

PRELIMINARY AGENDA

FLORIDA INLAND NAVIGATION DISTRICT

Board of Commissioners Board Meeting

9:00 a.m., Friday, July 19, 2013

**Hampton Inn & Suites
19 S. Second St., Fernandina Beach, 32034
Nassau County, Florida.**

Item 1. Call to Order.

Chair Kavanagh will call the meeting to order.

Item 2. Pledge to the United States of America.

Commissioner Williams will lead the pledge of allegiance to the United States of America.

Item 3. Roll Call.

Secretary Cuzzo will call the roll.

Item 4. Additions or Deletions.

Any additions or deletions to the meeting agenda will be announced.

RECOMMEND Approval of a final agenda.

Item 5. Public Comments.

The public is invited to provide comments on issues that are not on today's agenda.

Item 6. Comments from the U.S. Army Corps of Engineers.

A U.S. Army Corps of Engineers representative will present an update on Atlantic Intracoastal Waterway projects and Work Order # 37-2013-02 for additional dredging in the vicinity of Jupiter Inlet.

(Please see back up pages 6 - 13)

RECOMMEND: Approval of Work Order # 37-2013-02 with the USACE in the Amount of \$34,500.⁰⁰ for Additional Dredging of the IWW in the Vicinity of Jupiter Inlet.

Item 7. Status Report on District Programs Within Nassau County.

Staff will report on District Programs within Nassau County.

(Please see back up pages 7 – 28)

Item 8. Changes to the Code of Ethics.

The Florida Legislature recently enacted changes to the Code of Ethics for public officers and employees. Attorney Breton has drafted a memorandum describing these changes and will brief the Board and staff.

(Please see back up pages 29 – 67)

Item 9. Maintenance Dredging of IWW Cut P-31 in Palm Beach County.

Coston Marine is dredging a portion of the waterway in West Palm Beach at the expense of a private party and using District site MSA 617C for the offloading and management of the dredged materials. Staff would like to take advantage of this operation by “piggybacking” a small dredging project in IWW Cut P-31 with Coston Marine. The same equipment and MSA will be used. Staff requested a cost proposal from Coston and has determined it is reasonable. It is to be noted that we had previously hoped to coordinate this work with a Palm Beach County project but it could not be arranged.

(Please see back up pages 68 – 115)

RECOMMEND: Approval of the cost proposal from Coston Marine Services in the amount of \$95,670.00 for the maintenance dredging of Cut P-31.

Item 10. Additional Permitting Services for the IWW Palm Beach Deepening Project.

The Board previously approved a work order with the District Engineer for permitting and engineering services for the deepening of the waterway in Riviera Beach. The budget for permitting has been expended because of additional work necessary in response to permitting agency questions. The District Engineer has submitted a supplementary funding request to cover additional services necessary to respond to the current pending agency questions as well as some contingency funding for additional permitting services if required.

(Please see back up pages 116 – 120)

RECOMMEND Approval of the proposal from Taylor Engineering in the amount of \$44,042.00 for additional permitting services for the IWW Palm Beach Deepening Project.

Item 11. FY 2013-2014 Cooperative Assistance Program Application Rating and Evaluation.

Staff has compiled the Commissioner's Rating and Evaluation Scores for the single Cooperative Assistance Program (CAP) application. The CAP application received more than the required 35 points to further be considered for funding pursuant to our program rules. This is a Phase I project and does not require permits this year.

(Please see back up page 121)

RECOMMEND: Approval of the final listing of FY 2013-2014 Cooperative Assistance Program application for funding consideration at the final TRIM hearing

Item 12. FY 2013-2014 Waterways Assistance Program Application Rating and Evaluation.

Staff has compiled the Commissioner's Rating and Evaluation Scores for each Waterways Assistance Program Application. One application did not receive the minimum averaged score of 35, which is necessary to be further considered for funding pursuant to program rules.

(Please see back up pages 122 - 124)

RECOMMEND: Approval of the final listing of FY 2013-2014 Waterways Assistance Program applications that scored over 35 points for further funding consideration at the final TRIM hearing, pending receipt of the required environmental resources permits or exemptions for those applicable projects.

Item 13. Assistance Program Process.

Staff would like to receive feedback from the Commissioners concerning this year's assistance program process. The backup contains staff's summary list of topics that may need further review. At the August meeting staff will present any proposed changes to the program rules that are warranted.

(Please see back up page 125)

Item 14. Finance and Budget Committee Report.

The District's Finance and Budget Committee met prior to the Board meeting and will provide their recommendations concerning items on their agenda.

(Please see Finance and Budget Committee Agenda Package)

RECOMMEND: Approval of the recommendations of the District's Finance and Budget Committee.

Item 15. Tentative FY 2013-2014 Budget and Tentative Millage Rate.

The tentative FY 2013-2014 Budget is presented for review and approval. The tentative budget proposed by staff includes keeping our tax millage rate the same as last year's rate of 0.0345. This will generate approximately \$630,000 in additional revenues because of the 2.8% increase in property values within the District.

The proposed millage rate of 0.0345 is considered a tax increase because of the additional revenues generated by property value increases. The "rolled back rate" is 0.0332, which would generate approximately the same or less tax revenue as last year and would not be considered a tax increase. If staff's recommendation is approved, a tax increase would be noticed for our final tax hearing.

The tentative budget needs to be approved for advertising to the public. Therefore, the millage rate cannot be increased after approval today, it can only be lowered. This provides an opportunity to lower the tax millage to the "rolled back rate" before the noticing of the final tax hearing. The budget can be amended at the two tax hearings that will be held.

Also included in the budget is a meeting schedule and work program for next fiscal year.

(Please see Finance and Budget Committee Agenda Package)

RECOMMEND Approval of the Tentative FY 2013-2014 Tentative Budget and Millage Rate of 0.0345.

Item 16. First FY 2013-2014 Tax and Budget Hearing.

The current meeting schedule calls for the first FY 2013-2014 Tax and Budget Hearing to be held on the evening of Friday, September 13th in Palm Beach County, in association with our September 14th Board meeting. Staff will provide a proposed meeting place and time for the hearing at the July Board meeting. The Final Tax and Budget Hearing would then become the stand alone tax hearing in late September.

RECOMMEND Approval of the location and time of the first FY 2013-2014 Tax and Budget Hearing on September 13, 2013.

Item 17. Washington Report.

The District's Washington DC legal counsel has submitted a status report on their activities on the District's federal issues.

(Please see back up page 126 - 135)

Item 18. Additional Staff Comments and Additional Agenda Items.

Item 19. Additional Commissioners Comments.

Item 20. Adjournment.



**US Army Corps
of Engineers**
Jacksonville District

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
July 19, 2013**



WORK ACTIVITIES IN FY 13:

1. DMMA: IR-2 (Indian River County)
2. IWW: Sawpit (Nassau County)
3. IWW: Indian River Reach 1 (Indian River County)
4. IWW: Bakers Haulover / Jupiter (O&M Supplemental project)
5. IWW: Miscellaneous
 - a. Unmanned Aerial Vehicle capability
 - b. IWW Boat tour
 - c. Jupiter – additional material

AIWW = Atlantic Intracoastal Waterway Norfolk to St. Johns
 IWW = Intracoastal Waterway Jacksonville to Miami (12' and 10' projects)
 DMMA = Dredge Material Management Area



**US Army Corps
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Jacksonville District

IWW STATUS UPDATE FIND Board of Commissioners Meeting July 19, 2013



1. WORK ACTIVITY: DMMA IR-2 (Indian River County)

CONTRACT AMOUNT: \$2,806,601.00

DESCRIPTION OF WORK: IR-2 is located in Indian River County 1.6 miles north of Wabasso between U.S. Highway 1 and Indian River Lagoon. IR-2 is a 180 acre site. IR-2 services Reach 1 of the IWW. Reach 1 extends from a point 0.45 north of the Brevard/Indian River County line southward 8.09 miles to the Wabasso Bridge. IR-2 will have a capacity of 428,000 cyds. IR-2 will be used for the Sebastian area (Indian River Reach 1) dredging.

