

**FLORIDA SEAPORT ENVIRONMENTAL  
MANAGEMENT COMMITTEE**  
of the FSTED Council

**TELECONFERENCE**  
**Tuesday April 5, 2016**

**10:00 A.M – 12:30 P.M.**  
**Call in number: 605-475-5950**  
**Participant code: 9348585**

**TAB 1**

**CALL TO ORDER**

# **Seaport Environmental Management Committee**

## **AGENDA**

**Tuesday, April 5, 2016**  
**10:00 a.m. – 12:30 p.m.**  
**Conference Call**

1. Call to Order, Welcome
2. Roll Call
3. Approval of September 2, 2015, SEMC Minutes
4. Update on 2016 Legislative Session
5. Report from Agency Partners
6. Other Issues
  - Corps Indirect Effects Repeal
  - National Marine Fisheries Service/USFWS Statewide Programmatic Biological Opinion
  - Next Meeting – October 5, 2016, Miami
7. Adjournment

**TAB 2**  
**ROLL CALL**

# SEAPORT ENVIRONMENTAL MANAGEMENT COMMITTEE

(February 2016)

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**TAB 3**

**APPROVAL OF SEPTEMBER 2, 2015 SEMC  
MEETING SUMMARY**

## MEETING SUMMARY SEAPORT ENVIRONMENTAL MANAGEMENT COMMITTEE

September 2, 2015  
9:00 a.m. - 12:00 p.m.

The Seaport Environmental Management Committee (SEMC) meeting was called to order at approximately 9:00 a.m. by Chairman Bob Musser. Mike Rubin called roll; attending in person or via telephone were the following members and guests:

Bob Musser – Chairman, Everglades	Val Schwec -- Fernandina
Brian Taylor -- JAXPORT	David Kaufman -- JAXPORT
David Stubbs – JAXPORT	Scott Skinner -- JAXPORT
Eric Green – JAXPORT	Don West – Ft. Pierce
Chris Cooley -- Tampa	George Isiminger – Manatee
Wayne Stubbs – Panama City	Walt Miller – St. Pete
John Walsh -- Canaveral	Carol Noble -- Canaveral
Juan Kuryla – Miami	Becky Hope – Miami
Eric Summa – USACE	John Fellows – USACE
Scott Sanders – FFWCC	Dan Pennington – FDEO
Paula Cobb -- FDEP	Fred Aschauer – FDEP
Ray Johnson – Green Marine	David Bolduc – Green Marine
Tom Thomas – FDOT	Doug Wheeler -- FPC
Mike Rubin – FPC	Toy Keller – FPC
Jeff Littlejohn – LMA, Consultant to FPC	

After welcoming the members and guests to the meeting, Chairman Musser introduced Tab 3 from the agenda by noting a typo in the May 12, 2015 SEMC Summary: Carol Noble's name was misspelled. David Stubbs moved to approve the summary with the noted correction; George Isiminger seconded the motion, and the May 12, 2015 SEMC Summary was approved by a vote of the Committee.

Chairman Musser provided an update on the Recycling Partnership Summit scheduled for Port Everglades on September 9, 2015. It will be held at Cruise Terminal 4, the port's newest terminal, which is also LEED Gold Certified. He outlined the agenda for the Summit, including talks by Carnival and Royal Caribbean regarding onboard recycling, oil recovery services at the port, and the lunch speaker from FDEP: Karen Moore. Keyna Cory has done an excellent job setting up the Summit and marketing. They are expecting 40-50 attendees.

### Reports from Agency Partners

#### A. Scott Sanders, FWC:

- FWC is working with the U.S. Fish and Wildlife Service (FWS) to improve consistency and reduce second guessing on environmental reviews.
- The public comment period is open for the FWC Imperiled Species Management Plan. Musser requested that the link be provided to SEMC members.

- There have been increased comments on coral impacts by FWC staff, which has been in response to elevated concerns about the impacts of human activities on coral. The resource agencies have been studying causes of stress and trying to reduce stressors.
- Musser stated that seaports are looking for increased coordination between state and federal agencies. There have been inconsistencies between federal agencies and FWC on coral relocation plans. Sanders said he would continue to push for better coordination and more consistency.
- Wayne Stubbs asked for an update on the Miami dredging project. Eric Summa advised that the Corps is working with FDEP and NMFS as a part of an interagency working group. They are learning that a temperature-related event is exacerbating the stress on corals in the area. They will be kicking off a “lessons learned” effort, which will result in an after action report to be released early next year. The after action report is likely to affect the planning efforts at Port Everglades, which is currently on hold until the report is concluded. Fred Aschauer offered that FDEP will be seeking to improve the clarity and enforceability of permit conditions in future port permits. Musser suggested there is conflicting/incorrect information in the media. The final report should provide a more accurate depiction of the dredging event and related impacts to coral.
- The “Friends of Matanzas” submitted a National Marine Sanctuary proposal for the federal waters in northeast Florida. They worked with the Marine Sanctuary program at NOAA. FWC is concerned about the lack of public engagement during the planning process. This is not their first time proposing a sanctuary for the area. Their latest proposal is smaller, but overlaps existing Oculina and Right Whale protection areas, and Sanders has questions about the added value from the designation. FWC is encouraging more public engagement during the planning process, not after the proposal and formal notice. Musser said FWC did a great job getting the word out on the proposal. John Walsh pointed out that Senators Nelson and Rubio are both concerned about potential impacts to space operations. Sanders is waiting to see what NOAA will do with the proposal, which could be changed by NOAA or rejected. Sanders provided copies of the FWC letters, which will be distributed to the members (attached).
- Musser advised that NMFS had recently begun asking about in-water noise impacts. David Kaufman advised that they were recently required to use a bubble curtain to reduce in-water noise during pile driving. The members requested more information, which will be requested by Littlejohn.
- Isiminger is concerned about the timeframes for NMFS review of projects, and nearly all members agreed. Summa advised that the Corps staff were being sent to NMFS as a part of a “cultural exchange”, and there may be a benefit to paying for a dedicated position at NMFS, similar to what FDOT has done with the Corps. Musser wants to pursue a separate dialogue with FDOT and Summa to discuss NMFS issues and the possibility of funding a position. Littlejohn agreed to set up a discussion.

B. Dan Pennington, FDEO:

- Pennington has replaced Bill Pable, and has been in planning for 30 years. FDEO could help with intergovernmental coordination, including providing staff support and to help bring parties together.
- Technical assistance grants are available for adaptation to sea level rise and other similar topics. For the next round of funding, a scope of work should be submitted in April or May 2016. The size of each grant is limited to \$20-50,000.00.

C. Paula Cobb, FDEP:

- Provided some personal background, including that she is an attorney, joined FDEP from private practice, and primarily practiced in the air and waste regulatory areas.
- Cobb recognizes ports as economic drivers, and FDEP should consider social and economic development of the state, along with environmental protection. Cobb wants to visit more seaports in the near future.
- Cobb wants to learn from the Miami dredging project to improve permit defensibility and clarity. FDEP will be sharing draft permits ahead of issuance to ensure permit conditions are clearly written and understood by all parties.
- Cobb announced the departure of Jorge Caspary as the Director of the Division of Waste in September, and his replacement will be Joe Ullo, who is a Professional Engineer and attorney coming from the law firm of Lewis Longman and Walker.

D. Fred Aschauer, FDEP:

- Provided some personal background, including that he is also an attorney, joining FDEP from private practice, and was previously the Deputy General Counsel for Regulatory Programs.
- Aschauer also wants to visit and learn more about seaports.
- Aschauer believes stakeholders need to be more involved in the rulemaking process. FDEP is working on the Uniform Mitigation Assessment Methodology (UMAM) and Joint Coastal Permit (JCP) rules now and encouraged participation by SEMC. Littlejohn to send info on both rules.
- Aschauer suggested that alternative forms of mitigation for coral impacts would be considered by FDEP (other than conventional artificial reefs).
- Brian Taylor wants more information on the Miami dredging project to counteract public accusations from environmental groups. Eric Bush advised that he would provide such as it becomes available.
- Don West provided an account of contaminated groundwater causing a project delay, and discussion started about the ongoing efforts by FDEP to enter into MOAs with seaports (and airports) to address legacy contamination, cleanup standards, and restrictions on access to groundwater. Cobb suggested that West reach out to FDEP for more information.

E. Eric Summa, USACE:

- The south Florida media has been pitting resource agencies and the Corps against each other, and there are ongoing challenges with the Miami dredging project.
- There is an “intent to issue” out on JAXPORT channel deepening, which is likely to be challenged. Port Everglades to follow, along with another likely permit challenge. Prepping for lawsuits will cause delays in permit issuance.
- Opportunities exist for improved coordination with federal resource agencies. There is a programmatic Essential Fish Habitat consultation in development. NMFS wants to include only the intracoastal waterways, but the Corps has asked that all federal channels be included.
- The Regional Sediment Management (RSM) initiative is all about providing a beneficial use of dredge material. Jacksonville District is leading the initiative (Jackie Keiser), and they are looking for more opportunities to put good quality dredge sediment on beaches, for example. If there is good sediment in small or medium ports that need dredging,

there could be an opportunity for dredging under the RSM initiative if a beneficial use is identified.

- FWS published a notice in the Federal Register that they are looking at utilizing mitigation to offset impacts from incidental take. This could be beneficial if successfully implemented.
- Taylor wants a copy of the Corps' op-ed in the Miami Herald to also run in the Jacksonville Times Union. Littlejohn to provide copy of op-ed to SEMC when available.

F. John Fellows, USACE:

- Fellows is the lead project manager in the Tampa regulatory office for the mining industry in Florida, and he is also the project delivery team leader for the Indirect Effects Guidance.
- Programmatic consultations are ongoing for the Nationwide Permits, General Permits and Regional General Permits.
- The FDOT funded liaison position is a good opportunity to work more closely with applicants. It provides expedited, but not preferential, permit reviews.
- The EPA/Corps "Waters of the United States" (WOTUS) rule is in effect in Florida, but Corps staff have been advised not to comment on it. There is a new jurisdictional form in place now. Littlejohn will get a copy to SEMC members.
- Discussion followed on the recent revisions to the Indirect Effects Guidance tool, effective July 2015. The Corps incorporated feedback from the public and from other Corps regulatory districts. Fellows provided three highlights:
  1. The Corps tried to be clearer that Guidance is not mandatory. Corps Project Managers will accept results from the Guidance tool or an acceptable alternative method.
  2. The goal should be to show there are no indirect effects. Applicants are encouraged to use the list of considerations in the tool to explain how each of them are addressed without causing indirect effects.
  3. The Corps cannot push its limits of jurisdiction and tried to be more clear and provide better examples for its project managers.
- Musser shared the concern about an uneven playing field with other seaports. Asked Fellows if any other Districts were using the Guidance. Fellows responded that all Districts should be considering and documenting indirect effects, but none that he knew of were using Jacksonville's Guidance.
- Littlejohn offered the following additional concerns to Fellows:
  1. While technically voluntary, the Guidance is the only published tool available to Corps staff to evaluate indirect effects, and as such, is extremely likely to be used. This effectively emplaces the Guidance as a de facto rule of the Corps Jacksonville District. Since any alternate methodology must first be determined to be sufficient by Corps staff, making such a request to use alternate methodology creates additional uncertainty and inconsistency in advance of the application process.
  2. Activities conducted as a part of the Corps Civil Works program is not subject to the Guidance, but seaport-permitted activities are affected.
  3. Implementation of the Guidance creates a significant difference in how the FDEP and Corps evaluate indirect effects, which is a departure from long term efforts by both regulatory programs to improve consistency in the regulation of wetlands throughout Florida.

