercantile, are to be regulated under the wall fire-rating provisions for occupancy separation of the Florida Building Code, rather than the Florida Fire Prevention Code.

A building tied to a farming or ranching operation, which is situated on land classified as agricultural for ad valorem taxation purposes, the occupancy of which is limited by the owner to no more than 35 people, and which is not used by the public for direct sales or as an educational outreach facility are exempted from the Florida Fire Prevention Code, including national codes and the Life Safety Code as incorporated by reference. This exemption does not include structures used for residential or assembly occupancies, as defined in the Florida Fire Prevention Code.

Effective Date: July 1, 2013

Military Installations (SB 1784)

Amends s. 253.025, F.S., authorizing the Board of Trustees of the Internal Improvement Trust Fund to acquire non-conservation lands (defined in the bill as “lands not subject to acquisition by the Florida Forever Program”) for the purpose of buffering a military base against encroachment. It also allows for funds appropriated for the Military Base Protection Program to be used for such purchases.

None of these provisions would preclude local governments from purchasing the land through either a fee simple purchase or through payment of perpetual, less-than-fee interest.

Effective Date: July 1, 2013

Total Maximum Daily Loads (SB 1806)

Federal law requires states to adopt Total Maximum Daily Loads for impaired water bodies. These TMDLs set the maximum amount of nutrients and other pollutants that a water body can absorb before causing damage to the water body’s natural ecosystem or prescribed use.

By state law, three thresholds must be considered before adopting administrative rules, including TMDLs (which are adopted as rules). The thresholds are:
• If the rule is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of $1 million in the aggregate within five years of implementation of the rule;
• If the rule is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of $1 million in the aggregate within five years of the rule’s implementation; or
• If it is likely to increase regulatory costs, including any transactional costs, in excess of $1 million in the aggregate within five years of implementation of the rule.

Under current state law, proposed rules found to meet one or more of three thresholds must first be ratified the Legislature and may not take effect until that ratification is completed. These proposed rules must be submitted to the Legislature no later than 30 days before the next regular session. The fact that TMDLs are developed with an extensive public process including points of entry for challenges, that TMDLs are constrained in terms of the geographic area of their effect, and because the timing of developing particular TMDLs does not necessarily dovetail with the legislative session for ratification, which may result in deadlines being missed for ratification or federal TMDLs being promulgated because the state is unable to timely promulgate its own TMDLs, DEP proposed this bill which provides that TMDLs be exempted from the otherwise-applicable legislative ratification requirement.

Since this act does not take effect until July 1, 2013, the Legislature also had to pass HB 7157 (See below) in order to ratify this year’s TDMLs. However, this will be the last session in which these rules need to be ratified.

Effective Date: July 1, 2013

Numeric Nutrient Criteria (SB 1808)

In August 2009, in response to a lawsuit brought by several environmental groups, EPA entered into a consent decree requiring it to adopt federal numeric nutrient criteria for Florida’s lakes, flowing waters, estuaries, and coastal waters. In December 2010, EPA adopted a final numeric nutrient criteria rule for all lakes and springs in the state and flowing waters outside of the southern Florida region in accordance with the consent decree and subsequent revisions. In response, the Florida Department of Environmental Protection (DEP) entered into rulemaking and adopted its own numeric nutrient criteria, which it then submitted to EPA for approval. On November 30, 2012, EPA approved DEP’s numeric nutrient criteria for streams, rivers, lakes, and south Florida estuaries. On the same day, EPA proposed criteria for coastal waters and the remaining estuaries, and re-proposed criteria for certain rivers and streams that could potentially be exempt from Florida’s numeric nutrient criteria rule. As a result, the DEP rule has not been implemented because a specific provision (Rule 62-302.531(9), F.A.C.) in DEP’s rule expressly states that “these rules shall be effective only if EPA approves these rules in their entirety, concludes rulemaking that removes federal numeric nutrient criteria in response to the
approval, and determines that these rules sufficiently address EPA’s January 14, 2009 determination.”

This legislation amends current law to direct DEP to establish numeric nutrient criteria for remaining water bodies in the state that were not covered under the rules approved by EPA on November 30, 2012. The bill also provides that once EPA removes federal numeric nutrient criteria and ceases future numeric nutrient criteria rulemaking in the state, Rule 62-302.531(9), F.A.C., described above, will be removed from the Florida Administrative Code. Any additional estuary criteria adopted by DEP during 2013 may be exempted from legislative ratification.

