

Legislative Update
Final Weekly Update of the 2008 Regular Session

Sine Die -- The 2008 regular session concluded at 6:02 pm on Friday
May 2, 2008

Budget

The budget was approved by the full legislature Friday morning. Pending approval of the Governor, we will receive the following appropriations:

South Florida Water Management District
FY 2008-2009 Final Budget Conference Report

Everglades Restoration.....
50,000,000

Florida Forever.....
36,750,000

Water Management District Lands.....
17,700,000

Miami River Dredging/C-111 Spreader.....
15,000,000

Alternative Water Supply.....
3,000,000

Everglades (Alligator Alley Tolls).....
2,000,000

Water Projects

Broward County Initiative.....
100,000

Estero Bay Watershed Initiative.....
300,000

Florida Keys Water Resource Initiative.....
100,000

Indian River Lagoon Issues Team.....
1,400,000

Loxahatchee River Preservation Initiative.....
1,300,000

St. Lucie River Issues Team.....
1,300,000

Total State Appropriations.....
128,950,000

Major Legislation that Passed:

Everglades Restoration Bonds -- SB 1552 Senator Saunders

The Senate version of the Ocean Outfalls legislation passed. Both House and Senate unanimously approved the Senate version. The bill extends the term through which Everglades Restoration Bonds may be issued from fiscal years 2009 – 2010 to fiscal years 2019 – 2020. This provides for up to additional \$1 billion in bonding capacity for Everglades restoration. The bill provides that Everglades Restoration Bonds must mature by December 31, 2040.

The bill expands the issuance of Everglades restoration bonds to include costs associated with the Florida Keys Area of Critical State Concern protection program to restore and conserve natural systems through the implementation of water management projects, including wastewater management projects identified in the Keys Wastewater Plan dated November 2007. The bill authorizes, subject to future Legislative authorization, an additional amount of bonds not to exceed \$50 million per fiscal year, for no more than 4 fiscal years, specifically for the purpose of funding the Florida Keys Area of Critical State Concern protection program. Subject to specific appropriation, the Department of Environmental Protection (DEP) shall use moneys from the Save Our Everglades Trust Fund to fund projects identified in the Keys Wastewater Plan. The DEP may establish requirements, through grant agreements or other contractual arrangements, to ensure the timely construction of projects and expenditure of appropriated funds by the local governments in Monroe County, including, but not limited to, project implementation deadlines, local matching requirements, fair and competitive procurement requirements, and financial tracking requirements. Beginning July 1, 2010, the Legislature shall analyze the state's ratio of debt in relation to projected revenues prior to the authorization to issue any bonds under the provisions of the bill.

Florida Forever Successor Program -- SB 542 Senator Saunders

The Senate version of the Florida Forever Program passed. Both House and Senate unanimously approved the Senate version. The bill increased the bonding authorization for the Florida Forever program from \$3 billion to \$5.3 billion and extending the debt retirement dates to 2040 to conform to this change. The bill requires that certain financial analysis be performed after 2010 before the issuance of any new Florida Forever bonds. Funding to the water management districts was decreased from 35% to 30% of the annual totals. Starting next year, our share will be \$31.5 million.

Ocean Outfalls SB 1302 – Senator Saunders, SEPC Committee

The Senate version of the Ocean Outfalls legislation passed. Both House and Senate unanimously approved the Senate version. The bill directs the South Florida Water Management District (SFWMD) to include water resource and water supply development projects that promote the

elimination of wastewater ocean outfalls within its regional water supply plan. It also provides that such projects should be given first consideration for state or water management district funding assistance. The SFWMD must require of the use of reclaimed water made available by the elimination of the wastewater ocean outfalls as part of their consumptive use permitting process.

The bill prohibits the new construction or expansion of wastewater ocean outfalls and limits the discharge of wastewater through ocean outfalls to the permitted capacity in effect on July 1, 2008. It requires that discharge of domestic wastewater through ocean outfalls meet advanced wastewater treatment and management requirements pursuant to section 403.086 (4), Florida Statutes, or a reduction in baseline loadings of total nitrogen and total phosphorus, equivalent to advanced wastewater treatment requirements, as determined by the Department of Environmental Protection by December 31, 2018. It provides an exemption to treatment standards for those facilities who meet 100 percent reuse for domestic wastewater discharge by the same date.

The bill requires all facilities that discharge domestic wastewater through ocean outfalls to achieve, at a minimum, 60 percent reuse of the facilities actual annual flow by December 31, 2025, and prohibits discharge through ocean outfalls beyond that date, unless as a backup to the functioning reuse system.