- Pennington suggested the possibility that the MOA between the Corps and FDEP could be amended to address the inconsistency between the federal and state methodology for assessing indirect effects.
- Littlejohn was encouraged to continue pressing the Corps for relief from the Guidance.

Green Marine made a presentation about their organization and distributed materials explaining their services.

Other Issues: Musser advised that there were no environmental project applications submitted for FY 16/17 FSTED Program Grant and asked members to please consider this program for potential environmental initiatives or studies in the future.

The meeting was adjourned at approximately 12:00 noon.

## **TAB 4**

### **UPDATE ON 2016 LEGISLATIVE SESSION**

2016 Bills (16)			
Num	Title	Sponsor	
SB 0092	<b>Relating to Contaminated Sites</b>	Evers	02/11/16
(C: 0100 ) (S: 0351 )	<p>Contaminated Sites; Revising the funding source of the principal of the Recovery Fund for the Deepwater Horizon incident; defining the terms "background concentration" and "long-term natural attenuation"; exempting nonprogram petroleum-contaminated sites from the application of risk-based corrective action principles under certain circumstances; providing that institutional controls are not required under certain circumstances if alternative cleanup target levels are used, etc. Effective Date: 7/1/2016</p> <p>08/03/15 SENATE Filed</p> <p>08/19/15 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations</p> <p>09/28/15 SENATE On Committee agenda - Environmental Preservation and Conservation, 10/07/15, 2:00 pm, 37 S</p> <p>10/07/15 SENATE Favorable by Environmental Preservation and Conservation; 7 Yeas, 0 Nays</p> <p>10/07/15 SENATE Now in Appropriations Subcommittee on General Government</p> <p>10/12/15 SENATE On Committee agenda - Appropriations Subcommittee on General Government, 10/20/15, 3:00 pm, 110 S</p> <p>10/20/15 SENATE Favorable by Appropriations Subcommittee on General Government; 6 Yeas, 0 Nays</p> <p>10/21/15 SENATE Now in Appropriations</p> <p>11/09/15 SENATE On Committee agenda - Appropriations, 11/19/15, 1:00 pm, 412 K</p> <p>11/19/15 SENATE Favorable with CS by Appropriations; 14 Yeas, 0 Nays</p> <p>11/23/15 SENATE Committee Substitute Text (C1) Filed</p> <p>11/23/15 SENATE Placed on Calendar, on 2nd reading</p> <p>02/04/16 SENATE Placed on Special Order Calendar, 02/10/16</p> <p>02/10/16 SENATE Read Second Time; Amendment Adopted (834888); Amendment Withdrawn (849596); Ordered Engrossed; Placed on Third Reading, 02/11/16</p> <p>02/10/16 SENATE Engrossed Text (E1) Filed</p> <p>02/11/16 SENATE Read Third Time; Substituted for HB 0351; Laid on Table, Refer to HB 0351</p> <p><b>Public Comments</b></p> <p>FAILED. Senate version passed and replaced by HB 0351, which died in messages. RBCA provisions moved to SB 100, which passed.</p>		
SB 0100	<b>Relating to Pollution Discharge Removal and Prevention</b>	Simpson	03/10/16
(C: 0697 0351 0092 )	<p>Pollution Discharge Removal and Prevention; Exempting nonprogram petroleum-contaminated sites from the application of risk-based corrective action principles under certain circumstances; revising how cleanup target levels are applied where surface waters are exposed to contaminated groundwater; providing additional contamination cleanup criteria for brownfield sites and brownfield areas; revising the eligibility requirements of the Abandoned Tank Restoration Program, etc. Effective Date: 7/1/2016</p> <p>08/06/15 SENATE Filed</p> <p>08/21/15 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations</p> <p>09/28/15 SENATE On Committee agenda - Environmental Preservation and Conservation, 10/07/15, 2:00 pm, 37 S</p> <p>10/07/15 SENATE Favorable by Environmental Preservation and Conservation; 7 Yeas, 0 Nays</p> <p>10/07/15 SENATE Now in Appropriations Subcommittee on General Government</p> <p>10/12/15 SENATE On Committee agenda - Appropriations Subcommittee on General Government, 10/20/15, 3:00 pm, 110 S</p> <p>10/20/15 SENATE Favorable by Appropriations Subcommittee on General Government; 6 Yeas, 0 Nays</p> <p>10/21/15 SENATE Now in Appropriations</p> <p>11/09/15 SENATE On Committee agenda - Appropriations, 11/19/15, 1:00 pm, 412 K</p> <p>11/19/15 SENATE Temporarily Postponed by Appropriations</p> <p>01/29/16 SENATE On Committee agenda - Appropriations, 02/03/16, 9:00 am, 412 K</p> <p>02/03/16 SENATE Favorable with CS by Appropriations; 19 Yeas, 0 Nays</p> <p>02/05/16 SENATE Committee Substitute Text (C1) Filed</p> <p>02/05/16 SENATE Placed on Calendar, on 2nd reading</p> <p>02/05/16 SENATE Placed on Special Order Calendar, 02/10/16</p> <p>02/10/16 SENATE Read Second Time; Amendment Adopted (588916); Ordered Engrossed; Placed on Third Reading, 02/11/16</p> <p>02/10/16 SENATE Engrossed Text (E1) Filed</p> <p>02/11/16 SENATE Read Third Time; Passed (Vote: 40 Yeas / 0 Nays)</p> <p>02/18/16 HOUSE In Messages</p> <p>03/01/16 HOUSE Referred to Calendar</p> <p>03/01/16 HOUSE Placed on Special Order Calendar, 03/03/16</p> <p>03/03/16 HOUSE Substituted for HB 0697; Read Second Time; Amendment Adopted (594423); Placed on Third Reading, 03/04/16</p> <p>03/04/16 HOUSE Read Third Time; Passed (Vote: 115 Yeas / 0 Nays)</p> <p>03/04/16 SENATE In returning messages</p> <p>03/10/16 SENATE Received from Messages; Concurred with Amendment (594423); Passed (Vote: 39 Yeas / 0 Nays)</p> <p>03/10/16 SENATE Ordered engrossed, then enrolled</p> <p>03/10/16 SENATE Engrossed Text (E2) Filed</p> <p>03/10/16 SENATE Enrolled Text (ER) Filed</p> <p><b>Public Comments</b></p> <p>PASSED. Summary: CS/SB 100 revises certain provisions of the Petroleum Restoration Program. Specifically, the bill: Expands the eligibility requirements of the Abandoned Tanks Restoration Program (ATRP); Specifies that sites participating in the Petroleum Cleanup Participation Program (PCPP) are not eligible for the ATRP; Removes the provision that a property owner must provide evidence that he or she</p>		



had a complete understanding of the previous ownership and use of the property prior to acquiring the property; Removes the exclusion eligibility for sites which are owned by a person who had knowledge of the polluting condition when title was acquired; Increases the amount of money that may be encumbered from the Inland Protection Trust Fund each year to fund the "low scored site initiative" (LSSI) from \$10 million to \$15 million, increasing the funding limit per site from \$30,000 to \$35,000, and allowing for an additional \$35,000 for limited remediation activities needed to achieve a "No Further Action" order; Removes the reporting deadline for sites to participate in the PCPP; Decreases the number of sites that may be bundled and eligible to compete for performance based contracts under the Advanced Cleanup Program (ACP) from 20 to 5; Increases the annual funding cap from \$15 million to \$25 million for the ACP; Allows a property owner or responsible party to enter into a voluntary cost share agreement for bundling multiple sites and specifies the sites are not subject to the agency term contractor assignment pursuant to rule; Directs the Department of Environmental Protection (DEP) to make efficiency and productivity a priority in the administration of the petroleum restoration program and encourages the DEP to contract with private services; and Authorizes the DEP to approve supplemental funding as part of the petroleum cleanup participation program of up to \$100,000 for additional remediation and monitoring if it will lead to a determination of "No Further Action". While the bill has significant fiscal impacts (see Section V. Fiscal Impact Statement), SB 2500, the Senate's proposed General Appropriations Bill for Fiscal Year 2016-2017, provides \$125 million from the Inland Protection Trust Fund within the DEP to support these programs.

The bill also amends sections 376.30701 and 376.81, F.S., to provide clarifying language and allow for additional considerations in the use of risk-based corrective action (RBCA) in contamination cleanup and brownfield site rehabilitation. It authorizes the Department of Environmental Protection (department) to use alternative cleanup target levels without requiring institutional controls in remediating contaminated sites under section 376.30701, F.S. The amendment amends sections 376.301 and 376.79, F.S., to provide definitions for "background concentration" and "long-term natural attenuation." The amendment also makes conforming changes to correct cross references related to RBCA. The amendment changes the title of the bill to "Pollution Discharge Removal and Prevention." The amendment contains the substance of CS/SB 92 and CS/HB 351 (Contaminated Sites), which was passed by the Senate, 40 Yeas to 0 Nays, with one floor amendment. The substance of the floor amendment is not included in House Amendment 1 to CS/SB 100.

The bill provides an effective date of July 1, 2016.