DEP is directed to establish specific numeric nutrient criteria for unimpaired waters (including DEP’s calculation of the current conditions of those waters) and for those estuaries and non-estuarine coastal waters without numeric nutrient criteria established by rule or final order as of the date of the report, and DEP is directed to send a report to the Legislature and Governor regarding the status of establishing numeric nutrient criteria.

**Effective Date: Upon becoming a law**

**Economic Development (HB 7007)**

This 102-page bill addresses economic development programs, assessment of such programs and awards made under them, sales tax exemptions for manufacturing equipment, Deepwater Horizon oil spill funding, and many other topics, and will not be fully summarized in this report. Rather, this summary will focus on specific portions of the bill that affect environmental and growth management issues.

**Tax Exemptions & Bonus Refunds for Brownfield Areas.**

The bill (section 4) extends the building material tax exemption to conversion projects located within brownfield redevelopment sites that have a rehabilitation agreement with either the DEP or delegated local government, as well as to abutting real property parcels within the area itself. (Note, this provision contains no grandfathering language; the exemption would only apply to projects initiated after the effective date.)

The bill also provides (sections 17 & 18) for bonus refunds for certain businesses located within these brownfield areas under specified conditions.

**Enterprise Zone Boundaries**

Section 35 of the bill allows local governments to apply to the DEO to expand the boundaries of their enterprise zones under certain circumstances. An enterprise zone between 15 and 20 square miles which includes part of an area designated by the state as a rural area of critical economic concern may apply for a boundary increase of up to 3 square miles, while an
enterprise zone of at least 20 square miles may apply to for a boundary increase of up to 5 square miles. All applications must be submitted by December 31st, 2013.

In addition to these provisions, the bill directs the Office and Economic and Demographic Research and OPPAGA to develop a work plan for a comprehensive Economic Development Programs Evaluation by July 1, 2013, and to carry out and finish this evaluation by Jan 1, 2015 and every three years thereafter.

Effective Date: Upon becoming a law, except as expressly provided in the act.

Development Permits (HB 7019)

Although this bill started off as a package of technical measures relating to the Division of Emergency Management, it went through so many amendments during committee process that much of that original language is gone and it now serves as a vehicle for five provisions that were removed from other bills moving through the process and placed in HB 7019 in the hopes that they would pass.

Communications Facilities for High-Speed Rail

Sections 4, 5, 6 and 7 create an application and permitting process for the construction of communication facilities for high-speed rail, along with legislative intent and definitions towards this purpose. (Communications facilities tied to high-speed rail may only be used to provide data services for passengers, crew, and other personnel tied to the rail)

Disclaimers and Notice of Permit Conditions

Under current law, counties may provide disclaimers and notice of permit conditions with any development permit they issue. However, as the law is currently written, it is not a requirement.

The bill (sections 1 and 2) amends ss. 125.022 and 166.033, F.S., making it a requirement for counties and cities to attach disclaimers and certain permit conditions when issuing development permits.

Sports Facilities Lease

Section 8 amends s. 125.35, F.S., to authorize counties to include commercial developments that are ancillary to a sports franchise facilities when leasing to that sports franchise. This authorization only applies to leases that have been in effect for at least ten years and have at least ten more years to go before expiration.

Referendums on Comprehensive Plans
(Note: This provision is also in another bill that passed this session. Please see HB 537)
Section 3 amends s. 163.3167(8), F.S., which prohibits an initiative or referendum process in regard to any development order or plan amendment or map amendment. The bill allows an initiative or referendum process in regard to a local comprehensive plan amendment or map amendment that affects more than five parcels of land if it is expressly allowed by specific language in a local government charter that was lawful and in effect on June 1, 2011; and provides that a general local government charter provision for an initiative or referendum process is not sufficient.

The bill also provides that it is the intent of the Legislature that initiative and referendum be prohibited in regard to any development order, and in regard to any local government comprehensive plan or map amendment, except as specifically and narrowly permitted in the bill. The bill provides language that the prohibition is intended to be remedial in nature and applies retroactively.