SCHEDULE:

Receipt of ERP/Surface Water Mgmt Permit:	21 July 2010A
Contract Advertisement Initiated:	21 Sept 2010A
Bids Received:	28 Oct 2010A
Contract Award:	30 Dec 2010A
NTP Issued:	17 Feb 2011 A
Construction:	18 Feb 2011A – 31 Nov 2012A

FIND WORK ORDER: Work Order was approved by the FIND Board in June 2010.

NAME OF CONTRACTOR: Contract was awarded to BC Peabody Construction Services on 30 Dec 2010.

STATUS: FDEP waived the requirement for a final inspection. Corps' Project Manager will be providing FIND staff with the turn over documentation that needs to be filled out. As-builts will be provided to FIND staff, electronically or hard copy. Additional changes can be incorporated when final sets are provided to Corps engineering.



*Dredged Material Management
Area IR-2 Construction*

Print #120821143
Date: 08/21/12
Lat/Lon: 27.779263 -80.444266

Aerial Photography, Inc. 954-588-0484



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Jacksonville District

IWW STATUS UPDATE FIND Board of Commissioners Meeting July 19, 2013



2. WORK ACTIVITY: AIWW Sawpit Reach 3(Nassau County)

CONTRACT AMOUNT: \$4,288,670.00

DESCRIPTION OF WORK: The AIWW Sawpit Reach 3 project consists of maintenance dredging of approximately 591,000 cubic yards (cy) of material from the AIWW channel and settling basins in Cuts 24-26A, 27, 27A, 27C; and adjoining advance maintenance areas in the waters of Sawpit Creek, the Amelia River, and Nassau Sound. The majority of the excavated material, 578,000 cy, will be placed in the Amelia Island State Park beach disposal site. The pumping distance between dredging areas and beach placement ranges from 4.0 miles to 1.5 miles. The material from Cut-27, totaling 13,000 cy is not beach compatible and will be placed upland in DMMA DU-2. DMMA DU-2 lies adjacent to Cut-26A and Cut-27.

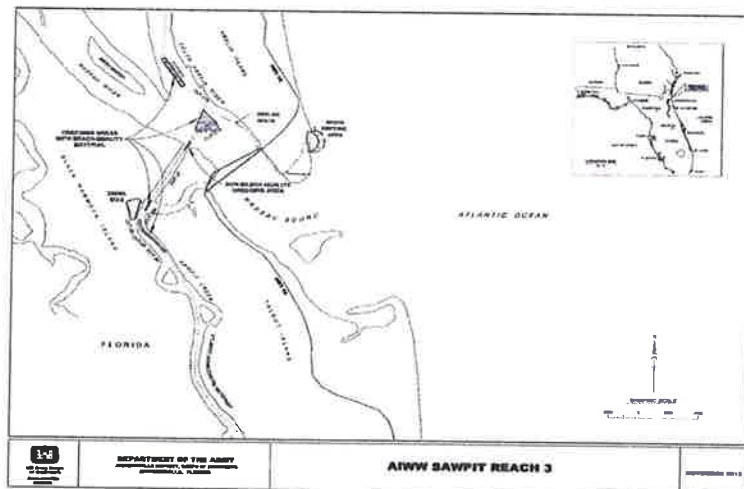
SCHEDULE:

Submit WQC permit application to DEP:	29 June 2011A
Pre Application Meeting	2 Aug 2011A
Date we expect DEP permit:	20 July 2012A
Contract Advertisement Initiated:	8 March 2013A
Bid Opening:	8 April 2013A
Contract Award:	10 May 2013A
NTP Issued:	7 June 2013A
Preconstruction Conference:	19 June 2013A
Mobilization Complete:	14 July 2013
Begin Dredging:	15 July 2013
Dredging Complete:	10 Dec 2013

FIND WORK ORDER: Work order for dredging of AIWW Sawpit Reach 3 was approved by the FIND Board in December 2012.

NAME OF CONTRACTOR: Contract was awarded to Cottrell Contracting Corporation on 10 May 2013.

STATUS: The pre construction conference was held on 19 June 2013. Per coordination with Cottrell Contracting, they anticipate initiating dredging by mid July 2013. Close coordination is occurring between the Corps and FIND staff on the status of offloading DMMA DU2 since there is approximately 13k cubic yards of non beach quality material that needs to be dredged and placed upland in DU2 as part of the AIWW Sawpit contract (currently included as an option).





**US Army Corps
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Jacksonville District

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
July 19, 2013**



3. **WORK ACTIVITY:** IWW Indian River Reach 1 & 2 (Indian River County)

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: Development of plans and specifications for the IWW Indian River Reaches 1 & 2. Material from these reaches is non beach quality and will be placed upland in the newly constructed DMMA IR2. Preliminary estimates for shoaling quantities include 100,000 cy for Reach 1 and 164,000 Reach 2.

SCHEDULE: TBD

FIND WORK ORDER: Work order for developing plans and specifications for Indian River Reach 1 was approved at the May 2013 FIND Board Meeting. Wire transfer of funds was completed 25 June 2013.

NAME OF CONTRACTOR: TBD

STATUS: On 11 July 2013 a kick off meeting will be held with the Corps team to address outstanding items for completion of plans and specifications for procurement of the O&M dredging project. At this meeting a schedule will be developed for completing all environmental coordination and completion of plans and specifications. Based on preliminary calculations, there is approximately 264,000 cy of material within Reaches 1 & 2.



**US Army Corps
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Jacksonville District

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
July 19, 2013**



4. WORK ACTIVITY: IWW Bakers Haulover / Jupiter – O&M Supplemental Project

DESCRIPTION OF WORK: Based on shoaling incurred within these two reaches with the passage of Hurricane Sandy in the Fall of 2012, Emergency Supplemental funding was received by the Corps to proceed with O&M dredging for these two reaches. Approximately 50,000 cy of material will be removed from within the Bakers Haulover reach of the IWW and 125,000 cy of material will be removed from within the Jupiter reach of the IWW. All material is beach quality. There is approximately 3,000 cy of material that is considered advanced maintenance that the Corps cannot spend federal funds to dredge (the Corps does not have approval to do this advanced maintenance). FIND has dredged before and there is a valid FDEP permit and all required NEPA to do the work. FIND staff has indicated there is an interest to pursue this dredging with FIND paying for removal of this material.

SCHEDULE:

Contract Advertisement Initiated:	1 Aug 2013
Bid Opening:	15 Aug 2013
Contract Award:	30 Aug 2013
NTP Issued:	15 Sept 2013
Preconstruction Conference:	15 Sept 2013
Mobilization Complete:	30 Sept 2013
Begin Dredging:	1 Oct 2013
Dredging Complete:	31 Jan 2014

FIND WORK ORDER: A work order to address the advance maintenance material will be presented at the July 2013 FIND Board meeting.

NAME OF CONTRACTOR: TBD

STATUS: Plans and specifications are currently underway. The procurement strategy for this effort is to group these two reaches together and utilize the Corps existing small business MATOC.



**US Army Corps
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IWW STATUS UPDATE FIND Board of Commissioners Meeting July 19, 2013



5. IWW: WORK ACTIVITY: Miscellaneous

a. Unmanned Aerial Vehicle capability

The Jacksonville District's UAV program has been operational since 2011 and has flown approximately 200 different missions in various places within the state of Florida. Missions have included ones to monitor invasive species, structural condition of levees and canal banks, and wildlife census data collection. There are upcoming missions for pollution monitoring and boundary survey marking. Our technology allows us to conduct three-dimensional data gathering missions both with and without ground truthing. These types of missions will be used to fly Florida beaches for renourishment projects, to fly jetties to determine their condition and to fly disposal areas to do quantity estimations. Mr. Larry Taylor and Mr. Thomas Spencer will be briefing the Corps program and will be available to answer questions as well.

b. IWW Boat tour

Based on coordinate between Corps and FIND staff, an updated cost estimate has been prepared to utilize a Corps survey vessel for an IWW boat tour in the fall 2013 timeframe. The Corps new survey vessel, the "The Florida II", is a state of the art Catamaran capable of transporting 40 people comfortably.