HB 0183	Relating to Administrative Procedures	Adkins	03/11/16
(S: 0372 )	<p>Administrative Procedures: Revises requirements related to administrative proceedings regarding rules, proposed rules, unadopted rules, &amp; agency statements; revises authorities of administrative law judges; revises provisions regarding noticing of agency actions; authorizes petitioners to pursue collateral challenges; expands agency reporting requirements of certain minor rules; revises certain timeframes in administrative proceedings; requires certain challenges for regulatory permits for special events to follow summary hearing provisions. Effective Date: July 1, 2016</p> <p>09/17/15 HOUSE Filed</p> <p>09/24/15 HOUSE Referred to Rulemaking Oversight &amp; Repeal Subcommittee; Government Operations Appropriations Subcommittee; State Affairs Committee</p> <p>09/24/15 HOUSE Now in Rulemaking Oversight &amp; Repeal Subcommittee</p> <p>10/13/15 HOUSE On Committee agenda - Rulemaking Oversight &amp; Repeal Subcommittee, 10/20/15, 1:00 pm, 306 H</p> <p>10/20/15 HOUSE Favorable with CS by Rulemaking Oversight and Repeal Subcommittee; 11 Yeas, 0 Nays</p> <p>11/02/15 HOUSE Committee Substitute Text (C1) Filed</p> <p>11/09/15 HOUSE Now in Government Operations Appropriations Subcommittee</p> <p>11/10/15 HOUSE On Committee agenda - Government Operations Appropriations Subcommittee, 11/17/15, 1:00 pm, 17 H</p> <p>11/17/15 HOUSE Favorable with CS by Government Operations Appropriations Subcommittee; 12 Yeas, 0 Nays</p> <p>11/18/15 HOUSE Committee Substitute Text (C2) Filed</p> <p>11/19/15 HOUSE Now in State Affairs Committee</p> <p>01/11/16 HOUSE On Committee agenda - State Affairs Committee, 01/13/16, 3:30 PM, 17 H</p> <p>01/13/16 HOUSE Favorable with CS by State Affairs Committee; 17 Yeas, 0 Nays</p> <p>01/14/16 HOUSE Committee Substitute Text (C3) Filed</p> <p>01/15/16 HOUSE Placed on Calendar, on 2nd reading</p> <p>02/19/16 HOUSE Placed on Special Order Calendar, 02/23/16</p> <p>02/23/16 HOUSE Read Second Time; Placed on Third Reading, 02/24/16</p> <p>02/24/16 HOUSE Read Third Time; Passed (Vote: 104 Yeas / 1 Nay)</p> <p>03/01/16 SENATE In Messages</p> <p>03/01/16 SENATE Referred to Judiciary; Appropriations Subcommittee on General Government; Appropriations</p> <p>03/08/16 SENATE Withdrawn from Judiciary; Appropriations Subcommittee on General Government; Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 0372; Read Second Time; Placed on Third Reading, 03/09/16</p> <p>03/09/16 SENATE Read Third Time; Passed (Vote: 40 Yeas / 0 Nays)</p> <p>03/09/16 HOUSE Ordered enrolled</p> <p>03/09/16 HOUSE Enrolled Text (ER) Filed</p> <p>03/11/16 Signed by Officers and presented to Governor (Governor has until 03/26/16 to act on this bill)</p>		

**Public Comments**

PASSED. See HB 0372 for explanation.

HB 0191	Relating to Regulation of Oil and Gas Resources	Rodrigues (R)	03/11/16
(S: 0318 )	<p>Regulation of Oil and Gas Resources: Preempts to the state regulation of matters relating to exploration, development, production, processing, storage, &amp; transportation of oil &amp; gas after specified date; revises DEP rulemaking authority; prohibits department from issuing permits for high-pressure well stimulation until rules and study on the issue are completed; deletes provisions requiring Division of Resource Management to get certain approval from municipal governing bodies; requires division to consider additional criteria when issuing permits; requires DEP to conduct study; requires applicants &amp; operators to provide surety; increases maximum amount for civil penalties; requires DEP to designate national chemical registry as state's registry; requires service providers, vendors, &amp; well owners or operators to report certain information to DEP; requires DEP to report certain information to registry; provides appropriation. Effective Date: July 1, 2016</p> <p>09/17/15 HOUSE Filed</p> <p>09/24/15 HOUSE Referred to Agriculture &amp; Natural Resources Subcommittee; Agriculture &amp; Natural Resources Appropriations Subcommittee; State Affairs Committee</p> <p>09/24/15 HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</p> <p>10/27/15 HOUSE On Committee agenda - Agriculture &amp; Natural Resources Subcommittee, 11/03/15, 12:00 pm, 102 H</p> <p>11/03/15 HOUSE Favorable by Agriculture &amp; Natural Resources Subcommittee; 9 Yeas, 4 Nays</p> <p>11/03/15 HOUSE Now in Agriculture &amp; Natural Resources Appropriations Subcommittee</p> <p>11/24/15 HOUSE On Committee agenda - Agriculture &amp; Natural Resources Appropriations Subcommittee, 12/02/15, 8:00 am, 102 H</p> <p>12/02/15 HOUSE Favorable by Agriculture &amp; Natural Resources Appropriations Subcommittee; 9 Yeas, 3 Nays</p> <p>12/02/15 HOUSE Now in State Affairs Committee</p> <p>01/19/16 HOUSE On Committee agenda - State Affairs Committee, 01/21/16, 9:00 am, 17 H</p> <p>01/21/16 HOUSE Favorable with CS by State Affairs Committee; 12 Yeas, 6 Nays</p> <p>01/21/16 HOUSE Committee Substitute Text (C1) Filed</p> <p>01/21/16 HOUSE Placed on Calendar, on 2nd reading</p> <p>01/22/16 HOUSE Placed on Special Order Calendar, 01/26/16</p> <p>01/26/16 HOUSE Read Second Time; Amendments Failed (032575, 045889, 111905, 201829, 210197, 268301, 268473, 365389, 390321, 409881, 472815, 521145, 614939, 682911, 774351, 877667, 898969); Amendments adopted (390273, 696805); Amendment Withdrawn (409267); Placed on Third Reading, 01/27/16</p> <p>01/26/16 HOUSE Engrossed Text (E1) Filed</p> <p>01/27/16 HOUSE Read Third Time; Passed (Vote: 73 Yeas / 45 Nays)</p> <p>02/03/16 SENATE In Messages</p> <p>02/03/16 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations</p> <p>03/11/16 SENATE Died in Environmental Preservation and Conservation</p>		

**Public Comments**

FAILED. Revises oil & gas regulatory program, including requiring a study and rulemaking prior to authorizing unconventional (e.g. "fracking") oil & gas production techniques in Florida. Passed House, but died in Senate.

SB 0318	Relating to Regulation of Oil and Gas Resources	Richter	03/01/16
(S: 0191 )	<p>Regulation of Oil and Gas Resources; Preempting the regulation of all matters relating to the exploration, development, production, processing, storage, and transportation of oil and gas; requiring that a permit be obtained before the performance of a high-pressure well stimulation; requiring the Division of Water Resource Management to give consideration to and be guided by certain additional criteria when issuing permits, etc. APPROPRIATION: \$1,000,000.00 Effective Date: 7/1/2016</p> <p>09/17/15 SENATE Filed</p> <p>10/06/15 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations</p> <p>01/08/16 SENATE On Committee agenda - Environmental Preservation and Conservation, 01/13/16, 4:00 pm, 37 S</p> <p>01/13/16 SENATE Favorable with CS by Environmental Preservation and Conservation; 6 Yeas, 3 Nays</p> <p>01/14/16 SENATE Committee Substitute Text (C1) Filed</p> <p>01/14/16 SENATE Now in Appropriations Subcommittee on General Government</p> <p>01/20/16 SENATE On Committee agenda - Appropriations Subcommittee on General Government, 01/25/16, 4:00 pm, 110 S</p> <p>01/25/16 SENATE Favorable with CS by Appropriations Subcommittee on General Government; 4 Yeas, 2 Nays</p> <p>01/27/16 SENATE Now in Appropriations</p> <p>02/22/16 SENATE On Committee agenda - Appropriations, 02/25/16, 10:00 am, 412 K - PCS</p> <p>02/25/16 SENATE Unfavorable by Appropriations; 9 Yeas, 10 Nays - Pending Reconsideration</p> <p>02/25/16 SENATE On Committee agenda - Appropriations, 03/01/16, 10:00 am, 412 K - PCS Pending Reconsideration</p> <p>03/01/16 SENATE Unfavorable by Appropriations; 9 Yeas, 10 Nays</p>		

**Public Comments**

FAILED. Companion to HB 0191 (Rodrigues). Amendments were filed 1/25 as compromise between local governments and industry. Still significant environmental opposition.

HB 0351	Relating to Contaminated Sites	Drake	03/11/16
(C: 0100 ) (S: 0092 )	<p>Contaminated Sites: Exempts certain petroleum-contaminated sites from application of the risk-based corrective action principles under certain circumstances; requires DEP to include protocols for use of long-term natural attenuation where site conditions warrant; requires that specified interactive effects of contaminants be considered as cleanup criteria; revises how cleanup target levels are applied for surface waters exposed to contaminated groundwater; authorizes use of relevant data &amp; information when assessing cleanup target levels; provides that institutional controls are not required under certain circumstances; provides additional contamination cleanup criteria</p>		

for brownfield sites & brownfield areas. Effective Date: July 1, 2016

10/09/15 HOUSE Filed

10/30/15 HOUSE Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

10/30/15 HOUSE Now in Agriculture & Natural Resources Subcommittee

11/10/15 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 11/17/15, 1:00 pm, 102 H

11/17/15 HOUSE Favorable by Agriculture & Natural Resources Subcommittee; 13 Yeas, 0 Nays

11/17/15 HOUSE Now in Agriculture and Natural Resources Appropriations Subcommittee

01/11/16 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 01/13/16, 10:00 am, 102 H

01/13/16 HOUSE Favorable by Agriculture & Natural Resources Appropriations Subcommittee; 12 Yeas, 0 Nays

01/13/16 HOUSE Now in State Affairs Committee

01/19/16 HOUSE On Committee agenda - State Affairs Committee, 01/21/16, 9:00 am, 17 H

01/21/16 HOUSE Favorable with CS by State Affairs Committee; 16 Yeas, 0 Nays

01/22/16 HOUSE Committee Substitute Text (C1) Filed

01/25/16 HOUSE Placed on Calendar, on 2nd reading

01/29/16 HOUSE Placed on Special Order Calendar, 02/02/16

02/02/16 HOUSE Read Second Time; Placed on Third Reading, 02/03/16

02/03/16 HOUSE Read Third Time; Passed (Vote: 116 Yeas / 0 Nays)

02/10/16 SENATE In Messages

02/11/16 SENATE Received from Messages; Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations; Withdrawn from Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 0092; Read Second Time; Amendment Adopted (548124); Read Third Time; Passed (Vote: 40 Yeas / 0 Nays)

02/18/16 HOUSE In Returning Messages

03/11/16 HOUSE Died in returning Messages

### Public Comments

Companion to SB 0092 (Evers) "Global RBCA" bill. This bill amends the Global RBCA and brownfield program specific cleanup statutes to: Add a definition of "background concentration" to include concentrations of contaminants that are naturally occurring or the result of anthropogenic (human) impacts unrelated to the discharge of pollutants or hazardous substances at the contaminated site undergoing rehabilitation. Currently, DEP may not require site rehabilitation to achieve a contamination target level (CTL) for any contaminant more stringent than the naturally occurring background contamination; Require DEP rules to include protocols for long-term natural attenuation for site rehabilitation; Require DEP to consider the interactive effects of contaminants, including additives, synergistic, and antagonistic effects when determining what constitutes a rehabilitation program task; Create an exception when applying state water quality standards if it is shown that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria; Allow the use of risk assessment modeling and probabilistic risk assessment to create site-specific alternative CTLs; and Allow the use of alternative CTLs without institutional controls if certain conditions exist.