Onsite Sewage Management Systems & The Keys Area of Critical Concern

(Note: This provision contains substantive language which is also provided in another bill which passed this session; HB 375)

Sections 10 and 11 provide that for areas to be served by central sewer systems by December 2015 within the Florida Keys Area of Critical Concern. It also provides that any building permit and any permit issued by the DEP or a water management district and scheduled to expire between January 1, 2012 and January 1, 2016 be extended and renewed for a period of 3 years after its original expiration date. This includes local government development orders, building permits, and LOS certificates. Permits already granted extensions under certain statutes may not extend 7 years beyond the start date. Development orders already granted an extension under 280.06, F.S. (developments of regional impact) may not be further extended. This section applies specifically to unincorporated Monroe County, excluding special wastewater districts.

Onsite sewage systems on homesteads located in Monroe County that are not scheduled to be connected to a central sewer line will be allowed to continue operation, provided they have a nitrogen reduction efficiency of at least 70%. Homesteads in Monroe that are scheduled to connect to a sewer line but whose systems meet these same nitrogen-reduction requirements will not be required to connect to the main sewer line until Dec. 31st, 2020. These requirements and others must be met by system owners throughout the state, with the exception of those living in Monroe County, by Dec. 31st, 2015. Homeowners who have paid a connection fee or assessment for connection to a central sewer by this date may also install a holding tank with a high water alarm.

Effective Date: July 1, 2013

Everglades Improvement and Management (HB 7065)

The SFWMD, DEP, and EPA engaged in technical discussions starting in 2010 and reached a consensus on new strategies for further improvement of water quality in America's Everglades
in 2012. These agreed upon strategies will expand water quality improvement projects to achieve the low phosphorus water quality standard established for the Everglades. The primary objectives were to establish a Water Quality Based Effluent Limit (WQBEL) that would achieve compliance with Florida’s numeric phosphorus criterion in the Everglades Protection Area and to identify a suite of additional water quality projects to work in conjunction with the existing Everglades Stormwater Treatment Areas (STAs) to meet the WQBEL.

The bill amends Everglades Forever Act (EFA) which is the primary Florida law pertaining to the management, protection, and restoration of the Everglades to:

- Provide a legislative finding that implementation of BMPs, funded by the owners and users of land in the EAA, effectively reduces nutrients in waters flowing into the Everglades Protection Area.

- Update the definition of the “Long Term Plan” to include the South Florida Water Management District’s (SFWMD’s) “Restoration Strategies Regional Water Quality Plan” dated April 27, 2012, in addition to the SFWMD’s “Everglades Protection Area Tributary Basin Conceptual Plan for Achieving Long-Term Water Quality Goals Final Report” dated March 2003.

- Require the District, after completion of all projects and improvements in the Long-Term Plan, to complete a use attainability analysis to determine if those projects and improvements will achieve the water quality based effluent limits established in permits and orders authorizing the operation of those facilities.

- Extend the annual Everglades agricultural privilege tax and provides the varying amounts of the tax through 2035; and the amount from 2036 and thereafter; and provide that proceeds from the tax shall be used for design, construction, and implementation of the Long-Term Plan, including operation and maintenance, and research for the projects and strategies in the Long-Term Plan, including the enhancements and operation and maintenance of the Everglades Construction Project.

- Provide that the Legislature intends that payment of the Everglades agricultural privilege tax, in addition to payment of the cost of continuing implementation of best management practices, fulfills the obligations of owners and users of land under s. 7(b), Article II of the Florida Constitution.

- Provide that from Fiscal Year 2013-2014 through to the FY 2023-2024, the sum of $12 million dollars in recurring general revenue and $20 million recurring funds from the Water Management Lands Trust Fund be appropriated to the DEP towards the Restoration Strategies Regional Water Quality Plan.

Effective Date: Upon becoming a law
Department of Agriculture and Consumer Services (HB 7087)

This 86-page bill makes numerous changes to DACS’ procedures and regulations of agricultural activities. The following is a summation of some of the more pertinent changes in the bill, which also includes provisions relating to, among other things, operation and management of the Babcock Ranch, mosquito control, fertilizer analysis, open burning, livestock regulation, animal control, Direct Support Organizations, the Florida Forest Service, pile and prescribed burning, school nutrition programs, and beekeeping.

