

Air Odor Noise Committee

Roi Dagan, M.D. – Chair
Michelle Tappouni
Mobeen Rathore, M.D.
David Wood
Gabriel DuPree – Alt

Education & Public Outreach

Michelle Tappouni – Chair
Lucinda Sonnenberg, Ph.D.
Nick Howland
Bobby Baker, P.E.

**Water Committee**

Lucinda Sonnenberg, Ph.D. – Chair
Gabriel DuPree
Amy Fu, P.E.
Bobby L. Baker, P.E.
David Wood – Alt

Nick Howland – Chairman

Amy Fu, P.E. – Vice Chairman

Bobby L. Baker, P.E., Roi Dagan, M.D., Gabriel DuPree

Mobeen Rathore, M.D., Lucinda Sonnenberg, Ph.D., Michelle Tappouni, David Wood

City of Jacksonville, Florida
ENVIRONMENTAL PROTECTION BOARD

Monday, June 12, 2017

Meeting Summary

Members Present

Nick Howland, Chair
Amy Fu, P.E., Vice Chair
Gabriel DuPree
Lucinda Sonnenberg, Ph.D.

Mobeen Rathore, M.D.
Bobby Baker, P.E.
David Wood
Michelle Tappouni

Members not Present

Roi Dagan, M.D.

Staff/Resources Present

James Richardson, EPB Administrator
Jeff Close, OGC (via phone)
Melissa Long, EQD Chief

Terry Carr, EQD Water Branch
Tree Kilbourn, EQD Enforcement

Visitor(s)

Martha Tones
Melissa Hubel

John Nooney

CALL TO ORDER

NICK HOWLAND

Chair Nick Howland called the monthly meeting of the Environmental Protection Board (EPB) to order at 5:02 p.m.

I. CHAIRMAN'S REMARKS

None.

II. COMMENTS FROM THE PUBLIC

None.

III. APPROVAL OF MAY 2017 BOARD MEETING SUMMARIES

- May 8, 2017 – Board Meeting
- May 8, 2017 – JEPB Rule 4 Rulemaking Hearing

Public Comment

None.

Board Vote

A motion was made to approve the April Board Meeting summaries (Dupree) properly seconded (Fu) and approved by the body.

IV. APPROVAL OF MAY 2017 COMMITTEE MEETING SUMMARIES

- May 15, 2017 – Water Committee Workshop
- May 22, 2017 – Water Committee Meeting
- May 22, 2017 – Air Committee Meeting
- May 22, 2017 – Education & Public Outreach Committee Meeting

Public Comment

None.

Board Vote

A motion was made to approve the April Committee Meeting summaries (Dupree) properly seconded (Fu) and approved by the body.

V. CONSENT ORDERS

TREE KILBOURN

(Air/Odor/Noise)

- **Advanced Disposal Services of Jacksonville, LLC (NP-17-01)** - Permitting the operation of a trash or refuse service using a mechanical device between the hours of 10:00 p.m. and 7:00 a.m. within 200 meters of property that is in a Class A or Class B areas

(Water/Haz Mat)

- **Bay Pointe Property Holdings, LLC, through Bluestone Jacksonville Associates Holdings, its Managing Member, d/b/a The Park at Avellino Apartments (WP-16-26)** - **Unlawful discharge untreated wastewater to a storm sewer; Failure to maintain collection lines to function as intended; Unlawful bypass of wastewater collection/transmission system or treatment facility**
 - Consent Order settlement fee: **\$3,072.25** [\$8,000 less 20% good faith efforts to cooperate and less the mitigation credit of \$3,327.75 for the SEPs valued at \$4,437 by EPA Project Model]
 - Consent Order requirements: Install wireless radio transmitters in separate control panels for monitoring of the lift stations at The Park at Marbella and The Park at Lavanzo by July 31, 2017

Public Comment

None

Board Vote

A motion was made to approve the consent order(s) and (Baker) properly seconded (Sonnenberg) and approved.

VI. ENFORCEMENT REPORT

TREE KILBOURN

- **Fort Francis, LLC and Somari Management Company, Inc. (WP-14-01) - Possible modification request for an extension of the deadline to be presented by respondents' representative**
 - Consent Order settlement fee: **\$0** pursuant to the EPA's ABEL Model results demonstrating the Respondent's inability to pay the assessed civil penalties
 - Consent Order requirements: Permit Number 0011224-749-DWC was issued 10/10/15; Monthly status reports to EQD with the first report due 1/1/17; Request for Approval shall be submitted to EQD by 7/14/17

Melissa Hubel with Weeks Utility, made a request for a 120 day extension for the completion to the consent order.

Public Comment

None.

Board Vote

A motion was made to approve the Modification Request for an extension to the consent order(s) and (Baker) properly seconded (Rathore) and approved by the body

VII. PUBLIC HEARING(s)

None.

VIII. PRESENTATION(s)

JEA Sanitary Sewer System – scheduled for July 2017 Board Meeting.

IX. COMMISSION UPDATES

Waterways Commission – has continued its focus on water activation. Final reports have been given from the three subcommittees.

KJB Commission – Annual Retreat is scheduled for Tuesday, June 20th (9:00am – 12:00pm)

X. Legislative Update

Mr. Richardson shared information concerning the legislative session.

XI. EPB ADMINISTRATOR REPORT

JAMES RICHARDSON

- The EPB Chair position is up September 30th, therefore the Board will need to begin thinking of potential leadership for a new chair
- Recruiting is underway for the Regulated Industry and the Medical positions.
- Ordinance 2015-521 requires an annual report to Council on board activities, meetings, membership and potential efficiencies. Mr. Richardson will work with the Chair to finalize the annual report.

XII. ENVIRONMENTAL QUALITY DIVISION REPORT

MELISSA LONG

- The Neighborhoods Department budget will be complete by the end of June
- Air response inspections are down (vacancy not been filled yet)
- ESC and the Lift Station positions have been filled
- There has been discussion with FDEP to fund the remainder of the Microbe Study (\$136,000)

XIII. OLD BUSINESS

None.

XIV. NEW BUSINESS

- EPB – DCPS Environmental Champion Award – In 2013 the EPB voted to enter into a joint award with the Duval County Public Schools recognizing one of their Green Champions. The participating schools are ranked based on their level of activities (bronze, silver, gold, platinum). The gold and platinum award winners are then eligible for the joint award. The Education & Public Outreach Committee met and accepted the staff recommendation of Korry Von Wagoner from Twin Lakes Academy Elementary for the 2017 EPB – DCPS Environmental Champion Award.
A motion was made to approve the recommendation for the EPB – DCPS Environmental Champion Award (Sonnenberg), properly seconded (DuPree) and approved by the body.
- Member Dr. Rathore shared that he attended a conference and has provided information to be shared with the Board regarding a potential project, Air Louisville, that might be rolled out in Jacksonville. This program works to identify areas that are very high with asthma and obtains data that might identify potential causes. He has reached out to several groups that are interested. As meetings are being coordinated he has asked that Mr. Richardson participate and keep the EPB aware of possible funding opportunities.
- John Nooney, a resident at 8356 Bascom Road, Jax, FL, shared he attended a Council meeting regarding private ponds and maintenance.

XV. ITEMS REFERRED TO COMMITTEES

None.

XVI. NEXT SCHEDULED BOARD MEETING(S)

- EPB Committees
 - I. Water Committee – June 26, 2017 at 4:30 pm
 - II. Air & Odor Committee – June 26, 2017 at 5:00 pm
 - III. Education & Public Outreach – June 26, 2017 at 5:30 pm
- EPB Steering Committee – July 5, 2017 at 4:00 pm
- EPB monthly meeting – July 10, 2017 at 5:00 pm

XVII. ADJOURNMENT

The meeting was adjourned at 6:37 pm.

Respectfully Submitted

Ruby Tucker, Executive Assistant to EQD Chief



ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Lenny Curry, Mayor

Environmental Quality Division
Ed Ball Building
214 N. Hogan Street, 5th Floor
Jacksonville, Florida 32202

MEMORANDUM

June 5, 2017

TO: Jacksonville Environmental Protection Board Steering Committee

THROUGH: Stephanie Burch, Esq., Director
Neighborhoods Department

Melissa M. Long, P.E., Chief
Environmental Quality Division

FROM: Tree Kilbourn, Environmental Enforcement Officer
Environmental Quality Division

**RE: PROPOSED PRESENTATION TO JEPB – June 12, 2017
APPROVAL OF CONSENT ORDER SETTLEMENTS**

Air/Noise

Advanced Disposal Services of Jacksonville, LLC (NP-17-01)

Permitting the operation of a trash or refuse service using a mechanical device between the hours of 10:00 p.m. and 7:00 a.m. within 200 meters of property that is in a Class A or Class B areas

Water

Bay Pointe Property Holdings, LLC, through Bluestone Jacksonville Associates Holdings, its Managing Member, d/b/a The Park at Avellino Apartments (WP-16-26)

Unlawful discharge untreated wastewater to a storm sewer; Failure to maintain collection lines to function as intended; Unlawful bypass of wastewater collection/transmission system or treatment facility

Fort Francis, LLC and Somari Management Company, Inc. (WP-14-01)

Possible modification request for an extension of the deadline to be presented by respondents' representative

c: Ms. Stephanie Burch, Director
Mr. Jason Teal, OGC
Mr. Jeff Close, OGC
Mr. James Richardson, Program Administrator, EPB
EQD Branch Managers

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
JUNE 12, 2017**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

Advanced Disposal Services of Jacksonville, LLC,

Petitioner,

Respondent.