Use of the "Florida II" plus crew for 5 days - \$28,370

Per Diem for crew for 5 days - \$4,875

Shadow vehicle for the "Florida II" - \$1,313

Total - \$34,558

50% - \$17,279



c. Jupiter – additional material

A work order will be presented to address additional material within the Jupiter reach of the IWW that currently lies outside of the Corps' authorization. Efforts are currently underway to get approval to include this advanced maintenance area in future contracts if need be.



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FLORIDA INLAND NAVIGATION DISTRICT INTRACOASTAL WATERWAY WORK ORDER No. 37-2013-02



In accordance with the Memorandum of Agreement (MOA) between the Department of the Army and the Florida Inland Navigation District for acceptance of contributed funds for the Atlantic Intracoastal Waterway, entered into on the 3rd of September 1997, as amended on October 22, 2001, by amendment number 1, work order number 37-2013-02 is described per the following requirements:

1. Project Name: Dredging of additional material from the advanced maintenance area of Cut P-4 of the IWW in the vicinity of Jupiter Inlet.
2. Detailed Scope of Work: The Corps will be dredging Cuts P-2 through P-4 of the IWW in the vicinity of Jupiter Inlet with supplemental Operations and Maintenance funding related to the impacts of Hurricane Sandy. Cut P-4 includes an advanced maintenance area that is not eligible for supplemental funding. Based on a recent hydrographic survey, there is approximately 3,000 cu/yds of shoal material located within the advanced maintenance area.
3. Tentative Schedule: Advertise the contract 1 Aug 2013. Dredging could occur by 1 Oct 2013.
4. Funding arrangements providing for funding of obligation: Contributed funds must be received and placed in escrow in accordance with the MOA as amended.
5. The amount of funds required and available to accomplish the scope of work: The amount requested from FIND for this effort is \$34,500. This funding will allow for dredging of the advanced maintenance area. There is some contingency built into this funding request.
6. Identification of individual project managers: The Contributor's project manager is Mark Crosley, 561-627-3386. The Government's project manager is Shelley Trulock, 904-232-3292.
7. Identification of types of contracts to be used: Dredging will occur under the Corps' small business MATOC.
8. Types and frequency of reports: Monthly progress reports will be provided by the Government's project manager to the Contributor's project manager. The Government will also provide quarterly accounting in accordance with the MOA.
9. Identification of which party is responsible for contract administration, records maintenance, and contract audits: Corps of Engineers area office.

Work Order No. 37-2013-01

10. Procedures for amending or modifying the work order: This work order can be amended or modified in writing with mutual consent of both parties.

11. Such other particulars as are necessary to describe clearly the obligations of the parties with respect to the requested goods and services for this work order: None

THE DEPARTMENT OF THE ARMY

FLORIDA INLAND NAVIGATION
DISTRICT

BY: _____

BY: _____

Alan M. Dodd
Colonel, U.S. Army
District Engineer

Gail Kavanagh
Chair, FIND

DATE: _____

DATE: _____



NASSAU COUNTY PROGRAMS STATUS REPORT

July 2013

Atlantic Intracoastal Waterway Dredged Material Management Plan

The District completed the Phase I Dredged Material Management Plan for the Atlantic Intracoastal Waterway (AIWW) in Northeast Florida in 1986. This plan was updated in 2007 in response to public and legislative concerns and the dredging reach boundaries were slightly altered. Over the next 50 years, 1.3 million cu/yds of material will need to be dredged from the AIWW in Nassau County to maintain its navigability. The Plan designates that dredged material from Dredging Reach I, which is not beach quality, will be managed at Dredge Material Management Area (DMMA) NA-1 on Crane Island. Dredged material from Dredging Reach II, which is beach quality, will be placed on the Amelia Island State Park beach. Please see the attached maps.

Intracoastal Waterway Dredging

The AIWW in Dredging Reach II was dredged in 2006-2007. The U. S. Army Corps of Engineers (USACE) is currently dredging approximately 578,000 cu/yds of beach compatible material in this area to be placed on the Amelia Island State Park beach. Another approximately 13,000 cu/yds of non-beach compatible material is scheduled to be placed in DU-2. FIND provided \$4.3 M in funding for this project. Also, Dredging Reach I is experiencing shoaling just south of the Shave Bridge and at other locations that will be dredged in 2014 or 2015 following the completion of DMMA NA-1 in 2013.

Dredged Material Management Area NA-1 Construction

The design, engineering, and permitting of this upland dredged material management site was initiated in 2008 and completed in 2010. The final permits were received in 2012. Construction of the site commenced in 2013 and is currently still underway. Completion is estimated to be late this year. Please see attached the maps.

Waterways Assistance Program

Since Nassau County joined the District in 2004, the District has received and approved 10 applications from the City of Fernandina Beach and Nassau County resulting in a District investment of \$989,775 towards \$2.1 million in waterway improvement projects. The City has made significant improvements to their City marina, the development of a Riverfront Boardwalk and the creation of a managed mooring field. The County has rehabilitated a boat ramp. The City has also submitted an application for the FY 2013-14 program. Please see attached the list.



NASSAU COUNTY PROGRAMS STATUS REPORT

July 2013

Cooperative Assistance Program

The City has successfully participated in the Florida Department of Environmental Protection's (FDEP) Clean Marina Program and the Amelia Island Yacht Basin has participated in the Clean Vessel Program.

Interlocal Agreement Projects

Through this program the District entered into an Interlocal Agreement with the City of Fernandina Beach to manage the dredged material from the City marina at a District dredged material management area in Duval County.

Economic Studies

In December 2011, the District completed an update to the *Economic Analysis of the Waterways in Nassau County*. The study determined that the waterways in Nassau County generate approximately \$47.6 million in economic activity each year, about 335 jobs, \$10.8 million in salaries, \$2.5 million in additional taxes, and an increase of \$141 to \$170 million in property values.

Waterway Clean Up Program

The District has successfully partnered with Keep Nassau Beautiful for many years to assist with their annual trash and debris cleanup of Nassau County's waterways.

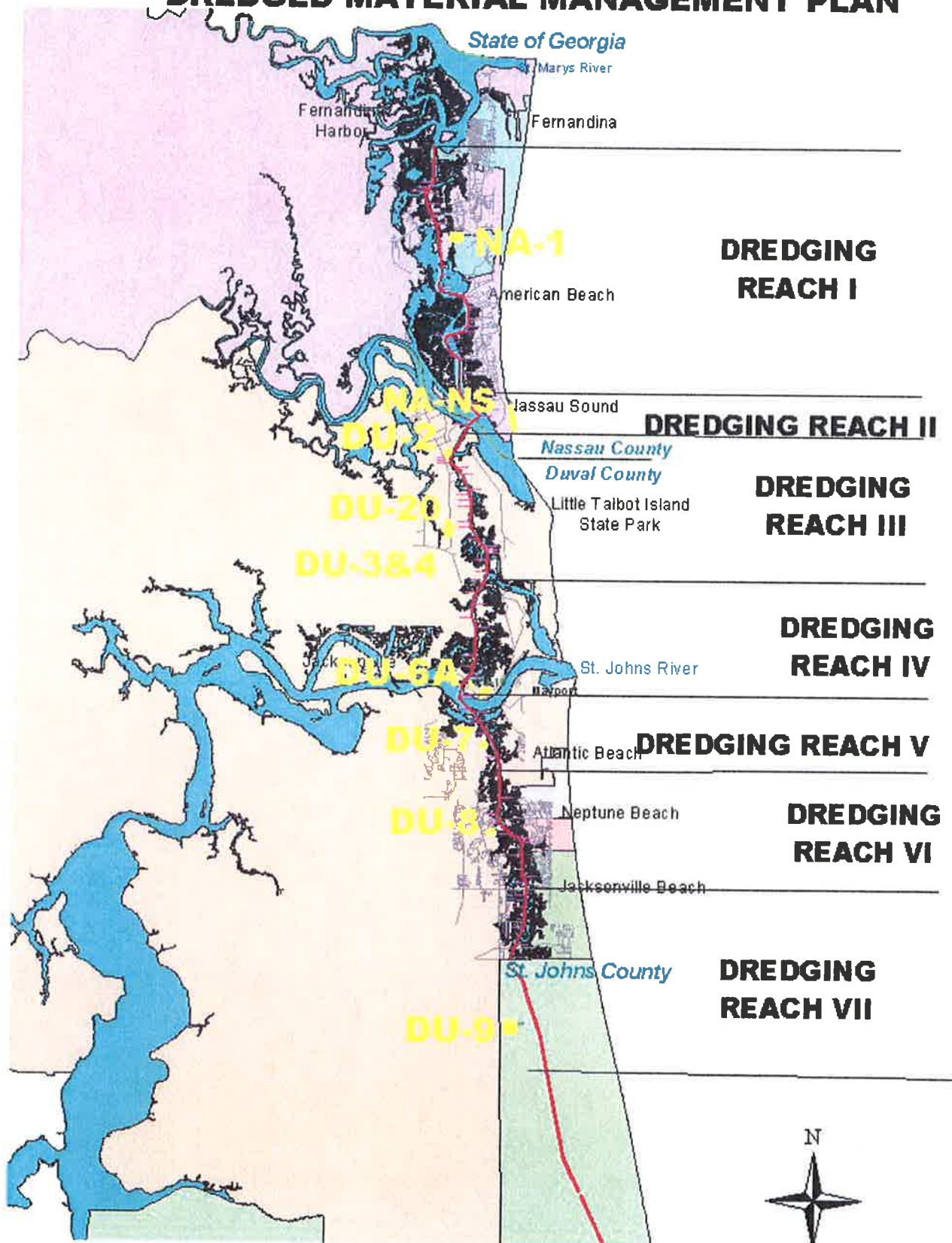
Small Scale Derelict Vessel Removal Program