**Land Management Plans**

Current statute requires that land managers develop and submit a land management plan to the Division of State Lands every 10 years. The plans must be updated whenever new facilities or land uses are proposed, and must take into account the presence and protection of historic or natural features, endangered animal and plant life, conservation of soil and water resources, and the control of invasive plants species. When developing such plans, the land management agency must also hold at least one public hearing in each affected county.

Section 1 of the bill amends s. 253.034, F.S. to require that only one meeting in one county located within the affected area is required.

**Florida Forestry Council**

The Florida Forestry Council is required to hold an annual meeting on the first Monday of October of each year, during which they must elect a chair, vice chair, and secretary from its membership. A special meeting may be called at any time of the year by either the chair or via written request by a majority of the board membership. The first Monday of October usually coincides with the annual meeting of the Florida Forestry Association on Labor Day Weekend.

The bill removes the requirement to meet on the first Monday of October, as well as the provision allowing for a special meeting to be held at any time by request of the chair or board. Elections will no longer need to be held at every annual meeting.

**Wildlife BMPs**

Best Management Practices (BMPs) have become a well established means of encouraging agricultural businesses to voluntarily implement active measures and practices towards environmental conservation, practices that until recently have been largely aimed at preserving water quality. Given the relative success of these practices, the legislature and various environmental advocates have expressed the need for supplementary BMP’s that focus not so much on water but on more traditional narratives such as the health and populations of various native flora and fauna species.

Section 10 of the bill requires the Fish and Wildlife Conservation Commission to enter into a memorandum of agreement with DACS for the purpose of developing voluntary wildlife best management practices (BMPs) for agricultural operations to implement, which are to be solely aimed at managing and conserving wildlife.

**Cypress Trees**
Section 590.50, F.S. prohibits the sale of articles made from cypress tree buttresses without a DEP permit, unless it is cut from trees grown on the owner’s property.

This bill repeals this statute.

Effective Date: Upon becoming a law

Ratification of Rules Implementing Total Maximum Daily Loads for Impaired Water Bodies (HB 7157)

Florida law currently requires Legislative ratification of TMDL rules promulgated by the DEP under certain circumstances. This bill legislatively ratifies the following TMDL Rules:

- Rule 62-304.300, “St. Marks River Basin TMDLs:” subsections (3), (4), (5), (6), and (7) were adopted on March 2, 2012.
- Rule 62-304.330, “Pensacola Bay Basin TMDLs:” subsections (10) and (11) were adopted on February 7, 2013.
- Rule 62-304.520, “Indian River Lagoon Basin TMDLs:” subsections (14), (15), (16), (17), (18), (19), and (20) were adopted on March 20, 2013.
- Rule 62-304.900, “Statewide TMDLs:” the mercury TMDL was adopted on November 21, 2012.

(Note: Since SB 1806 (see above) was passed this session, this will be last year in which these rules must be ratified by the Legislature.)

Effective Date: Upon becoming a law.

Some portions of this report regarding the substance of the bills have been taken from staff analyses prepared by legislative staff of the Florida House and Senate, and some portions or analyses have been prepared by Anfield.
<table>
<thead>
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<th>Water Management District</th>
<th>Date/Time</th>
<th>Location</th>
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<td>NWFWMUD</td>
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<td>NWFWMUD Headquarters&lt;br&gt;81 Water Management Drive&lt;br&gt;Havana, FL</td>
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<td>Lower West Coast Service Center – Large Conference Room&lt;br&gt;2301 McGregor Boulevard&lt;br&gt;Ft. Myers, FL 33901</td>
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CERTIFICATION OF THE
DEPARTMENT OF FINANCIAL SERVICES
ADMINISTRATIVE RULES FILED
WITH THE DEPARTMENT OF STATE

I hereby certify:

(✓)(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of

the Department of State have been complied with; and

(✓)(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule

covered by this certification; and

(✓)(3) All rules covered by this certification are filed within the prescribed time limitations of Section

120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(✓)(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law

judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from

the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the

adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material

authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was

received by this agency; or

(g) Are filed not more than 90 days after the notice, not including the days the adoption of the rule was

postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule

was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for
a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

( )(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the ombudsman in the Executive Office of the Governor.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).
69A-60.003

Under the provisions of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective Date: ____________________________
(month) (day) (year)

[Signature]
JEFF A. WATERS
Chief Financial Officer

Number of Pages Certified
THE FULL TEXT OF THE PROPOSED RULE IS:

69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Fire Code, Florida 2009

(1) NFPA 1, the Fire Code, Florida 2009 edition as amended 3/2013 to add Section 18.4.1.3 to Section 18.4 - Fire Flow Requirements for Buildings, is hereby adopted and incorporated herein by reference and shall take
effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) through (c) No change.