Finally, the bill creates a reporting schedule for permit holders who discharge domestic wastewater through ocean outfalls, to detail the plan to meet the requirements of the act and a

Daiagi Claims Bill -- HB 787 Representative Flores

The House version of the Daiagi claims bill passed. The House vote was 111-5 and the Senate vote was 22-15.

Other Bills of Interest that Passed

Energy Bill -- HB 7135

The House version of the Energy Bill passed. Both House and Senate unanimously approved the House version. The legislation authorizes the Department of Environmental Protection to develop a cap-and-trade regulatory program, which gives businesses flexibility in meeting standards to reduce greenhouse gas emissions. It also creates a renewable fuel standard and a renewable portfolio standard that gives added weight to wind and solar energy over other forms of renewable energy. Building codes for newly constructed buildings and appliances for

new commercial and residential buildings will also be more energy efficient.

Fish and Wildlife Conservation -- HB 7091

The House version of the Fish and Wildlife Conservation Bill passed. Both House and Senate unanimously approved the House version. The bill consolidates chapters 370 and 372, F.S., relating to the regulation of wild animal life, freshwater aquatic life, and marine life into one combined chapter 379, F.S. The bill provides intent language. Each section of both chapters of existing law is renumbered into a new chapter and conforming cross-references are provided.

Protection of Wild and Aquatic Life -- HB 7059

The House version of the Protection of Wild and Aquatic Life legislation passed. Both House and Senate unanimously approved the House version. The bill adds the preservation and regeneration of seagrass to the Board of Trustees of the Internal Improvement Trust Fund's (trustees) duty to conserve and improve state lands. The trustees are required to promulgate a rule to provide for the selection of private sector companies to stabilize and recolonize with seagrass, at no cost to the state, propeller scars and damage from boat groundings. The bill authorizes a mitigation credits program and authorizes seagrass recolonization pilot projects in outstanding Florida waters. The legislation creates civil infraction penalties for any person that operates a vessel outside of a lawfully marked channel within an aquatic preserve, in a careless manner that causes seagrass scarring. The bill creates definitions for the terms "seagrass scarring" and "seagrasses", and provides uniform boating citation and misdemeanor penalties for violations of boating laws pertaining to seagrasses. This bill provides for the collection of fines for careless seagrass scarring.

The bill provides for the confiscation and disposition of illegally taken wildlife, freshwater fish and saltwater fish. It also provides for the forfeiture of those game or fish, and the disposal by the investigating law enforcement agency. All live, unlawfully possessed wildlife, freshwater fish and saltwater fish seized by a law enforcement agency must be documented as evidence and then returned to their habitat unharmed, except for non-native species which may be released only as allowed by rules of the Fish and Wildlife Conservation Commission (FWC). Photographs of illegally taken wildlife, freshwater fish and saltwater fish may be deemed competent evidence admissible in judicial proceedings to the same extent as if the physical items themselves were introduced as evidence, under certain conditions.

Bills that did not Pass

Water Management District Sunset -- HB 7143

The Florida Government Accountability Act requires the water management districts and related advisory committees to be reviewed by July 1, 2008, to determine if they should be retained, modified, or abolished. Going into the last day of session, the bill contained very problematic provisions relating to the legislature approving district budgets, change the fiscal year, and modifying the governing board member appointment process. After a strike all amendment was agreed to that removed the problematic provisions and added the Desalination Bill, Florida Friendly Landscape provisions, and well contractor licensing, the bill passed the full house but died in messages in the Senate. We will remain in the Sunset Review Process another year.

Desalination -- HB 199 Representative Kelly

Directs Secretary of Environmental Protection to coordinate with WMDs to conduct study of certain desalination technologies & provide report to Governor & Legislature. It included an amendment to allow for 50 year CUP permits for utilities that partner with large landowners to develop significant alternative water supply projects. This bill died in messages in the Senate due to a point of order (the bill had not been heard in all of its reference committees in the Senate).

Growth Management -- HB 7129 and SB 474

The bill makes a number of changes to the Growth Management Act, that include: the designation of certain urban areas as transportation concurrency exception areas; increased citizen participation opportunities; modifications to provisions relating to comprehensive plan amendments to promote economic development within targeted rural areas; and a study for development and implementation of a mobility fee to address future mobility needs and ensure that new development mitigates its impacts on the transportation system yet is not delayed or held accountable for system backlogs or failures that are not directly attributable to the proposed development. The House Bill died on the calendar and the Senate Bill was defeated on the floor.

If you have any questions, please contact:

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