No vessels have been removed yet in Nassau County.

Small Scale Spoil Island Enhancement and Restoration Program

To date, no projects have been funded in Nassau County.

NASSAU/DUVAL COUNTIES DREDGED MATERIAL MANAGEMENT PLAN





DMMA NA-1



 FIND Owned
 ICW Right-of-Way
 Channel





 FIND Owned
 ICW Right-of-Way
Channel

DMMA NA-1



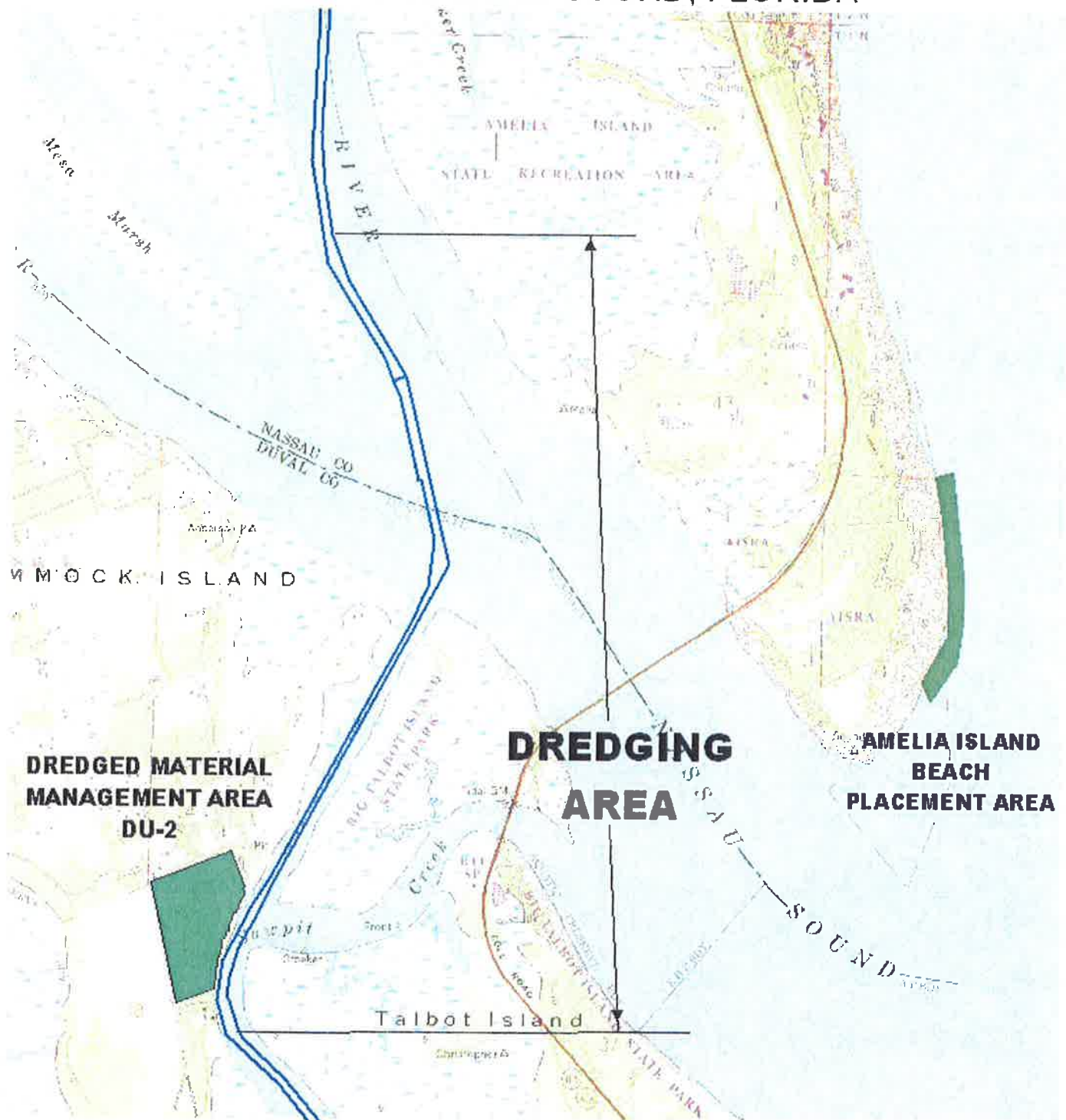


Google earth

feet 1000
meters 500



AIWW MAINTENANCE DREDGING PROJECT VICINITY OF NASSAU SOUND, FLORIDA



DREDGED MATERIAL
MANAGEMENT AREAS



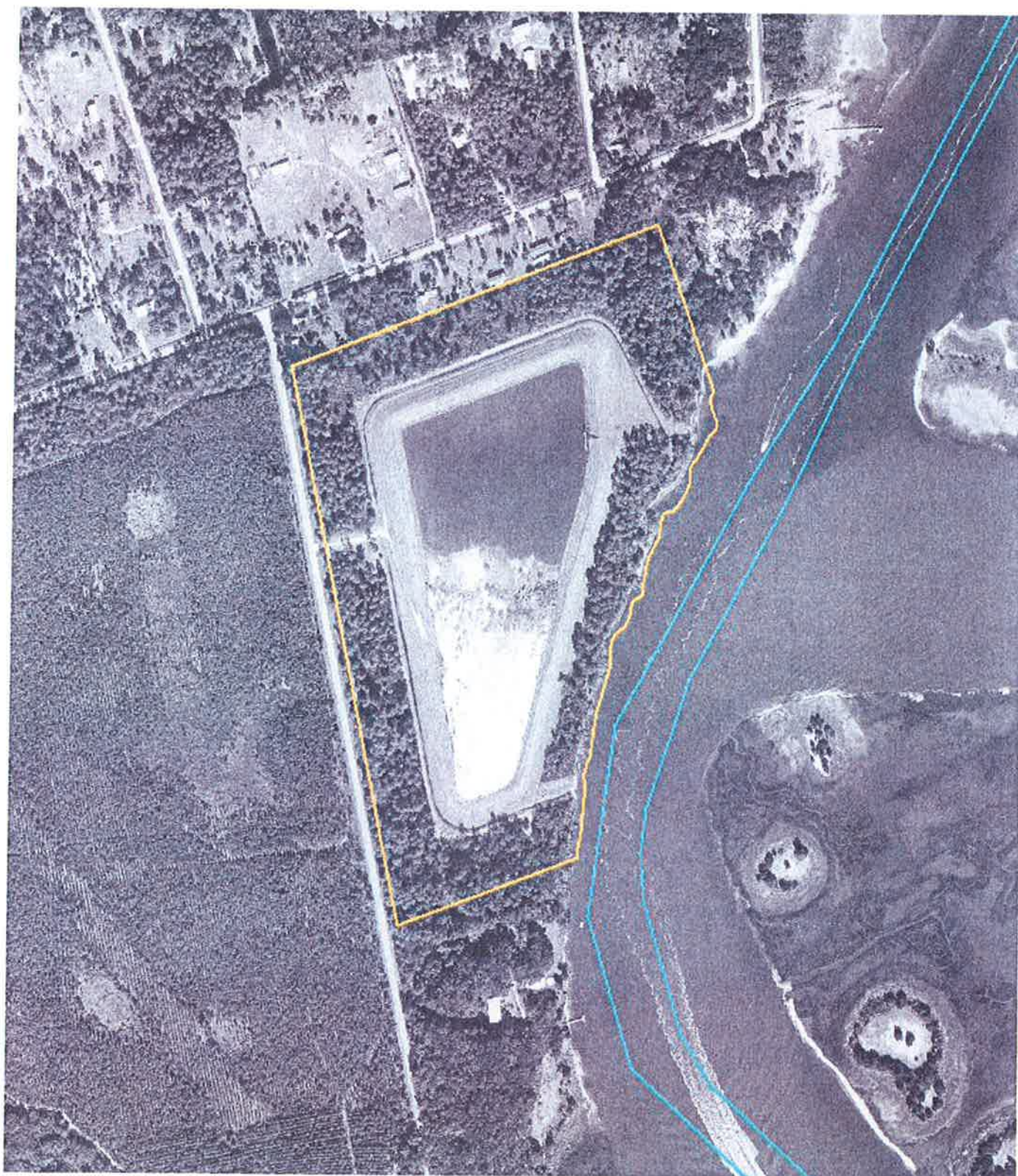






 FIND Owned
Channel
ICW Right-of-Way

DMMA DU-2



DMMA DU-2



-  FIND Easement
-  FIND Owned
-  Channel
-  ICW Right-of-Way





Google earth

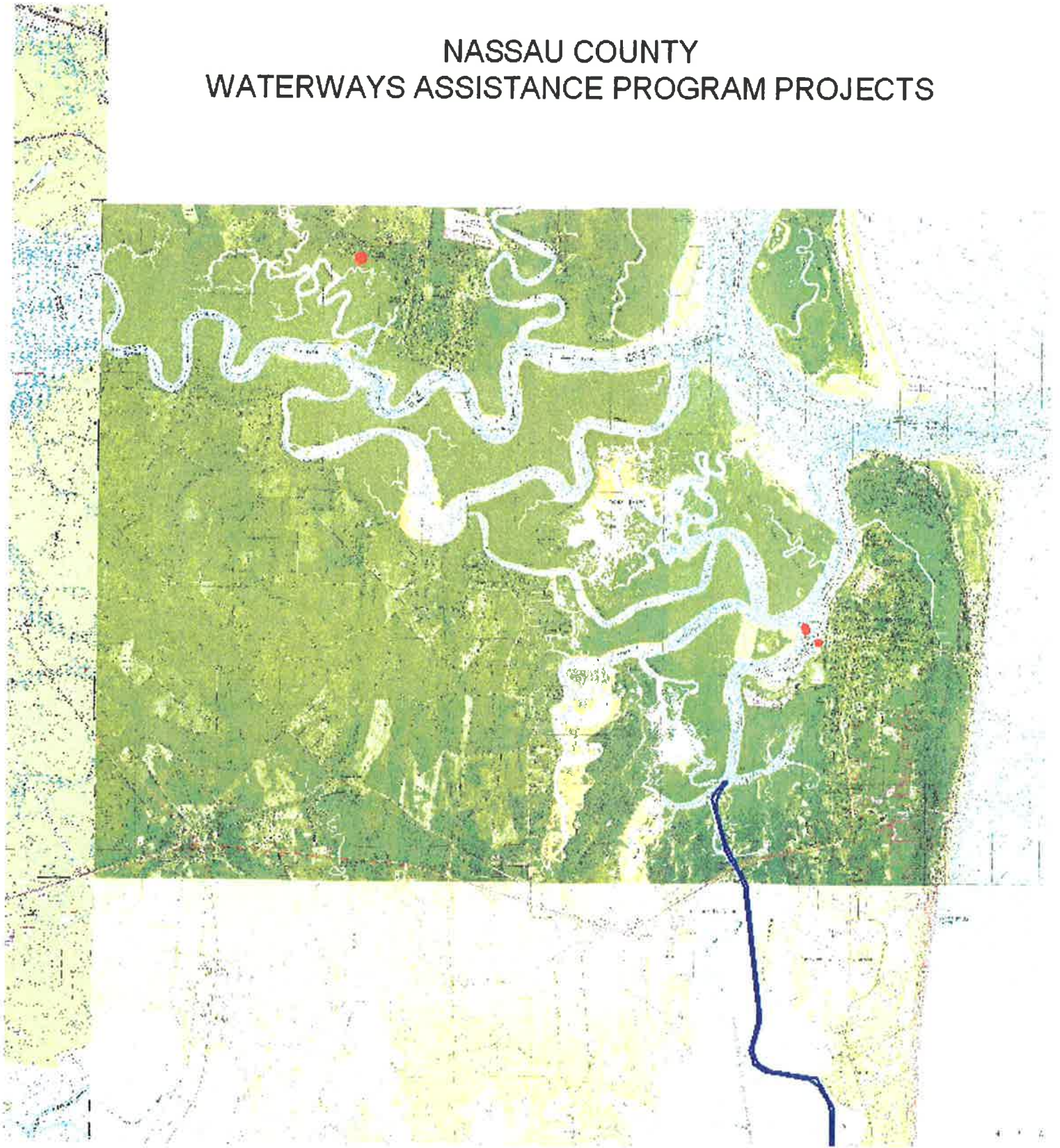
feet 2000
meters 800



**FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM PROJECTS
IN NASSAU COUNTY**

Project Name	Project Number	Project Sponsor	Grant Amount	Total Cost
Wilson Neck Boat Ramp	NA-08-07	Nassau County	\$50,465	\$138,640
Mooring Field	NA-FB-05-01	City Of Fernandina Beach	\$12,500	\$25,000
Riverfront Boardwalk	NA-FB-05-02	City Of Fernandina Beach	\$112,500	\$225,000