Type of alleged violation(s): Operating or permitting the operation of a trash or refuse service using a mechanical device between the hours of 10:00 p.m. and 7:00 a.m. within 200 meters of property that is in a Class A or Class B areas [Lakewood Rd., Pine View Cir., Old St. Augustine Rd., Fleet St., Curry Ln.]

Source of alleged violation(s): Property located at 1850 Emerson Street, Jacksonville, Florida

Date of alleged violation(s): 1/23/17 at 1850 Emerson St. at 4:00 a.m.

Method of determining alleged violation(s): Field investigations and file reviews

Rules allegedly violated: JEPB Rule 4.211A

ND response to alleged violation(s): Cease and Desist Citation NP-17-01 issued 1/31/17

Respondent's corrective actions: No further violations noted

Consent Order settlement fee: \$5,000

Consent Order requirements: None

Enforcement actions: None for noise at 1850 Emerson Street

1/9/17 – Courtesy email to all waste haulers of complaint received for pickup at or near 1850 Emerson St. at 4:50 am

1/3/17 - Courtesy email to all waste haulers of complaint received for pickup at or near 1848 Emerson St. at 4:37 am

12/27/16 - Courtesy email to all waste haulers of complaint received for pickup at or near 1848 Emerson St. at 4:37 am

7/2/15 - EQD dumpster violation procedure letter with penalty guidelines issued to Advanced Disposal.

Previous Enforcement with Advanced Disposal for operation of a trash or refuse service between 10pm and 7am:

NP-16-04 issued 4/8/16 to Advanced Disposal Services of Jacksonville, LLC (5197 Big Island Dr.). \$5,000 penalty paid. Case closed.

NP-16-03 issued 4/8/16 to Advanced Disposal Services of Jacksonville, LLC (3726 St. Augustine Rd., 3600 St. Augustine Rd., 3521 St. Augustine Rd. and 4171 Hendricks Ave.). Resolved with NP-16-04. Case closed.

NP-16-01 (Amended) issued 4/8/16 to Advanced Disposal Services of Jacksonville, LLC (2008 Riverside Ave., 1045 Riverside Ave. and 819 Park St.). Resolved with NP-16-04. Case closed.

NP-10-01 issued 6/30/10 to Advanced Disposal Services, Inc., Managing Member of Advanced Disposal Services of Jacksonville, LLC, Montreux at Deerwood Lake, LLC, and Montreux of Deerwood Lake Condominium Association, Inc. (8550 Touchton). \$3,000 penalty paid. Case closed.

NP-09-06 issued 9/23/09 to Advanced Disposal and Ibex Food Mart, Inc. (5407 San Juan Ave.). \$1,500 penalty paid. Case closed.

NP-09-05 issued 8/20/09 to Advanced Disposal, Starlite Café, and 1044 Park Street, LLC (1044 Park Street). \$3,000 penalty paid. Case closed.

NP-09-03 issued 3/6/09 to Advanced Disposal (5021 Quan St.). \$1,500 penalty paid. Case closed.

NP-08-03 issued 6/13/08 to Advanced Disposal and Cedar Hills Shopping Center (3606 Blanding Blvd.). \$1,200 penalty paid. Case closed.

NP-07-06 issued 10/25/07 to Advanced Disposal and Colonial Properties (5613 San Jose Blvd.). \$1,200 penalty paid. Case closed.

NP-04-05 issued 2/20/04 to Advanced Disposal and Argyle Ventures, Inc. (8540 Argyle Forest Blvd.). \$1,200 penalty paid. Case closed.

NTCs for Advanced Disposal:

3/4/16 for 3726 St. Augustine Rd. Referred to Enforcement.

3/2/16 for 2008 Riverside Ave. Referred to Enforcement.

9/4/09 for 3631 New Berlin Rd. Closed.

8/12/09 for 3925 Athore Dr. Closed.

7/22/09 for 8550 Touchton Road. Referred to Enforcement.

7/16/09 for 1044 Park St. Referred to Enforcement.

6/23/10 for 8550 Touchton Road. Referred to Enforcement.

5/4/09 for 3726 St. Augustine Rd. Closed.

3/16/09 for 1044 Park St. Referred to Enforcement.

3/2/09 to 2519 Bayview Rd. Closed.

2/26/09 for 5407 San Juan Ave. Referred to Enforcement.

1/8/09 for 5021 Quan Dr. Referred to Enforcement.

12/15/08 for 2006 Park St. Closed.

12/15/08 for 2007/2005 Park St. Closed.

11/3/08 for 7445 103rd Street. First under new property owner. Closed.

7/23/08 for 7445 103rd St. Closed.

5/28/08 for 3606/3752 Blanding Blvd. Referred to Enforcement.

11/20/07 for 5021 Quan Ave. Referred to Enforcement.

8/16/07 for 3901 University Boulevard South. Closed.

8/12/07 for 3606/3752 Blanding Blvd. Referred to Enforcement.

6/5/07 for 8823 San Jose Blvd. Referred to Enforcement.

5/29/07 for 5613 San Jose Blvd. Referred to Enforcement.

5/25/07 for 620 Chaffee Road South. Closed.

5/4/05 for 5613 San Jose Blvd. Closed.

5/4/05 for 5612 San Jose Blvd. Closed.

1/14/04 for 8540 Argyle Forest Blvd. Referred to Enforcement.

10/17/03 for 8540 Argyle Forest Blvd. Closed.

Last Inspection: 1/23/17

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
JUNE 12, 2017**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

**Bay Pointe Property Holdings, LLC, through
Bluestone Jacksonville Associates Holdings, its
Managing Member, d/b/a The Park at Avellino
Apartments,**

Petitioner,

Respondents.

Type of alleged violation(s): Unlawful discharge untreated wastewater to a storm sewer; Failure to maintain collection lines to function as intended; Unlawful bypass of wastewater collection/transmission system or treatment facility

Source of alleged violation(s): Gravity wastewater collection/transmission system located at 4500 Baymeadows Road, Jacksonville, Florida

Date of alleged violation(s): On or before 9/20/16

Method of determining alleged violation(s): Field investigations

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103B. F., G. and I

ND response to alleged violation(s): Cease and Desist Citation WP-16-26 issued 11/18/16

Respondent's corrective actions: Manholes and collections lines jetted

Consent Order settlement fee: **\$3,072.25** [\$8,000 less 20% good faith efforts to cooperate and less the mitigation credit of \$3,327.75 for the SEPs valued at \$4,437 by EPA Project Model]

Consent Order requirements: Install wireless radio transmitters in separate control panels for monitoring of the lift stations at The Park at Marbella and The Park at Lavanzo by July 31, 2017

Enforcement actions: None

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
FEBRUARY 13, 2017**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

**Fort Francis, LLC and Somari Management
Company, Inc.,**

Petitioner,

Respondents.

Type of alleged violation(s): Unlawful discharge of wastewater; Failure to maintain the system so as to function as intended, Illicit connection to a storm sewer drain; Unlawful bypass of wastewater treatment facility; Exceedance of state water quality standards; Failure to comply with sewerage design standards; Failure to provide operator and post a sign with required information; Failure to notify EQD of an unlawful discharge of wastewater and submit required documentation.

Source of alleged violation(s): Wastewater collection/transmission system located at 8050 Arlington Expressway, Jacksonville, Florida

Date of alleged violation(s): On or before 1/7/14

Method of determining alleged violation(s): Field investigations

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103.B, G, E and I, 3.201, 3.403 and 3.404, 3.404.A.6, .405A.5.c, 3.405.A.5.g, and 3.405A.7.a

ND response to alleged violation(s): Cease and Desist Citation WP-14-01 issued 1/24/14.

Respondent's corrective actions: Repairs made and engineer hired to permit modifications to system. Permit issued 10/10/15 (normally would have 5 years to complete permitted work)

Consent Order settlement fee: \$0 pursuant to the EPA's ABEL Model results demonstrating the Respondent's inability to pay the assessed civil penalties

Consent Order requirements: Permit Number 0011224-749-DWC was issued 10/10/15
Monthly status reports to EQD with the first report due 1/1/17
Request for Approval shall be submitted to EQD by 7/14/17

Enforcement actions:

NTCs GT14-0267 issued 1/9/14 to Florida RE Investments Group, LLC, Fort Francis, LLC, ICM Green Builders, LLC and Royal Estates Apartments for unlawful discharge, failure to notify and failure to post required sign. Referred to Enforcement.

Previous property owner:

Citation WP-11-38 issued 11/14/11 to MPI Wynter Green LLC d/b/a Royal Estates Apartments for unlawful discharge, failure to maintain, failure to secure, and failure to notify. \$0 penalty as property was foreclosed prior to resolution of penalty. Closed.

Citation WP-08-56 issued 9/19/08 to MPI Wynter Green LLC d/b/a Royal Estates Apartments for unlawful discharge, failure to maintain, and failure to notify. \$8,000 penalty less \$6,000 mitigation credit for SEP. \$2,000 penalty paid. Closed.

NTCs VY09047 issued 10/6/09 for failure to keep equipment in service, unlawful discharge and failure to notify EQD. Closed.

NTCs VY08083 issued 12/17/08 for failure to provide safe access. Closed.

NTCs VY08061 issued 10/9/08 for failure to keep equipment in service and unlawful discharge. Referred to Enforcement.

NTCs VY08052 issued 8/6/08 for failure to keep equipment in service and unlawful discharge. Referred to Enforcement.