SB 0372	<b>Relating to Administrative Procedures</b>	Lee (T)	03/08/16
(S: 0183 )	Administrative Procedures; Providing procedures for agencies to follow when initiating rulemaking after certain public hearings; providing for publication of notices of rule development and of rules filed for adoption; specifying legal authority to file a petition challenging an agency rule as an invalid exercise of delegated legislative authority, etc. Effective Date: 7/1/2016		
	09/28/15 SENATE Filed		
	10/06/15 SENATE Referred to Judiciary; Appropriations Subcommittee on General Government; Appropriations		
	11/09/15 SENATE On Committee agenda - Judiciary, 11/17/15, 3:30 pm, 110 S		
	11/17/15 SENATE Favorable with CS by Judiciary; 10 Yeas, 0 Nays		
	11/18/15 SENATE Committee Substitute Text (C1) Filed		
	11/19/15 SENATE Now in Appropriations Subcommittee on General Government		
	01/08/16 SENATE On Committee agenda - Appropriations Subcommittee on General Government, 01/13/16, 1:30 pm, 110 S		
	01/13/16 SENATE Favorable with CS by Appropriations Subcommittee on General Government; 7 Yeas, 0 Nays		
	01/15/16 SENATE Now in Appropriations		
	01/29/16 SENATE On Committee agenda - Appropriations, 02/03/16, 9:00 am, 412 K - PCS		
	02/03/16 SENATE Favorable with CS by Appropriations; 18 Yeas, 0 Nays		
	02/05/16 SENATE Committee Substitute Text (C2) Filed		
	02/05/16 SENATE Placed on Calendar, on 2nd reading		
	03/01/16 SENATE Placed on Special Order Calendar, 03/03/16		
	03/03/16 SENATE Temporarily Postponed on Second Reading		
	03/03/16 SENATE Retained on Special Order Calendar		
	03/07/16 SENATE Retained on Special Order Calendar		
	03/08/16 SENATE Read Second Time; Substituted for HB 0183; Laid on Table, Refer to HB 0183		

### Public Comments

Laid on table for HB 0183, which PASSED.

From staff analysis: CS/CS/SB 372 revises the Administrative Procedure Act (APA), which governs agency rulemaking and decision making. The most significant changes to the act by the bill: Require an agency to commence and complete rulemaking activities generally within 180 days after it holds a public

hearing on a petition to initiate rulemaking activities on an unadopted rule and chooses to initiate rulemaking. Require the dissemination of additional notices of agency rulemaking activities on the Florida Administrative Register and through e-mails by an agency to its licensees and other interested persons. ? Authorize a person to challenge agency action by asserting that a rule or unadopted rule used as a basis for the agency's action is invalid. Require agencies to review their rules to identify rules the violation of which would constitute a minor violation and for which a notice of noncompliance will be the first enforcement action. In addition, the bill specifies that administrative challenges to any proposed regulatory permits related to special events are subject to the APA's summary hearing procedures in s. 120.574, F.S., with certain exceptions.

SB 0400	<b>Relating to Organizational Structure of the Department of Environmental Protection</b>	Hays	03/03/16
(S: 0561 )	<p>Organizational Structure of the Department of Environmental Protection; Authorizing the secretary to establish offices within divisions or the Office of the Secretary as necessary to promote the efficient and effective operation of the department; establishing the Division of Water Restoration Assistance within the department, etc. Effective Date: 7/1/2016</p> <p>10/01/15 SENATE Filed</p> <p>10/09/15 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations</p> <p>11/09/15 SENATE On Committee agenda - Environmental Preservation and Conservation, 11/18/15, 2:00 pm, 37 S</p> <p>11/18/15 SENATE Favorable with CS by Environmental Preservation and Conservation; 9 Yeas, 0 Nays</p> <p>11/20/15 SENATE Committee Substitute Text (C1) Filed</p> <p>11/20/15 SENATE Now in Appropriations Subcommittee on General Government</p> <p>01/08/16 SENATE On Committee agenda - Appropriations Subcommittee on General Government, 01/13/16, 1:30 pm, 110 S</p> <p>01/13/16 SENATE Favorable by Appropriations Subcommittee on General Government; 7 Yeas, 0 Nays</p> <p>01/14/16 SENATE Now in Appropriations</p> <p>02/22/16 SENATE On Committee agenda - Appropriations, 02/25/16, 10:00 am, 412 K</p> <p>02/25/16 SENATE Favorable with CS by Appropriations; 16 Yeas, 0 Nays</p> <p>02/29/16 SENATE Committee Substitute Text (C2) Filed</p> <p>02/29/16 SENATE Placed on Calendar, on 2nd reading</p> <p>02/29/16 SENATE Placed on Special Order Calendar, 03/02/16</p> <p>03/02/16 SENATE Read Second Time; Placed on Third Reading, 03/03/16</p> <p>03/03/16 SENATE Read Third Time; Substituted for HB 0561; Laid on Table, Refer to HB 0561</p> <p><b>Public Comments</b></p> <p>Laid on table for HB 0561, which PASSED.</p>		
SB 0552	<b>Relating to Environmental Resources</b>	Dean	01/21/16
(I: 7005 )	<p>Environmental Resources; Requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; authorizing certain water management districts to designate and implement pilot projects; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; creating the "Florida Springs and Aquifer Protection Act", etc. Effective Date: 7/1/2016</p> <p>10/16/15 SENATE Filed</p> <p>10/23/15 SENATE Referred to Environmental Preservation and Conservation; Appropriations</p> <p>10/26/15 SENATE On Committee agenda - Environmental Preservation and Conservation, 11/04/15, 11:00 am, 37 S</p> <p>11/04/15 SENATE Favorable with CS by Environmental Preservation and Conservation; 9 Yeas, 0 Nays</p> <p>11/05/15 SENATE Committee Substitute Text (C1) Filed</p> <p>11/06/15 SENATE Now in Appropriations</p> <p>11/09/15 SENATE On Committee agenda - Appropriations, 11/19/15, 1:00 pm, 412 K</p> <p>11/19/15 SENATE Favorable with CS by Appropriations; 15 Yeas, 0 Nays</p> <p>11/23/15 SENATE Committee Substitute Text (C2) Filed</p> <p>11/23/15 SENATE Placed on Calendar, on 2nd reading</p> <p>01/11/16 SENATE Placed on Special Order Calendar, 01/13/16</p> <p>01/13/16 SENATE Read Second Time; Amendments Failed (870424, 400556, 100476, 803576, 170664, 246550); Amendments Withdrawn (813094); Read Third Time; Passed (Vote: 37 Yeas / 0 Nays); Immediately certified</p> <p>01/13/16 HOUSE In Messages</p> <p>01/13/16 HOUSE Referred to Calendar</p> <p>01/14/16 HOUSE Placed on Special Order Calendar, 01/14/16</p> <p>01/14/16 HOUSE Substituted for HB 7005; Read Second Time; Amendments Failed (760153, 318485, 493905, 496927); Read Third Time; Passed (Vote: 110 Yeas / 2 Nays); Immediately Certified</p> <p>01/14/16 SENATE Ordered enrolled</p> <p>01/14/16 SENATE Enrolled Text (ER) filed</p> <p>01/14/16 Signed by Officers and presented to Governor (Governor must act on this bill by 01/21/16)</p> <p>01/21/16 Approved by Governor, Chapter No. 2016-1</p> <p><b>Public Comments</b></p> <p>Bill passed and approved by Governor.</p>		
HB 0561	<b>Relating to Organizational Structure of the Department of Environmental Protection</b>	Combee	03/09/16
(S: 0400 )	<p>Organizational Structure of the Department of Environmental Protection: Establishes Office of the Secretary within DEP; authorizes Secretary of Environmental Protection to establish offices within the office &amp; within department's divisions to promote efficient &amp; effective</p>		



operation of DEP; directs secretary to appoint general counsel; removes required establishment of certain offices; establishes Division of Water Restoration Assistance within DEP. Effective Date: July 1, 2016

11/04/15 HOUSE Filed

11/16/15 HOUSE Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

11/16/15 HOUSE Now in Agriculture & Natural Resources Subcommittee

01/22/16 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 01/26/16, 12:00 pm, 102

01/26/16 HOUSE Favorable with CS by Agriculture & Natural Resources Subcommittee; 12 Yeas, 0 Nays

01/28/16 HOUSE Committee Substitute Text (C1) Filed

01/29/16 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

02/05/16 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 02/09/16, 9:00 am, 102 H

02/09/16 HOUSE Favorable with CS by Agriculture & Natural Resources Appropriations Subcommittee; 13 Yeas, 0 Nays

02/10/16 HOUSE Committee Substitute Text (C2) Filed

02/11/16 HOUSE Now in State Affairs Committee

02/16/16 HOUSE On Committee agenda - State Affairs Committee, 02/18/16, 9:00 am, 17 H

02/18/16 HOUSE Favorable by State Affairs Committee; 17 Yeas, 0 Nays

02/18/16 HOUSE Placed on Calendar, on 2nd reading

02/29/16 HOUSE Placed on Special Order Calendar, 03/02/16

03/02/16 HOUSE Read Second Time; Placed on Third Reading, 03/03/16

03/03/16 HOUSE Read Third Time; Passed (Vote: 116 Yeas / 2 Nays)

03/03/16 SENATE In Messages

03/03/16 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

03/03/16 SENATE Withdrawn from Environmental Preservation and Conservation, Appropriations Subcommittee on General Government; Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 0400; Read Second Time; Read Third Time; Passed (Vote: 38 Yeas / 0 Nays)

03/03/16 HOUSE Ordered enrolled

03/03/16 HOUSE Enrolled Text (ER) Filed

03/09/16 Signed by Officers and presented to Governor (Governor has until 03/24/16 to act on this bill)

### Public Comments

**PASSED.** The bill revises the organizational structure of DEP to: Remove the Office of Chief of Staff, Office of General Counsel, Office of Inspector General, Office of External Affairs, Office of Legislative Affairs, Office of Intergovernmental Programs, Office of Greenways and Trails, and Office of Emergency Response; Establish the Office of the Secretary and allow the secretary to establish offices within divisions or within the Office of the Secretary to promote the efficient and effective operation of the department; Specify that the secretary must appoint a general counsel who is directly responsible to and serves at the pleasure of the secretary, and specify that the general counsel is responsible for all legal matters of DEP; Clarify that offices and districts are headed by managers, and divisions are headed by directors; Specify that the managers of all offices and districts and directors of all divisions are exempt from part II of chapter 110, F.S., and are included in the Senior Management Service (SMS) in accordance with s.110.205(2)(j), F.S.; and Add the Division of Water Restoration Assistance as a division within DEP.