Docks E, F & G Rehabilitation/ Replacement - Phase I	NA-FB-06-03	City Of Fernandina Beach	\$25,000	\$50,000
Mooring Field - Phase I I	NA-FB-06-04	City Of Fernandina Beach	\$62,500	\$125,000
Docks E, F & G Rehabilitation - Phase I I	NA-FB-07-05	City Of Fernandina Beach	\$221,860	\$443,720
Docks E, F, & G Rehabilitation, Phase I I, Part B	NA-FB-08-06	City Of Fernandina Beach	\$168,000	\$336,000
Fernandina Beach Boat Ramp Construction (Withdrawn)	NA-FB-09-08	City Of Fernandina Beach	\$100,000	\$200,000
Fernandina Beach Harbor Marine Basin Dredging- Ph A	NA-FB-11-09	City Of Fernandina Beach	\$174,735	\$434,848
Fernandina Beach Harbor Marine Basin Dredging- Ph B	NA-FB-12-10	City Of Fernandina Beach	\$174,735	\$434,848
TOTALS			\$1,102,295	\$2,413,056

LOCATION MAP

NASSAU COUNTY
WATERWAYS ASSISTANCE PROGRAM PROJECTS

ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS



Purpose

To update economic benefits in Nassau County of marine-related activities on the District Waterways, as previously estimated in *An Economic Analysis of the District's Waterways in Nassau County*, March 2008, and to provide the general public and Federal, State, and local officials with a clear understanding of the importance of maintaining the waterways.