Rulemaking Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—
New 11-15-01, Formerly 4A-60.003, Amended 11-28-04, 5-18-08, 12-31-08, 12-31-11.
STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING PROPOSED RULE

Section 633.0215(1), F.S., requires the Division of State Fire Marshal to adopt, by rule pursuant to Sections 120.536(1) and 120.54, F.S., the Florida Fire Prevention Code (FFPC) every third year. Section 633.0215(2), F.S., requires the National Fire Protection Association's (NFPA) Standard 1 to be a part of the FFPC and allows the State Fire Marshal to modify the selected codes and standards as needed to accommodate the specific needs of the state. Section 633.0215(5), F.S., allows amendments upon the conclusion of a triennial update to the FFPC that are needed to address the omission of Florida-specific amendments that were previously adopted in the FFPC. Rule 69A-60.003, F.A.C., was adopted effective December 31, 2011, with no Florida specific amendment to the 2010 FFPC regarding fire flow under NFPA 1-18.4, although there had been a Florida specific amendment to the 2007 FFPC.

SUMMARY OF RULE

This rule amendment will update the Florida Fire Prevention Code to add a Florida specific amendment to NFPA 1, Section 18.4 – Fire Flow Requirements for Buildings, which currently states:

18.4 Fire Flow Requirements for Buildings.

18.4.1* Scope.

18.4.1.1* The procedure determining fire flow requirements for buildings hereafter constructed shall be in accordance with Section 18.4

18.4.1.2 Section 18.4 does not apply to structures other than buildings.

The proposed amendment will add Section 18.4.1.3 which will state:

18.4.1.3 Section 18.4 shall be considered a recommendation for construction of one and two-family dwellings located on in-fill lots in existing neighborhoods and subdivisions.

SUMMARY OF HEARING

A hearing was requested and held on March 27, 2013 at 1:00 P.M. in Room 230 of the Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida.

In attendance:

By the Department of Financial Services:

Julius Halas, Director
Division of State Fire Marshal
Chief Sinco opened the hearing by stating that the purpose of the hearing was to get comments on the rule amendment to Rule 69A-60.003, F.A.C., that was published in the March 1, 2013 issue of the Florida Administrative Register (FAR). The proposed rule amendment will update the Florida Fire Prevention Code to add a Florida specific amendment to NFPA 1, Section 18.4 - Fire Flow Requirements for Buildings, which will replace the omitted recommendations of fire flow for one and two-family dwellings on in-fill lots in existing neighborhoods pursuant to Section 633.0215, F.S. The amendment, numbered Section 18.4.1.3, will state that “Section 18.4 shall be considered a recommendation for construction of one and two-family dwellings located on in-fill lost in existing neighborhoods and subdivisions.”

Director Halas summarized the rule development process. There was a change in the water supply where the matrix for minimum fire flow was transferred from the annex in the code, which implied it was a recommended fire flow, to the base code in 2009 as the minimum fire flow. Under 18.4.3.1, fire flow requirements shall be permitted to be modified downward by the authority having jurisdiction (AHJ) for isolated buildings or groups of buildings in rural areas or small communities where the development of full fire flow requirements is impractical.
Section 18.4.3.2 allows for increases by the AHJ in areas such as conflagration hazards and the like. Because the decreases in the fire flow referenced rural areas and small communities, the Division heard from some counties and cities about their concern and also received correspondence from several agencies that were entered into the record at the prior two rule workshops. The Department held a rule workshop on January 24, 2013 in Daytona Beach, Florida and on February 22, 2013 in Naples, Florida. The common theme in the testimony and materials submitted at the rule workshops was that there was a major concern regarding residential areas, particularly established neighborhoods and subdivisions where prior homes had been built and now the fire flow is such that newer homes would have to meet a substantially higher fire flow in some cases than what was provided by the city or county at the time of site plan development and subdivision implementation.