HB 0589	Relating to Environmental Control	Pigman	03/11/16
(C: 0987 0922 1069 1204 ) (S: 1052 )	<p>Environmental Control; Repealing provisions relating to violations of consumptive use permit conditions; providing conditions under which certain constructed clay settling areas are exempt from reclamation rate and financial responsibility requirements; requiring Florida registered professionals to certify that certain stormwater management systems will meet additional requirements for a general permit, etc. Effective Date: upon becoming a law</p> <p>11/06/15 HOUSE Filed</p> <p>11/17/15 HOUSE Referred to Agriculture &amp; Natural Resources Subcommittee; Agriculture &amp; Natural Resources Appropriations Subcommittee; State Affairs Committee</p> <p>11/17/15 HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</p> <p>01/22/16 HOUSE On Committee agenda - Agriculture &amp; Natural Resources Subcommittee, 01/26/16, 12:00 pm, 102 H - PCS</p> <p>01/26/16 HOUSE Favorable with CS by Agriculture &amp; Natural Resources Subcommittee; 12 Yeas, 0 Nays</p> <p>01/27/16 HOUSE Committee Substitute Text (C1) Filed</p> <p>01/28/16 HOUSE Now in Agriculture &amp; Natural Resources Appropriations Subcommittee</p> <p>02/05/16 HOUSE On Committee agenda - Agriculture &amp; Natural Resources Appropriations Subcommittee, 02/09/16, 9:00 am, 102 H</p> <p>02/09/16 HOUSE Favorable with CS by Agriculture &amp; Natural Resources Appropriations Subcommittee; 10 Yeas, 3 Nays</p> <p>02/10/16 HOUSE Committee Substitute Text (C2) Filed</p> <p>02/11/16 HOUSE Now in State Affairs Committee</p> <p>02/16/16 HOUSE On Committee agenda - State Affairs Committee, 02/18/16, 9:00 am, 17 H</p> <p>02/18/16 HOUSE Favorable with CS by State Affairs Committee; 16 Yeas, 0 Nays</p> <p>02/23/16 HOUSE Committee Substitute Text (C3) Filed</p> <p>02/25/16 HOUSE Placed on Calendar, on 2nd reading</p> <p>02/29/16 HOUSE Placed on Special Order Calendar, 03/02/16</p> <p>03/02/16 HOUSE Read Second Time; Amendment Adopted (893975); Placed on Third Reading, 03/03/16</p> <p>03/02/16 HOUSE Engrossed Text (E1) Filed</p> <p>03/03/16 HOUSE Read Third Time; Passed (Vote: 118 Yeas / 0 Nays)</p> <p>03/03/16 SENATE In Messages</p> <p>03/03/16 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations</p>		

03/08/16 SENATE Withdrawn from Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 1052; Read Second Time; Placed on Third Reading, 03/09/16

03/09/16 SENATE Read Third Time; Passed (Vote: 39 Yeas / 0 Nays)

03/09/16 HOUSE Ordered enrolled

03/09/16 HOUSE Enrolled Text (ER) Filed

03/11/16 Signed by Officers and presented to Governor (Governor has until 03/26/16 to act on this bill)

### Public Comments

PASSED. This is a collection of various tweaks to ch. 373 and 403 at the request of multiple stakeholders.

Summary: Amends the licensure requirements for water well contractors; Provides that if the beneficial use of a constructed clay settling area (CSA) of a phosphate mine is extended, the rate of reclamation requirements and the financial responsibility requirements do not apply to the CSA until the beneficial use of the CSA is complete; Allows the use of land set-asides and land use modifications not otherwise required by state law or permit, including constructed wetlands or other water quality improvement projects, that reduce nutrient loads into nutrient impaired surface waters to generate water quality credits for trading; Provides that the limitation on the granting of a variance does not prohibit the issuance of moderating provisions or requirements under state law, subject to any necessary approval by the United States Environmental Protection Agency; Deletes the July 1, 2016 expiration date of the solid waste landfill closure account within the Solid Waste Management Trust Fund (SWMTF); Provides that counties and municipalities may implement a flow control ordinance to ensure an adequate amount of solid waste is received at a resource recovery facility only after it owns, and actively uses a resource recovery facility, and proves the necessity of implementing flow control; Provides that a flow control ordinance does not limit other entities and districts to contract for waste management services; Specifies that for purposes of exercising flow control authority, a resource recovery facility does not include a landfill gas-to-energy system or facility; and Provides an appropriation for Fiscal Year 2016-2017 of \$2,399,764 from the SWMTF for the closure and long-term care of solid waste management facilities.

HB 0697	Relating to Petroleum Restoration Program	Grant	03/03/16
(C: 0100 )	Petroleum Restoration Program: Revises eligibility requirements of Abandoned Tank Restoration Program; revises legislative intent & purpose of Inland Protection Trust Fund; revises the criteria for determining rehabilitation program tasks; revises conditions for eligibility & methods for payment of low-scored site initiative costs; revises eligibility requirements for rehabilitation funding; provides additional funding for remediation & monitoring under certain circumstances; revises advanced cleanup application requirements; increases total amount for which DEP may contract for advanced cleanup work in a fiscal year; authorizes property owners & responsible parties to enter into voluntary cost-share agreements under certain circumstances. Effective Date: July 1, 2016 11/17/15 HOUSE Filed 11/23/15 HOUSE Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee 11/23/15 HOUSE Now in Agriculture & Natural Resources Subcommittee 01/22/16 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 01/26/16, 12:00 pm, 102 H - PCS 01/26/16 HOUSE Favorable with CS by Agriculture & Natural Resources Subcommittee; 12 Yeas, 0 Nays 02/01/16 HOUSE Committee Substitute Text (C1) Filed 02/02/16 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee 02/05/16 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 02/09/16, 9:00 am, 102 H 02/09/16 HOUSE Favorable with CS by Agriculture & Natural Resources Appropriations Subcommittee; 13 Yeas, 0 Nays 02/10/16 HOUSE Committee Substitute Text (C2) Filed 02/11/16 HOUSE Now in State Affairs Committee 02/16/16 HOUSE On Committee agenda - State Affairs Committee, 02/18/16, 9:00 am, 17 H 02/18/16 HOUSE Favorable with CS by State Affairs Committee; 17 Yeas, 0 Nays 02/22/16 HOUSE Committee Substitute Text (C3) Filed 02/23/16 HOUSE Placed on Calendar, on 2nd reading 03/01/16 HOUSE Placed on Special Order Calendar, 03/03/16 03/03/16 HOUSE Read Second Time; Substituted for SB 0100; Laid on Table, Refer to SB 0100		

### Public Comments

Companion to SB 0100 (Simpson) petro program "glitch" bill. House bill passed and laid on table.

HB 0795	Relating to Dredge and Fill Activities	Edwards	03/07/16
(I: 1176 )	Dredge and Fill Activities: Revises acreage of wetlands & surface waters subject to impact by dredge & fill activities under state programmatic general permits; provides that seeking to use such permits consents to specified federal wetland jurisdiction criteria; authorizes DEP to delegate federal permitting programs for the discharge of dredged or fill material under certain conditions; deletes certain conditions limiting when DEP may assume federal permitting programs for discharge of dredged or fill material. Effective Date: upon becoming a law 11/30/15 HOUSE Filed 12/10/15 HOUSE Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee 01/29/16 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 02/02/16, 10:30 am, 102 H 02/02/16 HOUSE Favorable by Agriculture & Natural Resources Subcommittee; 13 Yeas, 0 Nays 02/02/16 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee 02/05/16 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 02/09/16, 9:00 am, 102 H		

02/09/16 HOUSE Favorable by Agriculture & Natural Resources Appropriations Subcommittee; 13 Yeas, 0 Nays  
 02/09/16 HOUSE Now in State Affairs Committee  
 02/23/16 HOUSE On Committee agenda - State Affairs Committee, 02/25/16, 1:00 pm, 17 H  
 02/25/16 HOUSE Favorable with CS by State Affairs Committee; 15 Yeas, 0 Nays  
 02/26/16 HOUSE Committee Substitute Text (C1) Filed  
 02/29/16 HOUSE Placed on Calendar, on 2nd reading  
 03/04/16 HOUSE Placed on Special Order Calendar, 03/07/16  
 03/07/16 HOUSE Substituted for SB 1176; Laid on Table, Refer to SB 1176

### Public Comments

Encourages DEP to pursue expanded SPGP from Corps. Laid on table for SB 1176, which PASSED.

SB 1052	Relating to Environmental Control	Hays	03/08/16
(C: 0987 0922 1069 1204 ) (S: 0589 )	Environmental Control; Revising eligibility requirements for taking the water well contractor licensure examination; exempting certain constructed clay settling areas from reclamation rate and financial responsibility requirements; establishing a solid waste landfill closure account within the Solid Waste Management Trust Fund to provide funding for the closing and long-term care of solid waste facilities, etc. Effective Date: Upon becoming a law 12/03/15 SENATE Filed 12/17/15 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations 01/15/16 SENATE On Committee agenda - Environmental Preservation and Conservation, 01/20/16, 1:30 pm, 37 S 01/20/16 SENATE Favorable with CS by Environmental Preservation and Conservation; 9 Yeas, 0 Nays 01/21/16 SENATE Committee Substitute Text (C1) Filed 01/21/16 SENATE Now in Appropriations Subcommittee on General Government 02/08/16 SENATE On Committee agenda - Appropriations Subcommittee on General Government, 02/11/16, 10:00 am, 110 S 02/11/16 SENATE Favorable with CS by Appropriations Subcommittee on General Government; 5 Yeas, 0 Nays 02/15/16 SENATE Now in Appropriations 02/22/16 SENATE On Committee agenda - Appropriations, 02/25/16, 10:00 am, 412 K - PCS 02/25/16 SENATE Favorable with CS by Appropriations; 14 Yeas, 0 Nays 02/29/16 SENATE Committee Substitute Text (C2) Filed 02/29/16 SENATE Placed on Calendar, on 2nd reading 03/04/16 SENATE Placed on Special Order Calendar, 03/08/16 03/08/16 SENATE Read Second Time; Substituted for HB 0589; Laid on Table, Refer to HB 0589		

### Public Comments

Laid on table for HB 0589 (Pigman), which PASSED.

SB 1176	Relating to Dredge and Fill Activities	Diaz de la Portilla	03/08/16
(I: 0795 )	Dredge and Fill Activities; Revising the acreage of wetlands and other surface waters subject to impact by dredge and fill activities under a state programmatic general permit; providing that seeking to use such a permit consents to specified federal wetland jurisdiction criteria; deleting certain conditions limiting when the department may assume federal permitting programs for the discharge of dredged or fill material, etc. Effective Date: Upon becoming a law 12/17/15 SENATE Filed 01/08/16 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations 01/22/16 SENATE On Committee agenda - Environmental Preservation and Conservation, 01/27/16, 9:00 am, 37 S 01/27/16 SENATE Favorable with CS by Environmental Preservation and Conservation; 6 Yeas, 0 Nays 01/27/16 SENATE Committee Substitute Text (C1) Filed 01/28/16 SENATE Now in Appropriations Subcommittee on General Government 02/08/16 SENATE On Committee agenda - Appropriations Subcommittee on General Government, 02/11/16, 10:00 am, 110 S 02/11/16 SENATE Favorable by Appropriations Subcommittee on General Government; 5 Yeas, 0 Nays 02/12/16 SENATE Now in Appropriations 02/15/16 SENATE On Committee agenda - Appropriations, 02/18/16, 1:00 pm, 412 K 02/18/16 SENATE Favorable by Appropriations; 15 Yeas, 0 Nays 02/19/16 SENATE Placed on Calendar, on 2nd reading 02/19/16 SENATE Placed on Special Order Calendar, 02/23/16 02/23/16 SENATE Retained on Special Order Calendar 02/24/16 SENATE Read Second Time; Placed on Third Reading, 03/02/16 03/02/16 SENATE Read Third Time; Passed (Vote: 34 Yeas / 0 Nays) 03/02/16 HOUSE In Messages 03/04/16 HOUSE Referred to Calendar 03/04/16 HOUSE Placed on Special Order Calendar, 03/07/16 03/07/16 HOUSE Read Second Time; Substituted for HB 0795; Placed on Third Reading, 03/08/16 03/08/16 HOUSE Read Third Time; Passed (Vote: 112 Yeas / 2 Nays) 03/08/16 SENATE Ordered enrolled 03/08/16 SENATE Enrolled Text (ER) Filed		

### Public Comments

PASSED.