May 21, 2017

Legislative Update - May 21, 2017

Note: This is a summary of filed environmental legislation, and is provided as a service of the Florida Conservation Coalition to our members. The FCC has identified the top piece of legislation as a priority.

Florida Conservation Coalition Legislative Priorities

Funding for Conservation and Recreation Land Acquisition

The FCC has approved the following position statement:

The primary reason the Water and Land Conservation Amendment (WLCA) was proposed and supported by Florida voters was to restore funding for Florida's landmark conservation and recreation land acquisition programs, including Florida Forever.

The Legislature should statutorily dedicate a minimum of 25 percent of the Land Acquisition Trust Fund each year for land acquisition projects through the Florida Forever program and Florida Communities Trust. These funds must be used for land acquisition (including conservation easement projects) on the approved Acquisition and Restoration Council's priority list and for Florida Communities Trust (Chapter 380, Part III). Additionally, the Legislature should increase Land Acquisition Trust Fund allocations for land conservation through the Rural and Family Lands program.

UPDATE: For the 2017-18 fiscal year, 25% of dollars in the Land Acquisition Trust Fund, after debt service, is approximately \$160 million. The Legislature passed a budget which provides \$0 for land acquisition on Florida Forever's priority list and \$0 for the Florida Communities Trust program. The budget includes \$10 million for the Rural and Family Lands program, a \$25 million decrease in funding from the 2016-17 fiscal year. Cumulatively, land conservation funds distributed to these three programs was reduced by over 80% from the 2016-17 fiscal year.

Other Environmental Legislation of Interest

Land Conservation

Failed

HB 7119 (Government Accountability Committee; Rep. Caldwell), "The Florida Forever Act": This bill would:

- Change the distribution of funding under the Florida Forever Act to focus on land conservation via the Rural and Family Lands program (40%), land conservation projects on the ARC list (35%), and the Florida Communities Trust program (25%).

- Prevent Florida Forever funds from being used on capital project expenditures.
- Require increasing allocations for the Florida Forever program, starting in the 2018-19 fiscal year. These allocations begin at \$57 million in the 2018-19 fiscal year through the 2020-21 fiscal year and slowly increase to \$200 million in the 2029-30 fiscal year through the 2035-36 fiscal year.

HB 7119 originated as a committee bill in the House Government Accountability committee and moved to the House floor where it passed. It then was referred the Senate Rules committee, where it died.

Land Acquisition Trust Fund

Note: Funding from the Land Acquisition Trust Fund comes from the 1/3 of documentary stamp taxes set aside by the Water and Land Conservation Amendment (Amendment One) in 2014.

PASSED

SB 10 (Sen. Bradley/ Sen. Flores), “Reservoir Project in the Everglades Agricultural Area”: SB 10 has been heavily amended. In its final form, it focuses on using primarily state-owned lands for a reservoir project south of Lake Okeechobee. Specifically, the bill proposes the use of the “A-2” parcel, which had previously been approved as the location of another Everglades restoration project, as well as adjacent lands the state currently leases out, by amending or terminating lease agreements and then using or exchanging those lands.

In order to avoid using as much privately owned agricultural land, the footprint of the proposed reservoir has been reduced to provide a minimum of 240,000 acre-feet of water storage south of the lake. The reservoir project must include any necessary water quality features required to meet state and federal water quality standards.

The South Florida Water Management District (SFWMD) is authorized to purchase additional lands for the reservoir project, but is not allowed to utilize eminent domain. The bill allows U.S. Sugar to unilaterally terminate its contract to sell sugar lands to the state if certain conditions are met.

A bigger reservoir may be built using the “A-1” parcel if using the parcel would result in a reservoir with at least 360,000 acre-feet of water storage and enough land to treat the water from the reservoir to state and federal water quality standards.

Congress must approve the reservoir project as the new use of the “A-2” parcel. If Congress ultimately does not approve this change, the SFWMD would be required to request that the Army Corps of Engineers develop a project implementation report for the EAA Reservoir Project located somewhere else.

SB 10 authorizes up to \$800 million of Florida Forever bond proceeds to be used for land acquisition, planning, and construction related to the reservoir project. It would allocate \$33 million during the 2017-2018 fiscal year for reservoir-related expenses. Beginning next year, statutorily guaranteed annual allocations from the Land Acquisition Trust Fund for the Everglades would increase by \$64 million. This

would provide that up to \$264 million is dedicated each year for Everglades restoration, including the southern reservoir project, from the LATF.

SB 10 also contains language regarding the C-51 reservoir project, which could provide water to utilities and natural systems. The bill authorizes the SFWMD to negotiate with the owners of the C-51 reservoir to acquire the project or to enter into a public-private partnership. The bill allocates \$1 million from the Land Acquisition Trust Fund for expenses related to the C-51 project. It also transfers \$30 million from the General Revenue Trust Fund to the Water Resource Protection and Sustainability Program Trust Fund for a loan for the C-51 project.

SB 10 requires that:

- 1) The District operate the C-51 reservoir to maximize reduction of high-volume Lake Okeechobee regulatory releases and to provide relief to the Lake Worth Lagoon;
- 2) Water made available by the C-51 reservoir be used for natural systems in addition to allocated amounts for water supply; and
- 3) Any water received in the C-51 reservoir from Lake Okeechobee cannot be available to support consumptive use permits.

C-51 can be funded via appropriation, the water storage facility revolving loan fund, as a project component of CERP, or via the Land Acquisition Trust Fund.

In SB 10, the Legislature declares that the waters of the state should be managed to conserve and protect water resources and to realize the full beneficial use of such resources. The bill requires the State to provide funding assistance, via a revolving loan fund, to local governments or water supply entities (both public and private) for the development of water storage facilities.

Loans would be awarded by the Department of Environmental Protection from the Water Protection and Sustainability Program Trust Fund. The Water Protection and Sustainability Program Trust Fund would be used for alternative water supply and water storage projects, like the C-51 project, and could no longer be used to fund the implementation of Best Management Practices or capital project expenditures necessary for achieving Total Maximum Daily Loads.

Finally, the bill includes provisions to connect certain people south of Lake Okeechobee with jobs.

Senate Referrals (SB 10): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Passed); Appropriations (Passed); Senate Floor (Passed) – Transferred to the House, Passed on the House Floor, Sent to the Senate, Passed on the Senate Floor, Signed by Governor Scott

House Referrals (HB 761): Natural Resources and Public Lands Subcommittee (Died); Appropriations Committee; Government Accountability Committee

FAILED

SB 112 (Sen. Brandes/Sen. Rodriguez), “Flood Hazard Mitigation”: This bill would:

- 1) Subject to appropriation, allocate up to \$50 million annually from the Land Acquisition Trust Fund for flood hazard risk reduction policies and projects, including the acquisition of flood-prone property and development of green infrastructure to reduce the risk of flooding. Funds would be used for a matching grant program through the Division of Emergency Management.
- 2) Require an annual appropriation of a sum not to exceed \$820,000 from the Land Acquisition Trust Fund to the Emergency Management, Preparedness, and Assistance Trust Fund for nonrecurring administrative costs of implementing the grant program.
- 3) Add Flood Mitigation Projects to the list of projects that the Florida Communities Trust program can fund, undertake, and coordinate.

An identical bill has been filed in the House by Rep. Ahern: HB 613

Senate Referrals (SB 112): Banking and Insurance (Died); Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

House Referrals (HB 613): Oversight, Transparency and Administration Subcommittee (Died); Appropriations Committee; Government Accountability Committee

SB 230 (Sen. Steube), “Nonnative Animals”: This amended bill would allocate \$300,000 annually, for two years, from the Land Acquisition Trust Fund to implement a pilot program focused on mitigating the impact of tegu lizards, lionfish, and other invasive species on public lands and waters. Work performed on public lands not owned or managed by The Florida Fish and Wildlife Conservation Commission would have to be permitted by the land owners. The FWC, in consultation with the Department of Environmental Protection, would establish a pilot program with the goal of examining the benefits of using strategically deployed teams to capture or destroy the invasive species and simultaneously collect information for research purposes. FWC would submit a report of findings and recommendations regarding the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2020.

Additionally, this bill would require “priority invasive species” to be implanted with a PIT tag before sale.

This bill was originally sponsored by Senator Artiles, who resigned from the Senate.

A similar bill was filed in the House by Rep. Beshears: HB 587. The House version does not include an appropriation in the bill.

Senate Referrals (SB 230): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Passed); Appropriations (Died)

House Referrals (HB 587): Natural Resources and Public Lands Subcommittee (Passed); Agriculture and Natural Resources Appropriations Subcommittee (Passed); Government Accountability Committee (Passed); House Floor (Passed); Sent to Senate; Died in Senate Environmental Preservation and Conservation Committee

SB 234 (Sen. Bradley/Sen. Bean/ Sen. Gibson/ Sen. Hutson/Sen. Stewart/ Sen. Hukill/ Sen. Perry), “Land Acquisition Trust Fund”: This amended bill would require an annual allocation of \$20 million from the Land Acquisition Trust Fund for the St. Johns River Water Management District to help fund projects dedicated to the restoration and enhancement of the St. Johns River and its tributaries or the Keystone Heights Lake Region. The funds could be used for land management, land acquisition, increasing recreational opportunities, and improving public access.

Similar language is also contained in the amended SB 10.

A companion bill has been filed in the House by Rep. Payne: HB 847.