Mr. Bill Moss stated that the City of Naples at the February 22, 2013 workshop, provided testimony that the NFPA 1, 2009 edition as adopted on December 31, 2011, inadvertently had a severe economic impact upon cities, counties, utilities, and small business particularly in the building community. The City of Naples conducted an independent engineering analysis to determine whether they had a problem and the report was entered into the rulemaking record at the rule workshop. In order for the City of Naples to meet the fire flow requirements, it would cost the city $40 million dollars to upgrade their system. Mr. Moss stated that the rule amendment would resolve the issues that the City had with the fire flow requirements. Mr. Moss stated that the proposed rule amendment would resolve the issue with the City of Naples.

Mr. Ed Riley stated that the fire chiefs in Collier County and the Florida Fire Marshal Inspectors Association support the proposed rule amendment with the hope and understanding that the communities that have a problem with their water distribution system will work on that problem in the long and short term planning to increase, where possible, their fire flows.

Mr. Buddy Dewar supported the proposed rule amendment and expressed concerns that new development must meet the fire flow requirements. He stated that the local communities needed latitude to make judgments about upgrading their systems and the costs of doing so. His biggest concern was new construction and the need to follow the fire flow requirements. The reasons the Section was moved from the appendix to main body was today’s emerging fire safety problems, with new furnishings that burn quicker, the great rooms that create a tremendous amount of fire load, engineered wood that burns quicker, resulting in a severe fire service problem. He wants to
encourage growth and is in support of growth management in a fire safe manner. The proposed rule amendment will leave the decision to be made by the local government officials.

Mr. Jim Snyder stated that he would like to echo Mr. Dewar’s comments and that he supports the proposed rule amendment. He hopes that cities and local jurisdictions will address their infrastructure needs that will adequately safeguard property.

Mr. Steve Kendrick stated everybody, including large counties and the fire chiefs’ association need to work together toward a long term solution to resolve these problems.

Mr. Jim Angle stated that Fire Chief James Large, President of the Florida Fire Chiefs Association has sent Director Halas an email that he would not be able to attend the hearing and that his position was the same as it was at the rule workshop in Naples in support of the proposed amendment.

A letter dated March 26, 2013 from Scott Weidle, COO of BCB Homes, Inc. to CFO Jeff Atwater in support of the proposed rule amendment was entered into the record.
CERTIFICATION OF MATERIALS INCORPORATED BY REFERENCE
IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1B-30.005, Florida Administrative Code:

( ) (1) That the materials incorporated by reference in Rule 69A-60.003, Florida Administrative Code, have been electronically filed with the Department of State.

(✓) (2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials is attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by contacting the Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342.

List form number(s) and form title(s), or title of document(s) below:

1. NFPA 1, the Fire Code, Florida 2009 edition (as amended 3/2013 to add Section 18.4.1.3 to Section 18.4 – Fire Flow Requirements for Buildings).

Under the provisions of Section 120.54(3)(e)6., Florida Statutes, the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

JEFF AITWATER
Chief Financial Officer

2013 APR 11 PM 3:13
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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18.3.4.1 Clear Space Around Hydrants. A 3 ft (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. Hydrants – Clearances of seven and one half feet (7'6") in front of and to the sides of the fire hydrant, with a four feet (4') clearance to the rear of the hydrant. Exception: These dimensions may be reduced by approval of the fire official.

18.3.4.2 Fire Protection Appliances – Clearances of seven and one half feet (7'6") in front of and to the sides of the appliances. Exception: These dimensions may be reduced by approval of the fire official.

18.3.5 Private water supply systems shall be tested and maintained in accordance with NFPA 25.

18.3.6 Where required by the AHJ, fire hydrants subject to vehicular damage shall be protected unless located within a public right of way.

18.3.7 Where water supplies or fire hydrants are out of service for maintenance or repairs, a visible indicator acceptable to the AHJ shall be used to indicate that the hydrant is out of service.

18.4 Fire Flow Requirements for Buildings.

18.4.1 Scope.

18.4.1.1 The procedures determining fire flow requirements for buildings hereafter constructed shall be in accordance with Section 18.4.

18.4.1.2 Section 18.4 does not apply to structures other than buildings.

18.4.1.3 Section 18.4 shall be considered a recommendation for construction of one and two-family dwellings located on infill lots in existing neighborhoods and subdivisions.