HB 7005	Relating to Environmental Resources	State Affairs Committee	01/14/16
Environmental Resources: Provides for conservation lands database; provides assistance to self-suppliers of water; authorizes pilot			

(I: 0552 )

projects for certain water management districts (WMDs); requires adoption of minimum flows & levels for Outstanding Florida Springs; requires concurrent adoption of recovery or prevention strategies & minimum flows & levels; provides for Central Florida Water Initiative Area; authorizes allocation of water by SFWMD; requires monitoring of consumptive use permits; provides for certain preferred water supply sources; prohibits modification of permitted water allocations; provides priority consideration to certain public-private partnerships for water storage, groundwater recharge, & water quality improvements on private agricultural lands; revises Northern Everglades & Estuaries Protection Program; revises membership qualifications for Harris Chain of Lakes Restoration Council; requires certain funding plans in water resource development work program; authorizes private landowners to assist WMDs; requires promotion of certain cost-share criteria; creates the Florida Springs & Aquifer Protection Act; authorizes funding for nutrient & sediment reduction & conservation pilot projects; revises requirements for basin management action plans; provides treated potable water supply as designated use of surface waters; requires DEP & DACS to assess water resources & conservation lands. Effective Date: July 1, 2016

10/26/15 HOUSE Filed (Formerly PCB SAC1)

11/05/15 HOUSE Referred to Agriculture & Natural Resources Appropriations Subcommittee

11/05/15 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

11/10/15 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 11/18/15, 3:30 pm, 102 H

11/18/15 HOUSE Favorable with CS by Agriculture & Natural Resources Appropriations Subcommittee; 11 Yeas, 1 Nay

11/24/15 HOUSE Committee Substitute Text (C1) Filed

12/01/15 HOUSE Placed on Calendar, on 2nd reading

01/12/16 HOUSE Placed on Special Order Calendar, 01/14/16

01/14/16 HOUSE Read Second Time; Substituted for SB 0552; Laid on Table, Refer to SB 0552

### Public Comments

Passed and signed into law.





Bills of interest –

**PASSED:**

- **Environmental Resources (a.k.a. “Water Bill”) SB 0552/HB 7005 (Dean/Caldwell)**

The bill passed early as a priority of House and Senate leadership. It contains a number of provisions related to water resource development, establishment and implementation of MFLs and TMDLs, the Central Florida Water Initiative, the Northern Everglades and estuaries protection, dispersed water storage, springs and aquifer protection. This bill was largely supported by industry groups, FDACS and FDEP. The bill has already been signed by the Governor and will take effect on July 1, 2016.

- **Pollution Discharge Removal and Prevention SB 0100/HB 0697 (Simpson/Grant)**

This bill started as a Petroleum Restoration Program “glitch bill”, and was a priority of Senator Simpson since last year. It includes some positive changes, including increases to the Low Scored Site Initiative (now known as Low Risk Site Initiative), and increases in annual funding for the Advanced Cleanup Program. It also includes some other interesting changes that expand eligibility for state funding, and despite its “significant fiscal impacts” and luke-warm support by DEP, these provisions stayed in the bill.

Late in the session, the RBCA provisions from SB 0092 were moved over to SB 0100, so this bill now also includes the new “background concentration” and “long term natural attenuation” provisions, the use of risk assessment modeling to create site-specific cleanup levels, and other improvements. If approved by the Governor, this law will take effect on July 1, 2016.

- **Environmental Control SB 1052/HB 0589 (Hays/Pigman)**

This bill is a collection of various changes to chapters 373 and 403, including provisions related to consumptive use permit holders, well contractors, clay settling areas, water quality credit trading, solid waste landfill closure, and the stormwater “10/2 general permit”. If approved by the Governor, this law will take effect immediately.

- **Dredge and Fill SB 1176/HB 0795 (Diaz de la Portilla/Edwards)**

This bill authorizes FDEP to implement a State Programmatic General Permit (SPGP) for dredge and fill activities impacting up to ten acres of wetlands. It also authorizes FDEP to pursue assumption of the Clean Water Act, section 404 from the Corps of Engineers. If approved by the Governor, this law will take effect immediately.

- **Organizational Structure of DEP SB 0400/HB 0561 (Hays/Combee)**

This bill removes the statutory organization of FDEP and authorizes the Secretary to organize the agency “to promote the efficient and effective operation of the FDEP”. If approved by the Governor, this law will take effect on July 1, 2016.

- **Administrative Procedures SB 0372/HB 0183 (Lee/Adkins)**

This bill revises the Administrative Procedures Act, which regulates agency rulemaking. It includes the following provisions: Rulemaking must be completed within 180 days of commencement; Additional notices of agency rulemaking must be posted to the Florida Administrative Register; and Summary hearing procedures are now applicable to special events over sovereign submerged lands (e.g. boat shows). If approved by the Governor, this law will take effect on July 1, 2016.

**FAILED:**

- **Contaminated Sites SB 0092/HB 0351 (Evers/Drake)**

Late in session, a provision related to RESTORE Act funding was amended on to this bill. The bill died in messages in the House, but the balance of the RBCA provisions of the bill were moved to SB 0100.

- **Oil & Gas Regulation SB 0318/HB 0191 (Richter/Rodriguez)**

This bill would have placed a temporary moratorium on unconventional production techniques (e.g. “fracking”) in Florida until FDEP conducts a study of the potential environmental impacts and then completes new rulemaking to govern unconventional production techniques. The environmental lobby raised significant concerns over the practice of fracking and opposed this bill, since it would have created a path forward for the practice to continue. Instead, they called for an outright ban of the practice. As a result of this bill’s failure, the status quo continues, which authorizes the practice of unconventional production techniques, including fracking, without the need for a permit from FDEP.

## Committee on Environmental Preservation And Conservation

### **CS/CS/SB 552 — Environmental Resources**

by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Dean

The bill (Chapter 2016-1, L.O.F.) addresses numerous topics related to Florida's environmental resources.

The bill creates the Florida Springs and Aquifer Protection Act to:

- Provide for the protection and restoration of Outstanding Florida Springs (OFSs);
- Provide timelines and deadlines for the restoration of OFSs through the Basin Management Action Plan (BMAP) process;
- Require the development of Onsite Sewage Treatment and Disposal System (OSTDS) remediation plans when OSTDSs contribute significantly to pollution of an OFS;
- Prohibit certain activities within a priority focus area for an OFS;
- Require the Department of Environmental Protection (DEP) to develop rules relating to groundwater withdrawals including the creation of a uniform definition for "harmful to the water resources" for OFSs (water management districts may adopt a more restrictive definition).

The bill updates and restructures the Northern Everglades and Estuaries Protection Program to reflect and build upon DEP's implementation of BMAPs for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary. The BMAPs will include the construction of water projects, water monitoring programs, and the implementation, verification, and enforcement of best management practices (BMPs) within these watersheds. The BMAPs will include 5, 10, and 15-year measureable milestones towards achieving the total maximum daily loads for those water basins within 20 years.

The bill revises provisions relating to Consumptive Use Permits (CUPs) to:

- Require monitoring and reporting for certain sized wells and authorizes water management districts (WMDs) to have more stringent monitoring requirements;
- Clarify that permitted allocations may not be decreased because of:
  - Additional conservation measures implemented by the permit holder;
  - Changes in certain agricultural conditions or practices that result in actual water use being less than permitted water use;
- Require the WMDs to adopt rules to incentivize water conservation;
- Create a preference for new CUP applicants that are nearest to a water source when two or more applications otherwise qualify equally.

The bill sets deadlines for the WMDs to adopt minimum flows and levels (MFLs) for waterways within their jurisdiction. The bill requires the WMDs to concurrently adopt recovery or prevention strategies for any waterway that is not meeting an MFL or that will fall below an MFL within 20 years.

The bill clarifies that BMAPs are enforceable pursuant to ss. 403.067, 403.121, 403.141, and 403.161, F.S. The bill requires DEP and the Department of Agriculture and Consumer Services (DACS) to adopt rules to verify implementation of BMPs or other measures. The rules must include enforcement procedures.

The bill requires the following to help track and monitor progress toward conservation and restoration goals:

- The Office of Economic and Demographic Research must conduct an annual assessment of water resources and conservation lands;
- DEP must publish an online, publicly accessible database of conservation lands where public access is compatible with conservation and recreational purposes;
- DEP will conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies that provides information on the status of each waterbody with respect to minimum flows and levels and nutrient impairment;
- DEP, in coordination with other entities, must establish statewide standards for the collection and analysis of water quantity, water quality, and related data;
- DEP, DACS, and the WMDs are subject to a number of new planning and reporting requirements relating to water quantity and quality.

The bill also:

- Requires the DEP to adopt by rule a specific surface water classification for surface waters used for treated potable water supply;
- Revises membership requirements for the Harris Chain of Lakes Restoration Council;
- Creates a pilot program for alternative water supply development in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation;
- Codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection programs in the area encompassed by the CFWI;
- Encourages public-private partnerships with agricultural land owners who provide certain environmental benefits;
- Encourages DEP and WMDs to provide technical assistance to water self-suppliers.

These provisions were approved by the Governor and take effect July 1, 2016.

*Vote: Senate 37-0; House 110-2*

## Committee on Environmental Preservation And Conservation

### **CS/SB 100 — Pollution Discharge Removal and Prevention**

by Appropriations Committee and Senator Simpson

The bill amends the Global Risk Based Corrective Action (RBCA) and brownfield program cleanup statutes to:

- Define “background concentration” to mean the concentration of contaminants naturally occurring or resulting from anthropogenic (human) impacts unrelated to the discharge of pollutants or hazardous substances at a contaminated site undergoing site rehabilitation and deletes the phrase “naturally occurring” in determining the cleanup target level (CTL);
- Define “long-term natural attenuation” to mean natural attenuation approved by the Department of Environmental Protection (DEP) as a site rehabilitation program task for a period of more than 5 years;
- Provide that Global RBCA does not apply to nonprogram petroleum-contaminated sites unless requested by the person responsible for site rehabilitation;
- Require rules concerning rehabilitation program tasks to include protocols for long-term natural attenuation where site conditions warrant;
- Create an exception when applying state water quality standards to CTLs for surface water exposed to contaminated groundwater when it has been demonstrated that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria;
- Encourage DEP to utilize long-term attenuation monitoring when additional site rehabilitation is necessary to reach a finding of “No Further Action”;
- Require DEP to consider the interactive (as opposed to additive) effects of contaminants when determining what constitutes a rehabilitation program task;
- Allow the use of risk assessment modeling and probabilistic risk assessment to create site-specific alternative CTLs; and
- Allow the use of alternative CTLs without institutional controls if certain specified conditions exist.