Senator Stewart filed an amendment to SB 234 that mirrors FCC’s adopted land conservation position statement, requesting that 25% of Land Acquisition Trust Fund (Amendment 1) dollars are allocated annually to the Florida Forever and Florida Communities Trust programs. Senator Bradley, the bill sponsor, stated that this was an “unfriendly” amendment and asked senators to vote the amendment down. Senator Stewart then withdrew her amendment, preventing a floor vote.

Senate Referrals (SB 234): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Passed); Appropriations (Passed); Senate Floor (Passed) – Died in Messages

House Referrals (HB 847): Agriculture and Natural Resources Appropriations Subcommittee (Died); Natural Resources and Public Lands Subcommittee; Appropriations Committee

HB 551 (Rep. Stone), “Onsite Sewage Treatment and Disposal Systems”: This bill would require an annual appropriation of \$20 million from the Land Acquisition Trust Fund. These funds would be used to help property owners retrofit their septic systems or switch to central sewer when DEP finds that their septic systems are contributing excess nutrient pollution to the Indian River Lagoon and the Caloosahatchee and St. Lucie estuaries. The funds would also be used for muck dredging and storm-water improvements in the northern Indian River Lagoon.

Additionally, this bill would require the adoption of septic tank remediation plans where DEP determines they’re necessary for meeting pollution reduction goals set by Total Maximum Daily (Pollution) Loads for water bodies. Plans would include options for septic system repair, upgrade, or replacement; drain field modification; the addition of effective nutrient-reducing features; and connection to central sewer.

A similar bill has been introduced in the Senate by Senator Young and Senator Mayfield: SB 874.

House Referrals (HB 551): Natural Resources & Public Lands Subcommittee (Died); Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee

Senate Referrals (SB 874): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Died); Appropriations

HB 663 (Rep. Peters), “Implementation of the Water and Land Conservation Constitutional

Amendment: This bill would amend the Land Acquisition Trust Fund Statute to appropriate a minimum of the lesser of 12.5 percent or \$100 million, annually, through the 2026-2027 fiscal year, to the Department of Environmental Protection for water supply and water resource development projects identified in a recovery or prevention strategy or in a regional water supply plan. The money could also be used for water quality restoration projects identified in a basin management action plan or a reasonable assurance plan.

An identical bill has been filed in the Senate by Sen. Brandes: SB 1082.

House Referrals (HB 663): Agriculture and Natural Resources Appropriations Subcommittee (Died); Natural Resources and Public Lands Subcommittee; Appropriations Committee

Senate Referrals: Environmental Preservation and Conservation (Died); Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

SB 982 (Sen. Mayfield), “Land Acquisition Trust Fund Allocation for the Indian River Lagoon System”:

This bill would amend the Land Acquisition Trust fund statute to appropriate \$30 million annually for projects dedicated to the restoration of the Indian River Lagoon system. From these funds, \$15 million would be distributed to the St. Johns River Water Management District and \$15 million would be distributed to the South Florida Water Management District. The funds could be used for land acquisition, land management, increasing recreational opportunities, and improving public access.

An identical bill has been filed in the House by Rep. Altman: HB 1033.

Senate Referrals (SB 982): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Died); Appropriations

House Referrals (HB 1033): Agriculture and Natural Resources Appropriations Subcommittee (Died); Natural Resources and Public Lands Subcommittee; Appropriations Committee

SB 1590 (Sen. Latvala/ Sen. Hutson/ Sen. Mayfield), “Coastal Management”: This bill would amend the Land Acquisition Trust fund statute to appropriate the lesser of 7.6 percent or \$50 million annually for projects that preserve and repair the state’s beaches.

Additionally, this bill would change the way the Department of Environmental Protection (DEP) ranks beach and inlet projects requesting funding.

Finally, the bill would require DEP to include a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan in their comprehensive long-term management plan. The budget plan would include three-year work plans for beach and inlet projects and a long-range plan that identifies projects for inclusion in the fourth and fifth ensuing fiscal years.

A similar bill has been filed in the House by Rep. Peters and Rep. Moraitis: HB 1213. However, HB 1213 does not amend the Land Acquisition Trust Fund to provide annual funding for beaches.

Senate Referrals (SB 1590): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Passed); Appropriations (Passed); Senate Floor (Passed) – Died in Messages

House Referrals (HB 1213): Natural Resources and Public Lands Subcommittee (Passed); Agriculture and Natural Resources Appropriations Subcommittee (Passed); Government Accountability Committee (Dead)

Water

PASSED

HB 573 (Rep. Burton), “Heartland Headwaters Protection & Sustainability Act”: This amended bill requires the Polk Regional Water Cooperative to develop a comprehensive annual report, including estimated project costs and completion dates, for water resource projects identified for priority state funding within the Cooperative’s jurisdiction.

The bill also requires the Cooperative to coordinate with the appropriate water management district to submit an annual status report on projects receiving priority state funding.

A similar bill was filed in the Senate by Sen. Stargel: SB 928. SB 928 would have allowed a county or municipality who receives proceeds from a local government infrastructure surtax to transfer those proceeds to a regional water supply authority. It did not pass.

House Referrals (HB 573): Natural Resources and Public Lands Subcommittee (Passed); Agriculture and Natural Resources Appropriations Subcommittee (Passed); Government Accountability Committee (Passed); House Floor (Passed) – Transferred to the Senate Floor; Passed on the Senate Floor

Senate Referrals (SB 928): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Passed); Appropriations (Passed); Senate Floor (Passed) – Substituted by HB 573

SB 1018 (Sen. Grimsley/ Sen. Galvano), “Pollution”: SB 1018 is similar to SB 532. It also uses existing rules to determine when a pollution incident must be reported, and requires that pollution notification be provided to the Department of Environmental Protection within 24 hours of the discovery of the pollution release. SB 1018 similarly requires DEP to share the pollution notification reports with the public within 24 hours of receipt. If someone fails to report a pollution release as required by SB 1018, the bill states that they would be subject to civil penalties as specified by existing statute.

Additionally, SB 1018 makes it easier for more sites contaminated by petroleum to receive state funding for rehabilitation of the sites. Similarly, the bill would result in more dry cleaning contaminated sites being eligible for advanced site assessment and financial assistance for that assessment.

Finally, SB1018 requires the Department of Environmental Protection to investigate the potential for damage to underground petroleum systems by ethanol or biodiesel and produce a report with its by December 15th of this year. The Department is also required to evaluate the potential for using the Inland Protection Trust Fund for addressing the potential damages investigated in the report. \$25,000 is allocated to the Inland Protection Trust Fund for this work.

A similar bill was filed in the House by Rep. Stone: HB 753.

Senate Referrals (SB 1018): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Passed); Appropriations (Passed); Senate Floor (Passed) – Transferred to the House, Passed on the House Floor

House Referrals (HB 753): Natural Resources and Public Lands Subcommittee (Passed); Ways and Means Committee (Passed); Government Accountability Committee (Passed) – Substituted by SB 1018

SR 1230 (Sen. Bradley), “Springs Protection Awareness Month”: This bill recognizes the importance of Florida’s springs by declaring April 2017 as “Springs Protection Awareness Month” in Florida and encouraging all levels of government to support springs protection, restoration, and preservation awareness.

A similar bill was filed in the House by Rep. Porter: HR 8005.

Both SR 1230 and HR 8005 have been adopted.

FAILED

HB 285 (Rep. Fine/ Rep. Altman/ Rep. Diamond/ Rep. Edwards/ Rep. Fischer/ Rep. Fitzenhagen/ Rep. Jacobs/ Rep. Leek/ Rep. Massullo/ Rep. Peters/ Rep. Plasencia/ Rep. Willhite), “Onsite Sewage Treatment and Disposal Inspections”: This amended bill would no longer require septic system inspections when properties with septic systems are sold. The bill, instead, would simply require sellers of property with septic systems to disclose the existence of the system to buyers. The disclosure would have to include advice for properly maintaining the system. Additionally, the Department of Health would be required to identify the location and operational condition of all septic systems in the state in order to update their database of septic system information. However, the Department of Health would not be allowed to visit or inspect septic systems in order to collect information, forcing them to rely on existing data from state, local, or commercial sources. This database would be used to generate a report to be submitted to the Governor, President of the Senate, and the Speaker of the House.

The companion to this bill is SB 1748 by Sen. Stewart. SB 1748 used to include enforcement provisions for septic systems in need of repair in addition to mandatory septic system inspections. It has been amended to reflect changes made in the House. It does not include the provision, however, that prohibits the Department of Health from visiting septic systems to collect data.

House Referrals (HB 285): Agriculture & Property Rights Subcommittee (Passed); Natural Resources & Public Lands Subcommittee (Passed); Commerce Committee (Passed); House Floor (Passed); Sent to the Senate; Died in the Senate Environmental Preservation and Conservation Committee

Senate Referrals (SB 1748): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on Health and Human Services (Died); Appropriations

HB 413 (Rep. Antone), “Water Oversight and Planning”: This bill would establish a Water Oversight & Planning Board to oversee regional water supply and water quality planning, flood protection planning, and environmental restoration. The board would include two members appointed by the Governor, several industry-minded members, and one representative from an environmental organization. The stated purposes of this Board are basic functions of the water management districts.

A similar bill has been filed in the Senate by Sen. Gibson: SB 1300.

SB 1300 has been withdrawn from its committees and further consideration.