Scenarios Evaluated

1. Current Existing Conditions
2. Cessation of Waterways Maintenance
3. Increase in Waterways Maintenance
4. Estimated impact of the 2007-2009 U.S. economic recession



ECONOMIC IMPACTS

Current Existing Impacts

- \$47.6 million in business volume
- \$10.8 million in personal income
- 335 jobs
- \$2.5 million in tax revenue

Impacts of Cessation of Waterways Maintenance

- Decrease of \$10.3 million in business volume
- Decrease of \$2.5 million in personal income
- Decrease of 89 jobs
- Decrease of \$0.5 million in tax revenue

Impacts of an Increase in Waterways Maintenance

- Increase of \$2.6 million in business volume
- Increase of \$0.6 million in personal income
- Increase of 15 jobs
- Increase of \$0.1 million in tax revenue

Impact of the 2007-2009 U.S. Economic Recession

- Decrease of \$24.6 million in business volume
- Decrease of \$5.5 million in personal income
- Decrease of 200 jobs
- Decrease of \$1.3 million in tax revenue

Economic Benefits as of April 2011

NASSAU COUNTY



ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

NASSAU COUNTY

The Intracoastal Waterway

The Atlantic Intracoastal Waterway (AICW) is a 1,391-mile channel between Trenton, New Jersey, and Miami, Florida. The Waterway along Florida's eastern seaboard is 406 miles long and follows coastal rivers and lagoons past numerous tourism-oriented communities. The channel is authorized to a depth of 12 feet from Nassau County to Fort Pierce, and a 10 foot depth south through Miami-Dade County. Boating activities on the waterways contribute to the existence of numerous marine-related businesses such as marinas and boatyards and have stimulated development of residential properties on the Waterways.

The Navigation District

The Florida Inland Navigation District, created in 1927, is the local sponsor for the AICW in Florida. In cooperation with the Jacksonville District of the U.S. Army Corps of Engineers, the Navigation District is responsible for maintenance of the AICW in Florida. To maintain navigation, the waterways need to be periodically dredged due to shoaling from currents, upland soil erosion, and the movement of offshore sands through the ocean inlets. Maintenance dredging is projected to cost approximately \$12 to \$16 million annually during the next 50 years, of which 50 percent of the costs are expected to be borne by property owners within the Navigation District's jurisdiction.

The Navigation District also partners with other governments to provide waterway access and improvement facilities for our mutual constituents. These projects include public boat ramps, marinas, side channels, parks, fishing piers, boardwalks, navigation aids, derelict vessel removal, shoreline stabilization, and waterway cleanups.

Source of Data Used in This Analysis

The economic benefits of the Waterways were estimated in March 2008 in *An Economic Analysis of the District's Waterways in Nassau County*.

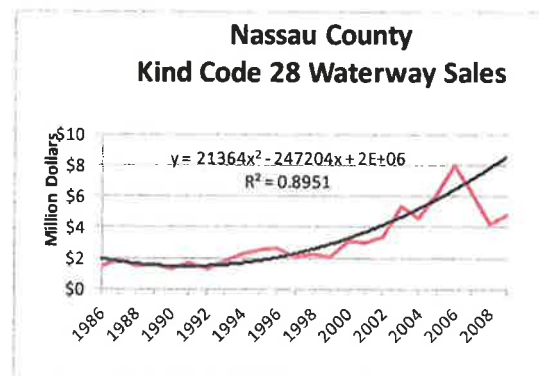
Updating of Previously Estimated Benefits

The benefits presented in this analysis were estimated by updating the direct marine-business

impacts in the original analysis to current values using the change in gross sales reported by boat dealers to the Florida Department of Revenue (FDOR). The updated direct impacts were used in conjunction with an IMPLAN input/output model to estimate total economic benefits.

Estimating the Impact of the Recession

The impact of the recession was estimated by determining the trend in gross sales of boat dealers over the 20-year period prior to the onset of the recession. This trend was used to estimate the theoretical gross sales if sales had continued to increase at the rates previously experienced. The red line in the figure below illustrates reported actual gross sales of boat dealers and the black line illustrates the trend of those sales. From 2007 to 2009 gross boat dealer sales in Nassau County decreased by 24 percent; if the recession had not occurred, it is estimated that gross sales from 2007 to 2009 would have increased by 34 percent.

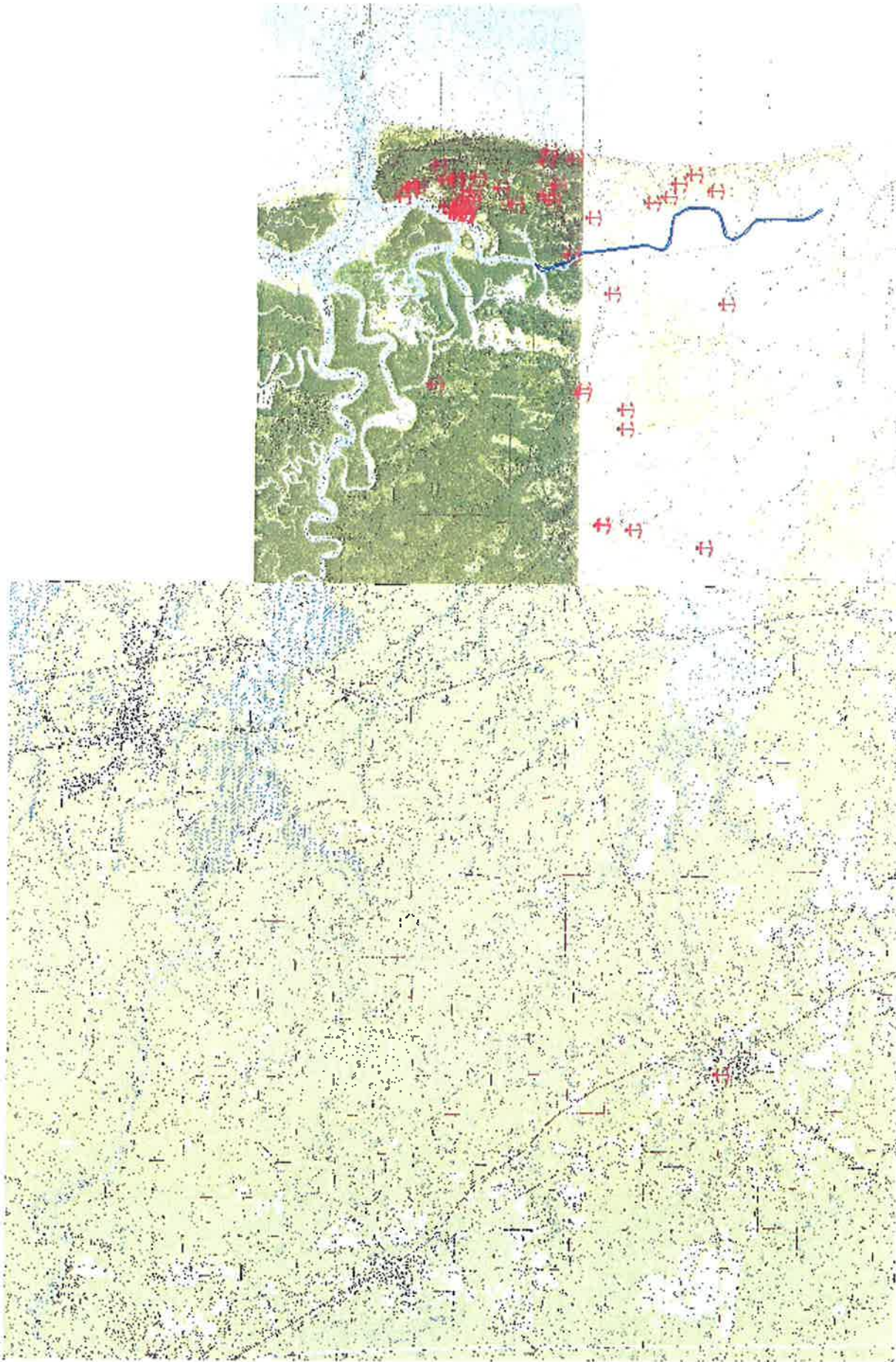


Annual Boater Spending on Gas, Food, and Drinks at Non-Marine-Related Establishments

- Current existing conditions: \$4.4 million
- Cessation of maintenance: \$3.8 million
- Increased maintenance: \$4.4 million
- Assuming no recession: \$6.4 million

Vessel Draft Restrictions Assumed for Each Scenario

- Current existing conditions: 6.5 feet MLW
- Cessation of maintenance: 3 feet MLW
- Increased maintenance: 12 feet MLW
- Assuming no recession: 6.5 feet MLW



LOCATION MAP
NASSAU COUNTY
WATERWAY RELATED BUSINESSES

Memo

To: David Roach, Executive Director
Florida Inland Navigation District

From: Peter L. Breton

Date: May 28, 2013

Re: Update on Changes to Code of Ethics for Public Officers and Employees

At the March 15, 2013 Board of Commissioners meeting where I updated the Board on the procedures for reporting voting conflicts of interest, Commissioner Sansom noted that the Legislature was about to enact sweeping changes to the ethics statutes. It was requested that I report to the Board on the impacts of such legislation following the close of the legislative session.