Concerning the Abandoned Tank Restoration Program, the bill:

- Removes the June 30, 1996 deadline for applications for the Abandoned Tank Restoration Program;
- Provides that certain sites eligible for the Petroleum Cleanup Participation Program are not eligible for the Abandoned Tank Restoration Program; and
- Removes provisions that exclude sites from eligibility when the sites are owned by a person who had knowledge of the polluting condition when the title was acquired unless the person acquired title to the site after issuance of a notice of site eligibility by DEP.

The bill makes the following changes to the Petroleum Restoration Program, the Low Scored Site Initiative (LSSI), and DEP’s findings of “No Further Action” for contamination sites. The bill:

- Authorizes continued state funding for certain sites that have received a site rehabilitation completion order;
- Substantially revises the criteria for a finding of “No Further Action;”
- Removes an expiration date of July 1, 2016 for the obligation of funds from the Inland Protection Trust Fund (IPTF) for payments for program deductibles, copayments and certain reports;
- Allows DEP to pay for institutional controls for costs associated with certain surveys and obtaining a title report and recording fees;
- Allows for payment of costs for limited remediation to include up to 12 months, rather than 6 months, of groundwater monitoring and 12 months of limited remediation activities;
- Increases the amount available for groundwater monitoring and for limited remediation activities from \$30,000 to \$35,000, for sites where DEP has determined that the assessment and limited remediation, if applicable, will likely result in a determination of “No Further Action;”
- Provides that DEP may approve an additional amount not to exceed \$35,000 for limited remediation need to achieve a determination of “No Further Action;”
- Provides that assessment and limited remediation work shall be completed no later than 15 months, rather than 6 months, after DEP authorizes the start of a state-funded, LSSI task;
- Provides that if groundwater monitoring is required after the assessment and limited remediation in order to satisfy certain conditions, DEP may authorize an additional 12 months to complete the monitoring; and
- Increases the amount that may be encumbered from the IPTF for the LSSI from \$10 million to \$15 million per year.

The bill makes the following revisions to the Petroleum Cleanup Participation Program (PCPP).  
The bill:

- Specifies that participation in the cost-sharing cleanup program under the PCPP is available for property contaminated by discharges of petroleum or petroleum products from a petroleum storage system;
- Removes the December 31, 1998 deadline for applications for the PCPP; and
- Allows DEP to approve supplemental funding of up to \$100,000 for additional remediation and monitoring if such remediation and monitoring is necessary to achieve a determination of “No Further Action.”

The bill revises the advanced cleanup program to:

- Substantially revise the criteria for an application for advanced cleanup;
- Increase the amount DEP may enter into contracts for advanced cleanup work each fiscal year from \$15 million to \$25 million;
- Allow a property owner or responsible party to enter into a voluntary cost-share agreement in which the property owner or responsible party commits to bundle multiple sites and lists the facilities that will be included in those future bundles;

- Provide that facilities listed are not subject to agency term contractor assignment pursuant to DEP rule; and
- Allow DEP to terminate or amend the voluntary cost-share agreement for any identified site under the voluntary cost-share agreement if the property owner or responsible party fails to submit an application to bundle any site, not already covered by an advance cleanup contract, under such voluntary cost-share agreement within a subsequent open application period during which it is eligible to participate.

If approved by the Governor, these provisions take effect July 1, 2016.

*Vote: Senate 39-0; House 115-0*

## Committee on Environmental Preservation And Conservation

### **CS/CS/CS/HB 589 — Environmental Control**

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Rep. Pigman (CS/CS/SB 1052 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Hays)

CS/CS/CS/HB 589:

- Repeals s. 373.245, F.S., which authorizes damages to be paid to consumptive use permitholders that occur as a result of permit violations by abutting consumptive use permitholders;
- Revises the number of letters required to provide proof of the length of time an applicant wishing to take the water well contractor licensure examination has been engaged in the business of construction, repair, or abandonment of water wells from two letters to one;
- Exempts constructed clay settling areas at phosphate mines from rate of reclamation and financial assurance requirements where their beneficial use has been extended until the beneficial use of the area is completed;
- Allows land set-asides and land use modifications not otherwise required by state law or permit to be used to generate credits for water quality credit trading;
- Modifies a prohibition against granting variances that would result in the provisions or requirements being less stringent than federal law. The bill authorizes moderating provisions or requirements under state law, subject to any necessary approval by the U.S. Environmental Protection Agency;
- Modifies provisions related to the use of funds from the solid waste landfill closure account for contracting with a third party for the closing and long-term care of solid waste management facilities by allowing the use of funds when a facility was not required to obtain a permit to operate the facility and expanding the types of financial assurances permittees may provide for closure of solid waste management facilities; and
- Provides authority to the Department of Environmental Protection to use funds from the Solid Waste Management Trust Fund to pay for or reimburse additional expenses needed for performing or completing a facility closure or long-term care when the amount available under an insurance policy or other financial assurance mechanism is not sufficient; and
- Allows construction of a stormwater management system to proceed without any further agency action by the DEP or water management district (WMD) if, before construction begins, rather than within 30 days after construction begins, an electronic self-certification is submitted to the DEP or the WMD which certifies that the proposed system was designed by a Florida registered professional and that the registered professional has certified that the proposed system meets all statutory requirements.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 118-0*



## Committee on Environmental Preservation And Conservation

### **CS/SB 1176 — Dredge and Fill Activities**

by Environmental Preservation and Conservation Committee; and Senator Diaz de la Portilla

The bill authorizes the Department of Environmental Protection, subject to agreement with the United States Army Corps of Engineers, to implement a voluntary state programmatic general permit for all dredge and fill activities impacting ten acres or less of wetlands or other surface waters, if the general permit is at least as protective of the environment and natural resources as existing state law under part IV of ch. 373, F.S., and federal law under the Clean Water Act and the Rivers and Harbors Act of 1899.

The bill clarifies that by seeking to use a statewide programmatic general permit, an applicant consents to applicable federal wetland jurisdictional criteria as required by the United States Army Corp of Engineers.

The bill authorizes the Department of Environmental Protection to pursue delegation or assumption of federal permitting programs regulating the discharge of dredged or fill material, rather than only complete assumption which encompasses all dredge and fill activities in, on, or over jurisdictional wetlands or waters, including navigable waters, within the state.

If approved by the Governor, these provisions take effect upon becoming a law.

*Vote: Senate 34-0; House 112-2*

## Committee on Environmental Preservation And Conservation

### **CS/CS/HB 561— Organizational Structure of the Department of Environmental Protection**

by Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Rep. Combee (CS/CS/SB 400 by Appropriations; Environmental Preservation and Conservation; and Senator Hays)

The bill removes the statutory enactment of each office within the Department of Environmental Protection (DEP). The bill establishes the Office of Secretary within the DEP and authorizes the secretary to establish offices within the divisions or within the Office of Secretary to promote the efficient and effective operation of the DEP. The bill requires the secretary to appoint a general counsel who is directly responsible to and serves at the pleasure of the secretary and who is responsible for all legal matters of the DEP. The bill establishes the Division of Water Restoration Assistance within the DEP.

If approved by the Governor, these provisions take effect July 1, 2016.

*Vote: Senate 38-0; House 116-2*

THE FLORIDA SENATE  
2016 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**CS/CS/CS/HB 183 — Administrative Procedures**

by State Affairs Committee; Government Operations Appropriations Subcommittee; Rulemaking Oversight and Repeal Subcommittee; and Rep. Adkins (CS/CS/SB 372 by Appropriations Committee; Judiciary Committee; and Senator Lee)

This bill revises the Administrative Procedure Act (APA), which governs agency rulemaking and decision making. The most significant changes to the APA by the bill:

- Generally require that an agency commence and complete rulemaking activities within 180 days after it holds a public hearing on a petition to initiate rulemaking activities on an unadopted rule.
- Require the dissemination of additional notices of agency rulemaking activities on the Florida Administrative Register and through e-mails by an agency to its licensees and other interested persons.
- Authorize a person to challenge agency action by asserting that a rule or unadopted rule used as a basis for the agency's action is invalid.
- Require agencies to review their rules to identify rules the violation of which would constitute a minor violation and for which a notice of noncompliance will be the first enforcement action.

The bill also makes the APA's summary hearing procedures applicable to challenges to proposed regulatory permits related to special events, such as a boat show, on sovereign submerged land.

If approved by the Governor, these provisions take effect July 1, 2016.

*Vote: Senate 40-0; House 104-1*

**TAB 5**

**REPORTS FROM AGENCY PARTNERS**

**Department of Economic Opportunity**

**Department of Environmental Protection**

**Florida Inland Navigational District**

**Florida Fish and Wildlife Conservation Commission**

**US Army Corps of Engineers**

DEP Rulemaking Status as of 3/21/16:

## I. Division of Water Resources Management:

<p><b>62-345</b> Uniform Mitigation Assessment Method (13-0913)</p>	<p>Amend rule and forms for clarity and consistency. Clarify use of preservation as mitigation, quantify functions provided by surrounding upland communities, assess Location and Landscape Support functions, determine time-lag and risk factor, and classify altered and artificial sites. Clarify method for assessing seagrass, hardbottom and other submerged communities. Revise forms to better track steps and long-term wetland functional losses and gains.</p>	<p><b>Contacts</b></p> <p>John Humphreys Krystle Hoenstine</p> <p><b>Drafts &amp; Documents</b></p> <p><u>Draft Rule Information</u></p>	<p>Included in Regulatory Plan 2012-2013. Published a <u>Notice of Rule Development</u> for 62-345 on 5/3/13; held a public workshop 6/26/13; and 12/19/13. Completed field-testing of draft UMAM scoring worksheets 7/1/14; presented results and draft rule at a public workshop on February 5, 2015. Next step is to request publishing a Notice of Proposed Rule.</p> <p><b>Last Updated: March 7, 2016</b></p>
<p><b>62-330</b> Statewide ERP Phase 2 (14-0376)</p>	<p>SWERP Phase 2 “glitch” rule. Amend the rule and Applicant’s Handbook and forms to incorporate streamlining measures; revise the Joint Application to add USACE information items; and make minor corrections.</p>	<p><b>Contacts</b></p> <p>Heather Mason Krystle Hoenstine NFWMD SRWMD SJRWMD SWFWMD SFWMD</p> <p><b>Drafts &amp; Documents</b></p> <p><u>62-330 Phase II Minor Changes Development Page</u></p>	<p><b>New!</b> Clean-up rulemaking was anticipated, but was not included in the Regulatory Plan 2013-2014; it is not in the 2014-2015 Plan. Published a Notice of Rule Development on 9/3/14 and held a public workshop webinar on 9/19/14. Published a Notice of Workshop on 9/10/15; conducted the workshop on 10/2/15; considered comments received. Currently routing a request to publish a Notice of Proposed Rule..</p> <p><b>Last Updated: March 7, 2016</b></p>