House Referrals (HB 413): Natural Resources & Public Lands Subcommittee (Died); Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee

Senate Referrals (SB 1300): Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations; Rules

SB 532 (Sen. Galvano/Sen. Stewart/Sen. Benacquisto/ Sen. Rouson/ Sen. Book/ Sen. Young/ Sen. Hukill), “Public Notification of Pollution”: This amended bill uses existing rules to determine when pollution must be reported to the Department of Environmental Protection. An owner or operator of an installation where a reportable pollution release occurs must report the release to the Department of Environmental Protection (DEP) within 24 hours after discovering the release. Then, DEP must publish this report online within 24 hours of receipt. If an owner or operator of an installation fails to comply with this law, they would be subject to up to \$10,000 per day of civil penalties for each violation.

Additionally, SB 532 requires an additional report to be sent to the DEP if a reportable pollution release migrates outside of the property boundaries of the installation.

A similar bill has been filed in the House by Rep. Peters: HB 1065. HB 1065 requires less information in pollution notification reports and does not require additional notification if pollution migrates outside the property boundaries of the installation where the pollution release occurred.

Senate Referrals (SB 532): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Passed); Appropriations (Passed); Senate Floor (Passed) – Died in Messages

House Referrals (HB 1065): Natural Resources and Public Lands Subcommittee (Died); Agriculture and Natural Resources Appropriations Subcommittee; Government Accountability Committee

SB 678 (Sen. Montford), “Financial Assistance for Water and Wastewater Infrastructure: This bill would make it easier for local governments to finance septic to sewer conversions by allowing them to receive payments from the State for invoices, rather than paying the invoices themselves and then waiting for reimbursement from the State.

An identical bill has been filed in the House by Rep. Payne: HB 629.

Senate Referrals (SB 678): Communications, Energy, and Public Utilities (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Passed); Appropriations (Died)

House Referrals (HB 629): Natural Resources and Public Lands Subcommittee (Passed); Agriculture and Natural Resources Appropriations Subcommittee (Died); Government Accountability Committee

HB 751 (Rep. Clemons), “Stormwater Management”: This bill would require local governments to adopt DEP’s best management practices and other measures adopted by rule in their stormwater plans. If this bill passes, local governments that edit their stormwater plans as required above would be considered in compliance with water quality standards. Finally, this bill would prohibit local governments from adopting more stringent water quality standards for stormwater discharges than those required by the state.

A Similar bill has been filed in the Senate by Sen. Perry: SB 1378.

House Referrals (HB 751): Natural Resources and Public Lands Subcommittee (Died); Local, Federal and Veterans Affairs Subcommittee; Government Accountability Committee

Senate Referrals (SB 1378): Environmental Preservation and Conservation (Died); Community Affairs; Rules

SB 816 (Sen. Simmons), “Central and Southern Florida Project for Flood Control and Other Purposes”: This bill would require the South Florida Water Management District to request the Army Corps of Engineers to expedite repair, improvement, and strengthening of the dike surrounding Lake Okeechobee so as to reach substantial completion before July of 2020. It aims to ensure that Lake Okeechobee discharges are executed only as part of a schedule approved by the District. The bill would set a goal of holding an additional 2 feet of water in Lake Okeechobee so that maximum discharges wouldn’t be required until the water level of the lake reached 19 feet. The bill also directs the District to request the Corps work with them to reevaluate the CERP with the intention of increasing storage in the authorized Everglades Agricultural Area Storage Reservoir on A-1 and A-2 lands AND to provide water quality treatment.

SB 816 permits all costs associated with maintaining the dike, including the costs for land acquisition, construction, and operation and maintenance, to be funded out of the Florida Forever program – historically the primary source for statewide conservation land acquisition. It further states that up to \$1 billion in Florida Forever bond proceeds in the 2017-2018 fiscal year shall be deposited to the Everglades Trust Fund for dike repair, improvement, and strengthening. This money would be additional to funds allocated to Everglades restoration in last year’s Legacy Act. The funding to accomplish this, in excess of

state obligation under the C&SF agreement, would be considered an interest-free loan to the United States.

A similar bill has been filed in the House by Rep. Roth: HB 1211. Among other differences from SB 816, HB 1211 would require an annual \$100 million allocation through 2020-2021 from the Land Acquisition Trust Fund for the rehabilitation and improvement of the Herbert Hoover Dike.

Senate Referrals (SB 816): Environmental Preservation and Conservation (Died); Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

House Referrals (HB 1211): Natural Resources and Public Lands Subcommittee (Died); Agriculture and Natural Resources Appropriations Subcommittee; Government Accountability

SB 1438 (Sen. Broxson), “Aquifer Replenishment”: This bill would authorize the Department of Environmental Protection to place additional permit conditions on permits for underground injections intended to protect or replenish the state’s ground water resources.

Additionally, this bill would authorize the Department of Environmental Protection to adopt rules establishing voluntary facility classifications and associated operator licensing requirements for water treatment facilities that handle reclaimed water and stormwater as a means of promoting the availability of sufficient water.

A similar bill was filed in the House by Rep. Albritton: HB 755.

House Referrals (HB 755): Natural Resources and Public Lands Subcommittee (Passed); Appropriations Committee (Died); Government Accountability Committee

Senate Referrals (SB 1438): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Died); Appropriations

SB 1700 (Sen. Farmer), “Water Management”: This bill would improve upon last year's omnibus water bill to provide greater protection for Florida's waters, particularly Florida's Outstanding Florida Springs. Among other provisions, this bill would:

- Give Water Management Districts information necessary to better determine how much water Floridians are consuming
- Require Water Management Districts to determine how much water can be sustainably consumed in districts containing Outstanding Florida Springs
- Require that sufficient water be reserved to restore the minimum flow or water level of an Outstanding Florida Spring
- Strengthen prohibitions on new pollution to Outstanding Florida Springs
- Collect information necessary to reduce pollution to Outstanding Florida Springs

- Require Agricultural Best Management Practices be used that can achieve pollution reductions called for by Basin Management Action Plans which include an Outstanding Florida Spring
- Permits funding for conservation easements on lands within a Basin Management Action Plan that includes an Outstanding Florida Spring when the Department of Environmental Protection determines that the land is being used in a way that is inconsistent with springs protection. The easements may include a move from the current use of the land to less-polluting agricultural activities.

Senate Referrals (SB 1700): Environmental Preservation and Conservation (Died); Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

Growth Management

FAILED

HB 17 (Rep. Fine/ Rep. Renner), “Local Regulation Preemption”: This bill would prevent any political subdivision of the state from adopting new regulation on a business, profession, or occupation unless the regulation is expressly authorized by general law. It also sunsets existing regulations and permitting of businesses, professions, and occupations on July 1, 2020.

A similar, though less broad, bill has been filed in the Senate by Sen. Passidomo: SB 1158.

House Referrals (HB 17): Careers & Competition Subcommittee (Passed); Commerce Committee (Died)

Senate Referrals (SB 1158): Commerce and Tourism (Died); Community Affairs; Appropriations; Rules

SB 996 (Sen. Perry), “Administrative Proceedings”: This bill would lower the standard for when an individual or non-profit organization that challenges a development would be forced to pay a developer’s attorney fees. A party challenging a development would have to pay the developer’s attorney fees and costs if the developer prevails, a settlement is reached that is favorable to the developer on a majority of issues, or if the challenging party drops the challenge.

A similar bill has been filed in the House by Rep. Killebrew: HB 997.

Senate Referrals (SB 996): Judiciary (Died); Appropriations Subcommittee on General Government; Appropriations

House Referrals (HB 997): Oversight, Transparency and Administration Subcommittee (Died); Civil Justice and Claims Subcommittee; Government Accountability Committee

Wildlife

PASSED

SB 884 (Sen. Hutson), “Sharks”: This amended bill would codify the prohibition of the possession of separated shark fins or tails on Florida waters without special permission. It would codify the prohibition on bringing separated shark fins or tails ashore without special permission. And it would also create incremental punishments for violations.

The companion bill was introduced in the House by Rep. Miller, Rep. Gruters, Rep. Burgess, Rep. Cortes, and Rep. Jacobs: HB 823.

These bills would no longer prohibit the sale, trade, or distribution of shark fins and tails.

Senate Referrals (SB 884): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Passed); Appropriations (Passed); Senate Floor (Passed) – Signed by Officers and Presented to Governor

House Referrals (HB 823): Natural Resources and Public Lands Subcommittee (Passed); Careers and Competition Subcommittee (Passed); Government Accountability Committee (Passed); House Floor (Passed) – Substituted by SB 884

FAILED

HB 491 (Rep. Mercado/ Rep. Baez/ Rep. Jenne/ Rep. Moskowitz), “Florida Black Bear Habitat Restoration Act”: The bill declares that it is the intent of the Legislature to enact measures to restore black bear habitat and thereby reduce human-bear conflicts.

It would:

- 1) Establish a Bear-Resistant Garbage Container Account, with a minimum appropriation of \$1 million, within the Nongame Wildlife Trust Fund. Counties with bear-human conflicts would be able to apply for funding assistance for bear-resistant garbage containers from this Account.
- 2) Require burn schedules for state forests and parks to be adjusted to allow for the regrowth of oak trees, saw palmettos, and other berry-producing plants that black bears eat to the extent that, after such regrowth, bears are not compelled to enter residential areas in search of food.
- 3) Prohibit roller-chopping of saw palmettos in black bear habitat.
- 4) Prohibit the sale of timbering rights to acorn-producing trees in state forests and state parks with black bear habitat.
- 5) Prohibit hunting black bears until July 1, 2027.