18.4.2 Definitions. See definitions 3.3.13.6 (Fire Flow Area) and 3.3.108 (Fire Flow).

18.4.3 Modifications.

18.4.3.1 Decreases. Fire flow requirements shall be permitted to be modified downward by the AHJ for isolated buildings or a group of buildings in rural areas or small communities where the development of fire flow requirements is impractical.

18.4.3.2 Increases. Fire flow shall be permitted to be modified upward by the AHJ where conditions indicate an unusual susceptibility to group fires or conflagrations. An upward modification shall not be more than twice that required for the building under consideration.

18.4.4 Fire Flow Area.

18.4.4.1 General. The fire flow area shall be the total floor area of all floor levels of a building except as modified in 18.4.4.1.1.

18.4.4.1.1 Type I (443), Type I (332), and Type II (222) Construction. The fire flow area of a building constructed of Type I (443), Type I (332), and Type II (222) construction shall be the area of the three largest successive floors.

18.4.5 Fire Flow Requirements for Buildings.

18.4.5.1 One- and Two-Family Dwellings.

18.4.5.1.1 The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire flow area that does not exceed 5000 ft² (334.5 m²) shall be 1000 gpm (3785 L/min) for 1 hour.

18.4.5.1.1 A reduction in required fire flow of 50 percent shall be permitted when the building is provided with an approved automatic sprinkler system.

18.4.5.1.2 A reduction in the required fire flow of 25 percent shall be permitted when the building is separated from other buildings by a minimum of 30 ft (9.1 m).

18.4.5.1.3 The reduction in 18.4.5.1.1 and 18.4.5.1.2 shall not reduce the required fire flow to less than 500 gpm (1900 L/min).

18.4.5.1.2 Fire flow and flow duration for dwellings having a fire flow area in excess of 5000 ft² (334.5 m²) shall not be less than that specified in Table 18.4.5.1.2.

18.4.5.1.2.1 A reduction in required fire flow of 50 percent shall be permitted when the building is provided with an approved automatic sprinkler system.

18.4.5.2 Buildings Other Than One- and Two-Family Dwellings. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table 18.4.5.1.2.

18.4.5.2.1 A reduction in required fire flow of 75 percent shall be permitted when the building is protected throughout by an approved automatic sprinkler system. The resulting fire flow shall not be less than 1000 gpm (3785 L/min).

18.4.5.2.2 A reduction in required fire flow of 75 percent shall be permitted when the building is protected throughout by an approved automatic sprinkler system, which utilizes quick response sprinklers throughout. The resulting fire flow shall not be less than 600 gpm (2270 L/min).

Chapter 19 Combustible Waste and Refuse

19.1 General.

19.1.1 Permits. Permits, where required, shall comply with Section 1.12.

19.1.2 Persons owning or having control of any property shall not allow any combustible waste material to accumulate in any area or in any manner that creates a fire hazard to life or property.

19.1.3 Combustible waste or refuse shall be properly stored or disposed of to prevent unsafe conditions.

19.1.4 Fire extinguishing capabilities approved by the AHJ including, but not limited to, fire extinguishers, water supply and hose, and earth-moving equipment shall be provided at waste disposal sites.

19.1.5 Burning debris shall not be dumped at a waste disposal site except at a remote location on the site where fire extinguishment can be accomplished before compacting, covering, or other disposal activity is carried out. (See Section 10.11 for additional guidance.)

19.1.6 Electrical Wiring.

19.1.6.1 Electrical wiring and equipment in any combustible fiber storage room or building shall be installed in accordance with the requirements of Section 11.1 and NFPA 70, National Electrical Code, for Class III hazardous locations.

19.1.6.2 The AHJ shall be responsible for designating the areas that require hazardous location electrical classifications and shall classify the areas in accordance with the classification system set forth in NFPA 70.

19.1.7 No Smoking.

19.1.7.1 No smoking or open flame shall be permitted in any area where combustible fibers are handled or stored, or within 50 ft (15 m) of any uncovered pile of such fibers.

19.1.7.2 "No Smoking" signs shall be posted.

19.1.8 Vehicles or Conveyances Used to Transport Combustible Waste or Refuse.

19.1.8.1 Vehicles or conveyances used to transport combustible waste or refuse over public thoroughfares shall have cargo space...