<p><b>62B-41</b> Rules And Procedures For Application For Coastal Construction Permits</p>	<p>The Department of Environmental Protection proposes amendments to 62B-41, F.A.C. The amendments to the rule address concerns raised by the Joint Administrative Procedures Committee and will update the rule to implement changes in Section 161.041, F.S. The rule amendments will refine criteria for coastal construction permits for coastal armoring below the mean high water line, inlet construction and maintenance, and beach restoration and nourishment.</p>	<p><b>Contacts</b></p> <p><a href="#">Martin Seeling</a></p> <p><b>Drafts &amp; Documents</b></p> <p><a href="#">62B-41 Workshop Presentation</a>  <a href="#">62B-41 Notice of Rule Development and Workshop</a>  <a href="#">62B-41 Draft</a>  <a href="#">62B-41 Workshop Agenda</a></p>	<p><b>New!</b> Changes have been made based on public comment and are currently being reviewed.</p> <p>Last Updated: February 20, 2015</p>
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## II. Division of Waste Management:

### Rulemaking Underway

[Chapter 62-701, F.A.C. – Solid Waste Management Facilities](#)

[Chapters 62-716, F.A.C. \(Solid Waste Grants and Annual Reports\) and 62-722, F.A.C. \(Regulation of Recovered Materials\)](#)

[Notice of Proposed Rule for Chapter 62-730 – Hazardous Waste](#) (Posted March 14, 2016)

[Comments for Chapter 62-761](#) (Posted February 14, 2014)

[Notice of Development of Rulemaking for 62-761](#) (Posted November 18, 2013)

[Comments for Chapter 62-762](#) (Posted February 14, 2014)

[Notice of Development of Rulemaking for 62-762](#) (Posted November 18, 2013)

[Chapter 62-761.350 and 62-761.400 \(Operator Training and Certification, Registration and Financial Responsibility\) Rule Development Workshop](#)

[Notice of Change for 62-771](#) (Posted November 18, 2013)

[Notice of Change for 62-772](#) (Posted November 18, 2013)

[Notice of Change/Withdrawal for 62-772.400 - Procedures for the Competitive Procurement of a Qualified Pool of Contractors](#) (Posted December 5, 2013)

Chapter 62-780 November 4, 2015 Workshop Materials

[Chapter 62-780 original 11-04-15 workshop draft](#)

Audio of workshop available [here](#).

[Comments received on 11/04/15 draft](#)

Chapters 62-780 & 62-777 June 30, 2015 Workshop Materials

[Workshop Presentation](#)

[Draft updated Tables 1-7 for 62-777](#)

[Draft updated physical chemical parameters for 62-777](#)

[Draft updated toxicity values for 62-777](#)

[Workshop notes](#)

Full audio file (~223MB) of workshop available [here](#).

[Comments received on proposed rule language](#)

### **III. Division of Air Resources Management:**

#### **Current Projects**

[Adoptions by Reference of EPA Regulations](#) **Updated 01/14/2016**

[2012 PM<sub>2.5</sub> Infrastructure SIP](#)

[SO<sub>2</sub> Hillsborough Nonattainment Area Plan](#)

[SO<sub>2</sub> Nassau Nonattainment Area Plan](#)

[Regional Haze Plan for Florida Class I Areas](#) ♦ [McIntosh Revision](#)

[Regional Haze](#) ♦ [Progress Report](#)

[Removal and Amendment of Gasoline Vapor Control Rules - Proposed SIP Revision](#)

[Update of Rule 62-18.560, F.A.C., New Motor Vehicle Tests](#)

[Update of Exemptions, General Permits and Permit Fees](#)

Update of Rule 62-4.050, F.A.C., Procedures to Obtain Permits and Other Authorizations; Applications

The purpose of the proposed rule development (OGC No. 14-0141) is to update Rule 62-4.050, F.A.C., to include amendments to language regarding the process by which the Department reviews and revises permit fees to conform to statutory requirements in 403.087(6)(a), F.S., and amendment of the fee for an Air General Permit Registration if the registration is submitted to the Department through the Air General Permit Electronic Registration System (AGPERS).

Important Documents

[Notice of Rule Development, Rule 62-4.050, F.A.C., published 5/1/2014](#)

[PDF - 175KB]



[Draft Rule Language, Rule 62-4.050, F.A.C.](#)  
[Word - 23KB]

### Update of Rules 62-210.200, .300 and .310, F.A.C., Definitions, Exemptions and General Permits

The purpose of the proposed rule development (OGC No. 13-1434) is to clarify existing language and amend paragraph 62-210.300(3)(a), F.A.C. to allow for the continued exemption from permitting for fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity less than 100 million Btu per hour. Proposed amendments would, in part, update the permitting exemption for sources that are or may become subject to the requirements in 40 CFR 63 Subpart JJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources). Proposed amendments will also revise provisions for Air General Permits (AGP) in Rule 62-210.310, F.A.C. The amendments will clarify the circumstances under which emission units operating under an AGP may collocate at otherwise permitted facilities without permit revisions. The amendments will also address the elimination of the AGP registration fee for facilities registering through the Department's Air General Permit Electronic Registration System (AGPERS). Clarifying and corrective revisions to existing rule language in Rules 62-210.200, .300 and .310, F.A.C., are also proposed.

### Important Documents

[Notice of Rule Development, Rule 62-210, F.A.C., published 5/1/2014](#)  
[PDF - 93KB]

[Draft Rule Language, Chapter 62-210, F.A.C.](#)  
[Word - 31KB]

## Recently Completed Projects

[Update of Rule 62-297.310, F.A.C., General Emissions Test Requirements](#)

[Clarifications to Recent Rule Amendments in Chapter 62-210, F.A.C.](#)

[Repeal of Rule 62-297.401, F.A.C.](#)

[Update of Rules 62-297.440 and .450, F.A.C., Supplementary Test Procedures and EPA VOC Capture Efficiency Test Procedures](#)

[Updates of Multiple Rules in Chapter 62-296, F.A.C., Stationary Sources - Emission Standards](#)

**TAB 6**  
**OTHER ISSUES**

## **CORPS INDIRECT EFFECTS REPEAL**



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P. O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

**November 24, 2015**

Regulatory Division

**PUBLIC NOTICE**

**Jacksonville District, Regulatory Division Guidance  
for the Assessment of Indirect and Secondary Effects and Impacts in Wetlands  
for Compensatory Mitigation under  
the National Environmental Policy Act  
and Section 404 of the Clean Water Act of 1972**

TO WHOM IT MAY CONCERN: The Regulatory Division, Jacksonville District, U.S. Army Corps of Engineers (Corps) is circulating this notice to advise the public of the re-evaluation by the Corps of the *Jacksonville District, Regulatory Division Guidance for the Assessment of Indirect and Secondary Effects and Impacts in Wetlands for Compensatory Mitigation under the National Environmental policy Act and Section 404 of the Clean Water Act of 1972* (Guidance).

PURPOSE: The purpose of this is to provide notice that the Corps is re-evaluating the Guidance. Until further notice, the Corps will no longer implement the Guidance.

A handwritten signature in black ink, reading "D. W. Kinard", is positioned above the printed name.

Donald W. Kinard  
Chief, Regulatory Division

**NATIONAL MARINE FISHERIES SERVICE/  
US FISH AND WILDLIFE SERVICES  
STATEWIDE PROGRAMMATIC BIOLOGICAL  
OPINION**



**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

**NATIONAL MARINE FISHERIES SERVICE**

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

**DEC 04 2015**

**F/SER31: NMB**

**SER-2013-12540**

Mr. Donald W. Kinard  
Chief, Regulatory Division  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Ref.: Florida Statewide Programmatic Opinion (SWPBO)

Dear Mr. Kinard:

Enclosed is the National Marine Fisheries Service's (NMFS's) Biological Opinion based on our review of the impacts associated with the U.S. Army Corps of Engineers Jacksonville District's (USACE's) authorization of minor in-water activities throughout Florida.

This Opinion analyzes the effects from 11 categories of activities on sea turtles (loggerhead, leatherback, Kemp's ridley, hawksbill, and green); smalltooth sawfish; Johnson's seagrass; sturgeon (Gulf, shortnose, and Atlantic); corals (elkhorn, staghorn, boulder star, mountainous star, lobed star, rough cactus, and pillar); North Atlantic right whales; and designated critical habitat for Johnson's seagrass, smalltooth sawfish, Gulf sturgeon, loggerhead sea turtle, North Atlantic right whale, and elkhorn and staghorn corals in accordance with Section 7 of the ESA. We based this analysis on project-specific information provided by USACE, consultants, and NMFS's review of published literature. This Opinion concludes that the suite of activities evaluated within the SWPBO is likely to adversely affect, but is not likely to jeopardize, the continued existence of Johnson's seagrass and sea turtles (loggerhead, Kemp's ridley, and green) and is likely to adversely affect, but is not likely to destroy or adversely modify, critical habitat for smalltooth sawfish and Johnson's seagrass.



We look forward to further cooperation with you on other USACE projects to ensure the conservation and recovery of our threatened and endangered marine species. If you have any questions regarding this consultation, please contact Nicole Bonine, Consultation Biologist, at (727) 824-5336, or by email at [Nicole.Bonine@noaa.gov](mailto:Nicole.Bonine@noaa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Roy E. Crabtree".

*For* Roy E. Crabtree, Ph.D.  
Regional Administrator

Enclosure  
File: 1514-22.F.4

**NEXT MEETING – OCTOBER 5, 2016**





# Annual Board Meeting

## DRAFT ITINERARY

October 4, 2016 – October 6, 2016

Marriott Miami Biscayne Bay, Miami, Florida



### Wednesday, October 5, 2016

9:00 a.m. – Noon	SEMC Meeting	Marriott Biscayne Bay
Noon – 1:00 p.m.	Lunch	Marriott Biscayne Bay
1:30 p.m. – 5:30 p.m.	FPC Annual Board Meeting	Marriott Biscayne Bay
6:00 p.m. – 7:30 p.m.	Reception	Marriott Biscayne Bay
7:30 p.m. – 9:30 p.m.	Dinner (Private)	To be Determined (Transportation Provided)

Lunch Sponsored by:

Break Sponsored by:



Reception Sponsored by:

Dinner Sponsored by:

### Thursday, October 6, 2016

8:00 a.m. – 9:00 a.m.	Port Director's Breakfast (Port Directors Only)	Marriott Biscayne Bay
9:30 a.m. – 12:00 p.m.	FPC Board Meeting	Marriott Biscayne Bay
12:00 p.m. – 12:45 p.m.	Lunch	Marriott Biscayne Bay
1:00 p.m. – 5:00 p.m.	FSTED Meeting	Marriott Biscayne Bay

For more information contact: Christy Gandy at (850) 222-8028 or [christy.gandy@flaports.org](mailto:christy.gandy@flaports.org)

**TAB 7**  
**ADJOURNMENT**