- 6) Require FWC to conduct a 5-year population trend study of the Florida black bear which includes an analysis of the potential impact of hunting.
- 7) Prohibit saw palmetto berry harvesting on state lands with black bear habitat.
- 8) Establish a sales certificate system for saw palmetto berry transactions.
- 9) Prohibits prescribed burns in black bear habitat, during denning season, until a certificate from FWC is obtained that says that no adult female bears with juvenile offspring are denning within the burn site.

A similar bill was introduced in the Senate by Sen. Stewart and Sen. Torres: SB 1304.

SB 1304 was significantly amended. For example, the provision creating a revolving fund for bear-resistant trash cans has been removed.

The amended bill would prohibit the FWC from allowing bears mothering cubs under 100 pounds to be taken during a Florida black bear hunt. It provides that anyone who unlawfully harvests saw palmetto berries on state lands commits petit theft of the second degree. It would require FWC to designate, on state lands, black bear habitats where females are likely to be denning in February and lands where there are critical food sources for bears. Finally, it would prohibit prescribed burning on state lands during the month of February where the FWC has designated the area as a likely location for black bear denning.

House Referrals (HB 491): Natural Resources & Public Lands Subcommittee (Died); Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee

Senate Referrals (SB 1304): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Died); Appropriations

Energy

PASSED

SB 90 (Sen. Brandes), “Renewable Energy Source Devices”: This bill implements 2016’s Constitutional Amendment 4.

“Renewable energy source devices” are exempt from consideration when assessing the value of residential property. SB 90 exempts 80% of the just value of a commercial property attributable to a renewable energy source device from being considered. The exemption applies only to devices installed on or after January 1, 2018, with certain exceptions.

In addition, SB 90 provides an exemption for 80% of a renewable energy source device’s value from tangible personal property ad valorem taxation. The exemption only applies to devices installed on or after January 1, 2018, with certain exceptions.

SB 90 has numerous provisions requiring disclosures to be included in agreements governing the sale or lease of distributed energy generation systems.

Violations are punishable by fines.

The tax exemptions provided by SB 90 expire on December 31, 2037.

Two companion bills were filed in the House:

An identical bill was filed by Rep. Berman: HB 1411. It was not heard in any of its committees.

A similar bill was filed by Rep. Rodrigues: HB 1351.

Senate Referrals (SB 90): Communications, Energy, and Public Utilities (Passed); Community Affairs (Passed); Appropriations Subcommittee on Finance and Tax (Passed); Appropriations (Passed); Senate Floor (Passed) – Transferred to the House, Passed on the House Floor, Sent to the Senate, Passed on the Senate Floor, Signed by Governor Scott.

House Referrals (HB 1351): Energy and Utilities Subcommittee (Passed); Ways and Means Committee (Passed); Commerce Committee (Passed), Substituted by SB 90

FAILED

SJR 108 (Sen. Farmer), “Extreme Well Stimulation Ban Resolution”: This resolution proposes an amendment to the Constitution that would ban extreme well stimulation techniques, including “fracking,” in Florida.

Senate Referrals: Environmental Preservation and Conservation (Died); Community Affairs; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

SB 442, (Sen. Young/Sen. Perry/Sen. Farmer/ Sen. Latvala/ Sen. Stewart/ Sen. Rader/ Sen. Flores/ Sen. Mayfield/ Sen. Steube/ Sen. Rodriguez/ Sen. Torres/ Sen. Bracy/ Sen. Campbell/ Sen. Rouson/ Sen. Book/ Sen. Montford/ Sen. Powell/ Sen. Artilles/ Sen. Clemens), “Advanced Well Stimulation Treatment”: This bill would ban “advanced well stimulation” techniques, including “fracking,” in Florida. It makes it clear that a permit for drilling or operating a well doesn’t authorize the performance of “advanced well stimulation treatments.”

An identical bill was introduced in the House by Rep. Miller, Rep. Cruz, Rep. Abruzzo, Rep. Baez, Rep. Berman, Rep. Clemons, Rep. B Cortes, Rep. J Cortes, Rep. Davis, Rep. Diamond, Rep. Fitzenhagen, Rep. Geller, Rep. Gruters, Rep. Henry, Rep. Jacobs, Rep. Jacquet, Rep. Latvala, Rep. A. Miller, Rep. Newton, Rep. Peters, Rep. Plascencia, Rep. Richardson, Rep. Russell, Rep. Shaw, Rep. Slosberg, Rep. Smith, Rep. Stark, Rep. C. Watson, and Rep. Willhite: HB 451.

Additionally, similar bills were filed in the House by Rep. Jenne (HB 35) and in the Senate by Senator Farmer (SB 98). Senator Farmer co-sponsored SB 442.

Senate Referrals (for SB 442): Environmental Preservation and Conservation (Passed); Appropriations Subcommittee on the Environment and Natural Resources (Died); Appropriations

House Referrals (for HB 451): Natural Resources and Public Lands Subcommittee (Died); Agriculture and Natural Resources Appropriations Subcommittee; Government Accountability Committee

SB 456 (Sen. Rodriguez), “Public Utilities”: This bill would exempt certain producers of renewable solar-based energy from being defined as a public utility. It would allow, for example, apartment complexes who produce solar power to sell power to their tenants without having to go through a utility.

A similar bill was filed in the House by Rep. Davis: HB 1251.

Senate Referrals (SB 456): Communications, Energy, and Public Utilities (Died); Community Affairs; Rules

House Referrals (HB 1251): Energy and Utilities Subcommittee (Died); Agriculture and Property Rights Subcommittee; Commerce Committee

Environmental

FAILED

SB 162 (Sen. Rodriguez/ Sen. Farmer/ Sen. Clemens/ Sen. Stewart/ Sen. Campbell), “Disposable Plastic Bags”: This bill would allow coastal communities with a population of fewer than 100,000 to implement pilot programs testing regulations or bans of disposable plastic bags. The pilot programs would take effect on or after January 1, 2018 and would end on or before June 30, 2020. The pilot regulations or bans cannot include new taxes or fees on the use or distribution of disposable plastic bags. Municipalities that implement such pilot programs would collect data on the impact of their regulations or ban and submit a report by April 1, 2020 with this information to the governing board of their municipality at a public hearing. They would also provide a copy of this report to the Department of Environmental Protection.

A similar bill has been filed in the House by Rep. Richardson, Rep. Geller, Rep. Jacons, Rep. Raschein, and Rep. Slosberg: HB 93

Senate Referrals (SB 162): Environmental Preservation and Conservation (Passed); Community Affairs (Died); Commerce and Tourism; Rules

House Referrals (HB 93): Local, Federal and Veterans Affairs Subcommittee (Died); Careers and Competition Subcommittee; Government Accountability Committee

SB 198 (Sen. Stewart/Sen. Rodriguez), “Environmental Regulation Commission”: This amended bill would:

- 1) Establish a deadline of 90 days for filling vacancies on the Environmental Regulation Commission (ERC)
- 2) Require four affirmative votes from ERC members to approve standards in rules relating to air quality, water quality, and water quantity standards.

A companion bill was filed in the House by Rep. Willhite: HB 861.

Senate Referrals: Environmental Preservation and Conservation (Passed); Ethics and Elections (Passed); Rules (Passed); Senate Floor (Passed) – Died in Messages

House Referrals (HB 861): Natural Resources and Public Lands Subcommittee (Passed); Oversight, Transparency and Administration Subcommittee (Died); Government Accountability Committee

SB 974 (Sen. Rodriguez), “Public Utility Environmental Remediation Costs”: If this bill were to become law, a municipality or county would be able to request a hearing with the Public Service Commission when a utility causes environmental damage within the municipality, county, or adjacent bodies of water. The hearing would determine if the utility acted prudently in the events leading up to or causing the environmental damage AND if the utility acted prudently to remedy the damage. If the Public Service Commission decides that the utility did not act prudently, then the utility will not be able to recover the costs of remediation for the environmental damage from ratepayers.

Senate Referrals: Communications, Energy, and Public Utilities (Died); Community Affairs; Environmental Preservation and Conservation; Rules



Overview of the 2017 Legislative Session

May 11, 2017

2:30 p.m. - 3:30 p.m. EDT

www.florida-stormwater.org



Upcoming Events!

Stormwater Operator Certification Classes

<http://www.florida-stormwater.org/training-center>

Stormwater Operator Re-Certification Online Webinars

- May 16, 2017 (registration closed)
- November 7, 2017

Annual Conference – *registration closes June 2nd*

<https://www.florida-stormwater.org/conference>

June 14-16, 2017

Sanibel Harbour Marriott, Ft. Myers



do it right.
with integrity.

*Water Management
Green Infrastructure
Environmental Compliance
Sea Level Rise Strategies*



www.appliedfl.com

Engineers | Scientists | Advocates



Matthew A. Goolsby, PE, CFM
Sr. Water Resources Engineer

- Extensive FEMA expertise
- Hazard Mitigation Grants
- Letters of Map Revision
- Community Rating System (CRS) Support
- Surface Water Quality Assessments
- ICPR4, SWMM5, XPSWMM

mgoolsby@appliedfl.com



www.appliedfl.com

Engineers | Scientists | Advocates

Meet the Presenters



Kurt Spitzer



Kelli Levy

www.florida-stormwater.org



Today's Overview

1. General Background for 2017 Session
2. Primary Water and related Legislation of interest to Local Government
3. What to look for in 2018



General Background for 2017 Session

1. Florida's Fiscal Condition
2. Lesser interest in springs and water quality/supply
3. Mostly "defense" as opposed to offense/defense
4. Exogenous influences on "the process" pronounced

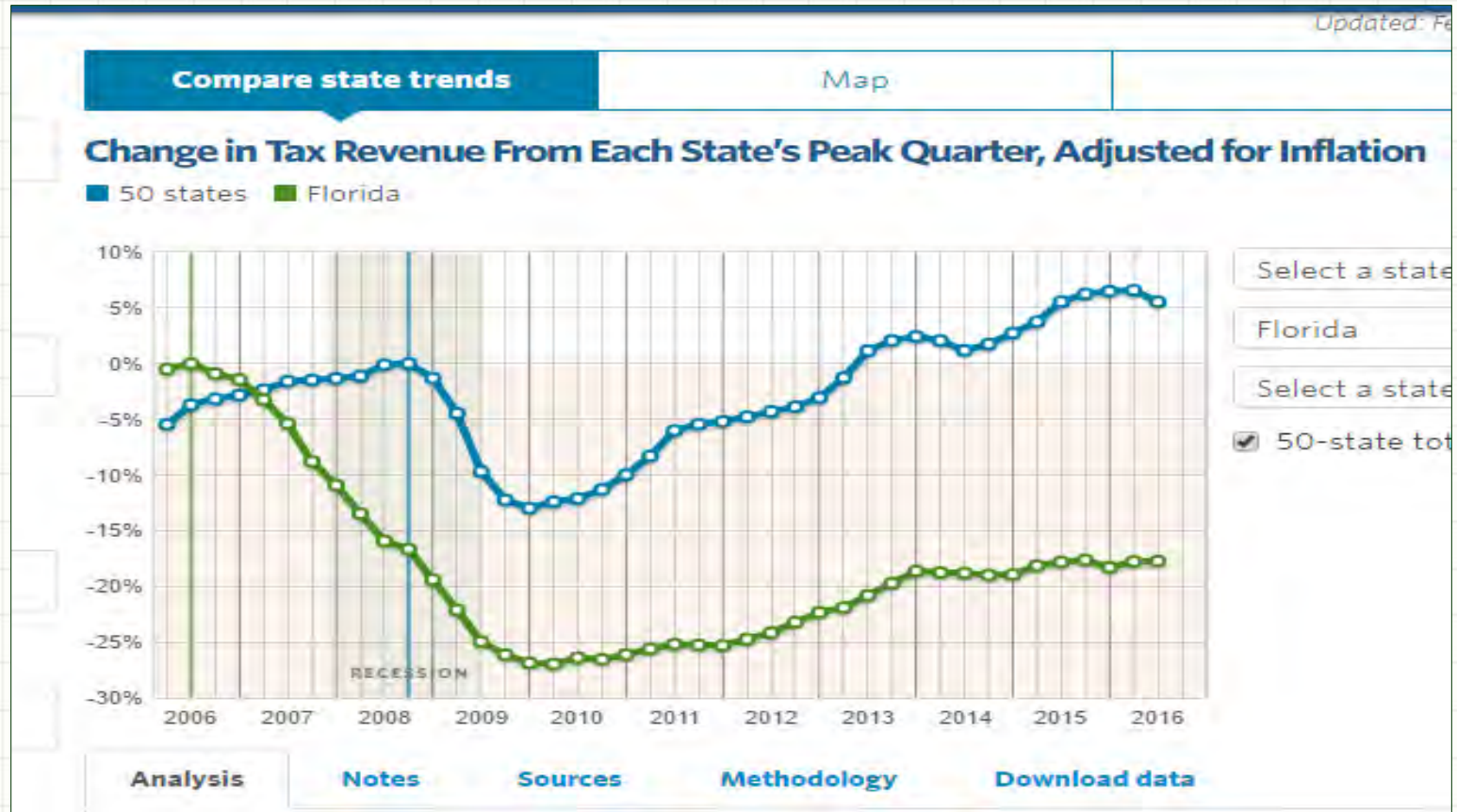


General Background for 2017 Session

1. Florida's Fiscal Condition
 - Generally stable, especially when compared to other states
 - But...a long ways off from pre-recession in terms of tax revenues



Florida Stormwater Association



www.florida-stormwater.org



General Background for 2017 Session

2. Lesser interest in springs and water quality/supply
 - Springs/water bills handled in 2014 through 2015-16
 - No appetite for new water legislation, other than Everglades



General Background for 2017 Session

3. Mostly defense as opposed to offense & defense...
 - HB 17
 - SB 1158
 - HB 751



General Background for 2017 Session

4. Exogenous influences on “the process” pronounced
 - National Elections
 - Upcoming Florida elections in 2018



Resources on FSA website

<https://www.florida-stormwater.org/advocacy>

- ✓ Priority Issues
- ✓ General bills being tracked by FSA
- ✓ White Papers
- ✓ News Clips

www.florida-stormwater.org



https://www.florida-stormwater.org/ Florida Stormwater Associa...
onvert Select



Florida Stormwater Association



Member Login

Search our site

Home

About Us

Member Services

FSA Educational Foundation

Members Only

Join

Advocacy

Awards Program

Career Center

Conference

FSA's eNewsletter

Establishing SWU Manual

Seminars

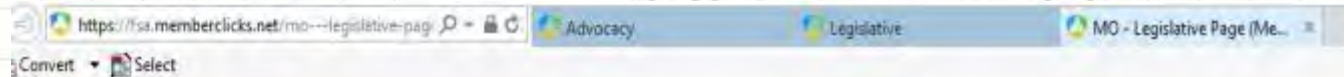
Stormwater Utility Rates in Florida

Stormwater Utility Report (2016)

Training Center

Join us in Sanibel!

June 14th - 16th at the Sanibel Harbour Marriott. Find out more



Legislative Page (Members Only)

Quick Links: [Bills](#) - [News](#) - [White Papers](#) / [Current Year](#) - [Previous Year](#)

Legislative reports produced by FSA are intended for the benefit of the membership and to further the policies and objectives of the Association. Some documents may contain confidential information that further distribution to other parties may be detrimental to the interests of the overall membership. Please use discretion and good judgment if electronic communications are sent to other parties. FSA reserves the right to discontinue providing access to legislative reports and other communications to any party at anytime.

2017 Regular Session

- [FSA Final Priority Issues - updated May 9, 2017](#)
- [Official Website of the Florida Legislature](#)



2017 Bills Being Tracked

(Not seeing table below? Make sure your pop up blocker is off)



Florida Stormwater Association

Convert Select

- [FSA Final Priority Issues - updated May 9, 2017](#)
- [Official Website of the Florida Legislature](#)

2017 Bills Being Tracked

(Not seeing table below? Make sure your pop up blocker is off)

Number	Title	Sponsor	Last Action
SB 10	Relating to Water Resources	Bradley	5/9/2017
HB 17	Relating to Local Regulation Preemption	Fine	5/8/2017
HB 35	Relating to Well Stimulation Treatments	Jenne	5/8/2017
SB 98	Relating to Well Stimulation	Farmer	5/8/2017
SB 108	Relating to Well Stimulation	Farmer	5/8/2017
HB 139	Relating to Local Tax Referenda	Ingoglia	5/8/2017



Florida Stormwater Association

▼ Select

[HB 7063](#) Relating to Local
Government Fiscal
Responsibility [Ways &
Means
Committee](#) 5/8/2017

White Papers and Short Bill Summaries

File Name	Date Added
HB 17 Short Summary	3/10/2017
HB 7063 Short Summary	3/9/2017
Reclaimed Water White Paper	2/28/2017
10/2 Permits White Paper	3/12/2015
Septic Tank White Paper	2/26/2015
Wetlands White Paper	1/28/2015

News

[Real Estate](#)

* Legislative IQ * 5/10/2017

[State Economy](#)

* Legislative IQ * - 5/10/2017



Primary Issues of Concern – “*Priority Issues*”

- ✓ **HB 17** - Removed local discretionary authority in all policy areas unless the Legislature has “expressly” granted authority by general law in a specific subject area. Failed.
- ✓ **SB 1158** - Removed local discretionary authority in matters related to commerce or trade that are not expressly authorized by the Legislature. Failed.



Primary Issues of Concern – “*Priority Issues*”

- ✓ **HB 7063** – Intended to limit the ability of local governments to increase taxes and incur debt. Failed.
 - Required voter approval for any new tax-supported debt seeking to bond revenues for more than five years.
 - Required 60% approval rate for any local option tax or property tax levy requiring voter approval.



Primary Issues of Concern – “*Priority Issues*”

- ✓ **HB 7063** – Intended to limit the ability of local governments to increase taxes and incur debt. Failed.
 - Lowered the maximum millage rate by providing that it’s the “rolled-back rate” unless the jurisdiction does not have any excess unencumbered fund balances.
 - Prohibited enactment of most local option taxes if the jurisdiction had adopted a millage rate in excess of its rolled-back rate any of its past three years.



Primary Issues of Concern – “*Priority Issues*”

- ✓ **HB 751/SB 1378** - Prohibited local governments from adopting or enforcing any new ordinance or regulation requiring more stringent water quality standards or regulations for stormwater discharges to surface waters, wetlands or groundwater than standards established by FDEP. Failed.



Primary Issues of Concern – “*Priority Issues*”

- ✓ **HB 285/SB 1748** - HB originally required inspections of septic systems prior to sale. SB originally required inspections and implementation of remediation plans, if necessary. At end of Session, both bills revised to require DOH to complete statewide inventory of OSTDS but had different forms of notice to buyers of property with septic systems. Failed but likely to come back in 2018.



Primary Issues of Concern – “*Priority Issues*”

- ✓ **HB 551/SB 874** - Similar to what passed in 2016 for impaired springshed areas. Required the development of an OSTDS remediation plan if FDEP determines it necessary to achieve a TMDL. FDEP to coordinate with DOH, relevant local governments and local public /private wastewater utilities. Failed.



Primary Issues of Concern – “*Priority Issues*”

- ✓ **SB 1018 *et al*** – Updates FDEP rule and process on Notices of Pollution. Requires owners/operators of facilities at which a reportable release occurs to provide notice to FDEP within 24 hours. FDEP is required to determine substances/amounts that are subject to notification requirements. Passed.



Primary Issues of Concern – “*Priority Issues*”

- ✓ **SWU Fee “Fix”** – Amendments clarifying application of SWU fees to schools and state agencies were not introduced. See www.florida-stormwater.org/Litigation/
 - Legislative Correction of Court Cases (FSA/FLC)
(versus)
 - Legislative Ratification of Court Cases (schools)



Primary Issues of Concern – “*Priority Issues*”

- ✓ **Fertilizer Pre-Emption** – Amendments or legislation pre-empting the ability of local governments to regulate the use of consumer fertilizer were not introduced.
- ✓ **“10/2” Permit Corrections** – Amendments to correct flaws in the 10/2 General Permit law were not introduced.



Other Issues

- ✓ **“Non-Agricultural BMPs”** – Legislation to limit or repeal the 2016 requirement that FDEP established rules requiring implementation of non-agricultural BMPs was not introduced.
- ✓ FDEP moving ahead with implementation process. Minimal impact on FSA members.



Other Issues

- ✓ **HB 1357/SB 1686** – Required Cabinet to prepare a report summarizing potential new water supply investments to increase water supply and Legislative Office of Program Policy Analysis and Government Accountability to perform an annual review of investments made by Cabinet. Authorized WMDs to adopt rules providing for water reuse incentives in consumptive use permits and that water supply development projects for reclaimed water be included in regional water supply plans. Required FDEP to prepare a report prior to 2019 on criteria for the regulation of Direct Potable Reuse.

www.florida-stormwater.org



Other Issues

- ✓ **SB 1438/HB 755** – Authorized FDEP to establish conditions in permits for aquifer replenishment projects. Authorized the establishment of voluntary licensing requirements for facilities that treat reclaimed water or stormwater as a means to help promote its use.
- ✓ Failed but legislation on reclaimed water and aquifer replenishment likely to come back in 2018.



Florida Stormwater Association

2017 Comparisons

Fiscal Year	Vetoed	Total Budget	Governor
2000-2001	\$313,151,997	\$50,919,951,413	Jeb Bush
2001-2002	\$288,833,856	\$48,331,164,980	Jeb Bush
2002-2003	\$207,205,478	\$50,408,981,797	Jeb Bush
2003-2004	\$21,169,517	\$53,502,561,910	Jeb Bush
2004-2005	\$349,344,689	\$58,036,663,978	Jeb Bush
2005-2006	\$179,572,268	\$63,076,088,492	Jeb Bush
2006-2007	\$447,907,053	\$71,326,284,400	Jeb Bush
2007-2008	\$459,167,584	\$71,953,311,480	Charlie Christ
2008-2009	\$251,140,000	\$65,024,050,364	Charlie Christ
2009-2010	\$6,000,000	\$66,536,360,098	Charlie Christ
2010-2011	\$171,573,068	\$70,377,423,887	Charlie Christ
2011-2012	\$615,347,550	\$69,676,639,159	Rick Scott
2012-2014	\$142,752,177	\$70,036,652,091	Rick Scott
2013-2014	\$367,950,394	\$74,298,188,334	Rick Scott
2014-2015	\$68,850,121	\$77,081,082,124	Rick Scott
2015-2016	\$461,387,164	\$78,697,999,841	Rick Scott
2016-2017	\$256,144,027	\$82,348,890,492	Rick Scott
2017-2018	TBD	\$82,418,458,905	Rick Scott



Florida Stormwater Association

Year	Governor	President	Speaker	Bills Filed	Bills Passed	% Passed
2001	Jeb Bush	John McKay	Tom Feeney	2,251	362	16%
2002	Jeb Bush	John McKay	Tom Feeney	2,428	403	17%
2003	Jeb Bush	James King	Johnnie Byrd	2,553	412	16%
2004	Jeb Bush	James King	Johnnie Byrd	2,691	497	18%
2005	Jeb Bush	Tom Lee	Allan Bense	2,483	393	16%
2006	Jeb Bush	Tom Lee	Allan Bense	2,482	386	16%
2007	Charlie Crist	Ken Pruitt	Marco Rubio	2,545	345	14%
2008	Charlie Crist	Ken Pruitt	Marco Rubio	2,504	313	13%
2009	Charlie Crist	Jeff Atwater	Ray Sansom	2,371	271	11%
2010	Charlie Crist	Jeff Atwater	Larry Cretul	2,478	301	12%
2011	Rick Scott	Mike Haridopoplos	Dean Cannon	2,186	295	13%
2012	Rick Scott	Mike Haridopoplos	Dean Cannon	2,052	292	14%
2013	Rick Scott	Don Gaetz	Will Weatherford	1,848	286	15%
2014	Rick Scott	Don Gaetz	Will Weatherford	1,817	264	15%
2015	Rick Scott	Andy Gardiner	Steve Crisafulli	1,754	232	13%
2016	Rick Scott	Andy Gardner	Steve Crisafulli	1,814	279	15%
2017	Rick Scott	Joe Negron	Rick Corcoran	1,676*	241	14%

* Does not include appropriations projects, Resolutions, etc.



What to Anticipate for 2018 Session (January)

1. Water – Reclaimed water and OSTDS policy
2. Regulatory “Reform” – Pre-Emption of local regulatory authority



Questions?

www.florida-stormwater.org

(888) 221-3124



do it right.
with integrity.

*Water Management
Green Infrastructure
Environmental Compliance
Sea Level Rise Strategies*



www.appliedfl.com

Engineers | Scientists | Advocates



Upcoming Events

Stormwater Operator Certification Classes

<http://www.florida-stormwater.org/training-center>

Stormwater Operator Re-Certification Online Webinars

- May 16, 2017 (registration closed)
- November 7, 2017

Annual Conference – *registration closes June 2nd*

<https://www.florida-stormwater.org/conference>

June 14-16, 2017

Sanibel Harbour Marriott, Ft. Myers



THANK YOU FOR JOINING US!

WWW.FLORIDA-STORMWATER.ORG/WEBINARS

stormwater@ksanet.net

888-221-3124

Air Odor Noise Committee

Roi Dagan, M.D. – Chair
Michelle Tappouni
Mobeen Rathore, M.D.
David Wood
Gabriel DuPree – Alt

Education & Public Outreach

Michelle Tappouni – Chair
Lucinda Sonnenberg, Ph.D.
Nick Howland
Bobby Baker, P.E.

**Water Committee**

Lucinda Sonnenberg, Ph.D. – Chair
Gabriel DuPree
Amy Fu, P.E.
Bobby L. Baker, P.E.
David Wood – Alt

Nick Howland – Chairman

Amy Fu, P.E. – Vice Chairman

Bobby L. Baker, P.E., Roi Dagan, M.D., Gabriel DuPree

Mobeen Rathore, M.D., Lucinda Sonnenberg, Ph.D., Michelle Tappouni, David Wood

MEMORANDUM

May 21, 2017

To: Environmental Protection Board

From: Education & Public Outreach Committee

Re: Recommendation for 2017 EPB-DCPS Environmental Champion Award

NOTE: The EPB Education and Outreach Committee voted to accept the staff recommendation below and forward it to the full EPB for consideration at the June 2017 meeting.

This award was created in 2013 in partnership with the Duval County Public Schools. The award acknowledges the school system's Green Champions program and is chosen from among its best. To determine the best, each Green Champion completes, and submits, a detailed nomination outlining the details and highlights of their program year. DCPS staff review each application and award the schools Bronze, Silver, Gold or Platinum status based on a point system. An overall Green Champion of the Year Award is chosen from the Gold and Platinum level winners and is presented to the school.

For the EPB-DCPS Environmental Champion Award, the Gold and Platinum level winners are eligible. Following the process outlined by the EPB's EPO Committee for the past few years, EPB staff reviewed those submissions for individual creativity and leadership traits which stood out and closely align with the values and mission of the EPB. There were nine schools whose program achieved Gold or Platinum level standards. Following my review, I consulted with the DCPS Green Champions Coordinator and, together, determined the recommendation.

Based upon our joint review, the recommendation for the 2017 EPB-DCPS Environmental Champion Award winner is Korry VanWagoner, Twin Lakes Academy Elementary (TLAE). TLAE is one of the premier Green Champion programs within the district. Having joined the leadership and provided support to the previous lead, Korry became the lead upon the retirement of Marcia Rivas (the 2015 award recipient). However, she did not simply continue the status quo, but rather added additional elements that further engaged the students and faculty. During the past year, the program added a butterfly garden, two raised gardens – one vegetable and one fruit, expanded focus from Earth Day to Earth Week with enhanced activities and greatly increased faculty participation which served to further imbed the program within the school's culture. The Great Water Odyssey Challenge was a 30 day take-home activity that brought much focus to water conservation, both in school and at home. Korry is already thinking about next year and will tackle air quality with a Stop the Idle Campaign in the carpool and bus lanes and a Walking School Bus for neighborhood students. She also plans to introduce leadership roles for the students – President, Treasurer and Secretary and a formal Green Parent position.