The Legislature did enact Senate Bill 2 (Ch. 2013-36, Laws of Florida) which took effect on May 1, 2013. While the most significant changes will effect the Legislature itself, legislative employees, constitutional officers and elected state officials, there are a number of provisions that will affect local special districts such as FIND. The following is a summary of the changes which may impact the Board of Commissioners of FIND as well as certain key employees. (I have omitted any discussion of provisions that are not applicable to FIND).

Definitions: For purposes of the Code of Ethics for Public Officers and Employees (Part III, Chapter 112, Florida Statutes) (the "Code of Ethics"), the term "business entity" was amended to add "company" and "limited liability company" to the list.

Voting conflicts: For purposes of determining if there is a voting conflict, the term "Principal by whom retained" is defined in the statute for the first time. The definition is:

"Principal by whom retained" means an individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one's client, employer, or the parent, subsidiary, or sibling organization of one's client or employer.

Also, the term "Special private gain or loss" is defined in the statute for the first time:

"Special private gain or loss" means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

- 1. The size of the class affected by the vote.**
- 2. The nature of the interests involved.**
- 3. The degree to which the interests of all members of the class are affected by the vote.**
- 4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.**

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

Attorney client confidentiality: A provision has been added to protect the attorney-client privilege in declaring a voting conflict when the public officer is also an attorney:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Limited financial disclosure: The list of "local officers" who must file a limited financial disclosure (Form 1) now includes "the finance director of a county, municipality, or other political subdivision." Since FIND is a political subdivision and Glenn Scambler is the Finance Director, he will now have to file a Form 1.

The new law now provides a grace period in which to correct errors or omissions on filed Form 1s. Since the annual Form 1 is due by July 1, you now have until August 31 to file an amended Form 1 and the Commission on Ethics will treat the amended Form 1 as the original filing, regardless of whether a complaint has been filed. In addition, if a complaint filed after August 25 alleges an immaterial, inconsequential or de minimis error or omission, the Commission may not take any action on the complaint, other than notifying the filer of the complaint. The filer must be given 30 days to file an amended statement of financial interests correcting any errors. If the filer does not file an amended statement of financial interests within 30 days after the Commission sends notice of the complaint, the Commission may continue enforcement actions.

A similar provision was added for the final statement of financial interests (Form 1F).

It also provides that **"For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest."**

The new law now gives the filer the option of having the statement of financial interests prepared by a licensed Florida attorney or CPA. In that case, if a complaint is filed alleging a failure to disclose information required by this section, the Commission shall determine whether the information was disclosed to the attorney or certified public accountant. The failure of the attorney or certified public accountant to accurately transcribe information provided by the individual who is required to file the disclosure does not constitute a violation of this section.

Gifts: In addition to political committees and lobbyists, you are not allowed to solicit any gift, or accept any gift with a value in excess of \$100, from a "vendor doing business with" FIND. The term "vendor" is defined as **"a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services."** Likewise, a vendor doing business with FIND, as well as a political committee, a lobbyist who lobbies FIND, the partner, firm, employer, or principal of a lobbyist, or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist, is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or any other person on his behalf.

Prohibition on gifts involving political committees: There are specific provisions applicable to gifts from political committees:

112.31485 Prohibition on gifts involving political committees.—

(1)(a) For purposes of this section, the term "gift" means any purchase, payment, distribution, loan, advance, transfer of funds, or disbursement of money or anything of value that is not primarily related to contributions, expenditures, or other political activities authorized pursuant to chapter 106.

(b) For purposes of this section, the term "immediate family" means any parent, spouse, child, or sibling.

(2)(a) A reporting individual or procurement employee or a member of his or her immediate family is prohibited from soliciting or knowingly accepting, directly or indirectly, any gift from a political committee.

(b) A political committee is prohibited from giving, directly or indirectly, any gift to a reporting individual or procurement employee or a member of his or her immediate family.

(3) Any person who violates this section is subject to a civil penalty equal to three times the amount of the gift. Such penalty is in addition to the penalties provided in s. 112.317 and shall be paid to the General Revenue Fund of the state. A reporting individual or procurement employee or a member of his or her immediate family who violates this section is personally liable for payment of the treble penalty. Any agent or person acting on behalf of a political committee who gives a prohibited gift is personally liable for payment of the treble penalty.

[The definition of who or what is a "political committee" is outside the scope of this memo. If there is any doubt about a particular organization, please contact me.]

Procedures on complaints of violations and referrals: The ability of the Commission on Ethics to investigate alleged violations has been expanded somewhat. The Commission still has no authority to initiate investigations on its own volition. However, the new legislation now gives the Commission the authority to investigate **"Upon receipt of a written referral of a possible violation of this part or other possible breach of the public trust from the Governor, the Department of Law Enforcement, a state attorney, or a United States Attorney which at least six members of the commission determine is sufficient to indicate a violation of this part or any other breach of the public trust."**

The new law also allows the Commission to dismiss any complaint or referral at any stage of disposition if it determines that the alleged violation is a de minimis violation attributable to inadvertent or unintentional error.

If you have any questions or would like a copy of Senate Bill 2 (Ch. 2013-36, Laws of Florida), please contact me.

CHAPTER 2013-36

Committee Substitute for Senate Bill No. 2

An act relating to ethics; amending s. 112.312, F.S.; revising the definitions of "business entity" and "gift"; creating s. 112.3125, F.S.; defining the term "public officer"; prohibiting public officers from accepting additional employment with the state or any of its political subdivisions under specified conditions; amending s. 112.313, F.S.; prohibiting a former legislator from acting as a lobbyist before an executive branch agency, agency official, or employee for a specified period following vacation of office; providing definitions; creating s. 112.3142, F.S.; defining the term "constitutional officers"; requiring constitutional officers to complete annual ethics training; specifying requirements for ethics training; requiring the commission to adopt rules to establish minimum course content; requiring each house of the Legislature to provide for ethics training pursuant to its rules; creating s. 112.31425, F.S.; providing legislative findings; providing that holding an economic interest in a qualified blind trust is not a prohibited conflict of interest; providing that a public officer may not attempt to influence, exercise control of, or obtain information regarding the holdings of the qualified blind trust; prohibiting communication regarding the qualified blind trust between a public officer or a person having a beneficial interest in the trust and the trustee; providing exceptions; requiring a public officer to report the qualified blind trust and its value on his or her financial disclosure form under specified circumstances; establishing requirements for creation of a qualified blind trust; requiring a public officer who holds a qualified blind trust to file a notice with the Commission on Ethics; requiring a covered public official to file an amendment to his or her most recent financial disclosure statement under specified conditions; amending s. 112.3143, F.S.; providing definitions; requiring state public officers to abstain from voting on any matter that the officer knows would inure to his or her special private gain or loss; requiring that a memorandum filed after a vote be filed no later than 15 days after the vote; providing that a member of the Legislature satisfies the disclosure requirement by filing a form created pursuant to the rules of his or her respective house; providing that confidential or privileged information need not be disclosed; amending s. 112.3144, F.S.; requiring the qualifying officer to electronically transmit a full and public disclosure of financial interests of a qualified candidate to the commission; providing timeframes for the filing of certain complaints; authorizing filing individuals to file an amended statement during a specified timeframe under specified conditions; authorizing the commission to immediately follow complaint procedures under specified conditions; prohibiting the commission from taking action on complaints alleging immaterial, inconsequential, or de minimis errors or omissions; providing what constitutes an immaterial, inconsequential, or de minimis error or omission; authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant; requiring an attorney or

certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief; providing circumstances under which the commission must determine if an attorney or a certified public accountant failed to disclose information provided by the filing individual on the filed statement; providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation; authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure; creating s. 112.31445, F.S.; providing a definition for “electronic filing system”; requiring all disclosures of financial interests filed with the commission to be scanned and made publicly available on a searchable Internet database beginning with the 2012 filing year; requiring the commission to submit a proposal to the President of the Senate and the Speaker of the House of Representatives for a mandatory electronic filing system by a specified date; establishing minimum requirements for the commission’s proposal; amending s. 112.3145, F.S.; revising the definitions of “local officer” and “specified state employee”; revising procedures for the filing of a statement of financial interests with a candidate’s qualifying papers; requiring a person filing a statement of financial interest to indicate the method of reporting income; providing timeframes for the filing of certain complaints; authorizing filing individuals to file an amended statement during a specified timeframe under specified conditions; authorizing the commission to immediately follow complaint procedures under specified conditions; prohibiting the commission from taking action on complaints alleging immaterial, inconsequential, or de minimis errors or omissions; providing what constitutes an immaterial, inconsequential, or de minimis error or omission; authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant; requiring an attorney or certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief; providing circumstances under which the commission must determine if an attorney or a certified public accountant failed to disclose information provided by the filing individual on the filed statement; providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation; authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure; creating s. 112.31455, F.S.; requiring the commission to attempt to determine whether an individual owing certain fines is a current public officer or public employee; authorizing the commission to notify the Chief Financial Officer or the governing body of a county, municipality, or special district of the total amount of any fine owed to the commission by such individuals; requiring that the Chief Financial Officer or the governing body of a county, municipality, or special district begin

withholding portions of any salary payment that would otherwise be paid to the current public officer or public employee; requiring that the withheld payments be remitted to the commission until the fine is satisfied; authorizing the Chief Financial Officer or the governing body to retain a portion of payment for administrative costs; authorizing collection methods for the commission or the Department of Financial Services for individuals who are no longer public officers or public employees; authorizing the commission to contract with a collection agency; authorizing a collection agency to utilize collection methods authorized by law; authorizing the commission to collect an unpaid fine within a specified period of issuance of the final order; amending s. 112.3147, F.S.; providing an exception to the requirement that all forms be prescribed by the commission; amending s. 112.3148, F.S.; revising the definition of "procurement employee"; creating a definition for "vendor"; prohibiting a reporting individual or procurement employee from soliciting or knowingly accepting a gift from a vendor; deleting references to committees of continuous existence; creating s. 112.31485, F.S.; providing definitions for "gift" and "immediate family"; prohibiting a reporting individual or procurement employee or a member of his or her immediate family from soliciting or knowingly accepting any gift from a political committee; prohibiting a political committee from giving any gift to a reporting individual or procurement employee or a member of his or her immediate family; providing penalties for a violation; requiring that individuals who violate this section be held personally liable; amending s. 112.3149, F.S.; revising the definition of "procurement employee"; defining the term "vendor"; prohibiting a reporting individual or procurement employee from knowingly accepting an honorarium from a vendor; prohibiting a vendor from giving an honorarium to a reporting individual or procurement employee; amending s. 112.317, F.S.; making technical changes; amending s. 112.3215, F.S.; authorizing the commission to investigate sworn complaints alleging a prohibited expenditure; authorizing the commission to investigate a lobbyist or principal upon a sworn complaint or random audit; authorizing the Governor and Cabinet to assess a fine on a lobbyist or principal under specified conditions; providing a civil penalty; amending s. 112.324, F.S.; authorizing specified parties to submit written referrals of a possible violation of the Code of Ethics for Public Officers and Employees or other possible breaches of the public trust to the Commission on Ethics; establishing procedures for the receipt of written referrals by the commission; extending the period in which the disclosure of the intent to file or the filing of a complaint against a candidate is prohibited; providing exceptions; authorizing the commission to dismiss a complaint of a de minimis violation; providing exceptions; defining a de minimis violation; reenacting s. 120.665, F.S., relating to disqualification of agency personnel, to incorporate the amendments to s. 112.3143, F.S., in a reference thereto; reenacting s. 286.012, F.S., relating to voting requirements at meetings of governmental bodies, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; reenacting s. 287.175, F.S., relating to penalties, to incorporate the amendments made to s. 112.324, F.S., in a reference thereto; amending s. 288.901, F.S.; conforming

a cross-reference; amending s. 445.007, F.S., and reenacting subsection (1) of that section, relating to regional workforce boards, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; conforming cross-references; reenacting s. 627.311(5)(m), F.S., relating to joint underwriters and joint reinsurers, to incorporate the amendments made to s. 112.3143, F.S., in a reference thereto; reenacting s. 627.351(6)(d), F.S., relating to Citizens Property Insurance Corporation, to incorporate the amendments made to s. 112.3143, F.S.; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) and paragraph (b) of subsection (12) of section 112.312, Florida Statutes, are amended to read:

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(5) “Business entity” means any corporation, partnership, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(12)

(b) “Gift” does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee’s employment, business, or service as an officer or director of a corporation or organization.

2. Except as provided in s. 112.31485, contributions or expenditures reported pursuant to chapter 106, contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated party committee.

3. An honorarium or an expense related to an honorarium event paid to a person or the person’s spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee’s public, civic, charitable, or professional service.

5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

Section 2. Section 112.3125, Florida Statutes, is created to read:

112.3125 Dual public employment.—

(1) As used in this section, the term “public officer” includes any person who is elected to state or local office or, for the period of his or her candidacy, any person who has qualified as a candidate for state or local office.

(2) A public officer may not accept public employment with the state or any of its political subdivisions if the public officer knows, or with the exercise of reasonable care should know, that the position is being offered by the employer for the purpose of gaining influence or other advantage based on the public officer’s office or candidacy.

(3) Any public employment accepted by a public officer must meet all of the following conditions:

(a)1. The position was already in existence or was created by the employer without the knowledge or anticipation of the public officer’s interest in such position;

2. The position was publicly advertised;

3. The public officer was subject to the same application and hiring process as other candidates for the position; and

4. The public officer meets or exceeds the required qualifications for the position.

(4) A person who was employed by the state or any of its political subdivisions before qualifying as a public officer for his or her current term of office or the next available term of office may continue his or her employment. However, he or she may not accept promotion, advancement, additional compensation, or anything of value that he or she knows, or with the exercise of reasonable care should know, is provided or given as a result of his or her election or position, or that is otherwise inconsistent with the promotion, advancement, additional compensation, or anything of value provided or given an employee who is similarly situated.

(5) This section may not be interpreted as authorizing employment that is otherwise prohibited by law.

Section 3. Paragraph (a) of subsection (9) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System; and the president, provost, vice presidents, and deans of each state university.

(VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3.a. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this sub-subparagraph have the same meanings as provided in s. 112.3215.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

Section 4. Section 112.3142, Florida Statutes, is created to read:

112.3142 Ethics training for specified constitutional officers.—

(1) As used in this section, the term “constitutional officers” includes the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.

(2)(a) All constitutional officers must complete 4 hours of ethics training annually that addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(b) The commission shall adopt rules establishing minimum course content for the portion of an ethics training class that addresses s. 8, Art. II of the State Constitution and the Code of Ethics for Public Officers and Employees.

(3) Each house of the Legislature shall provide for ethics training pursuant to its rules.

Section 5. Section 112.31425, Florida Statutes, is created to read:

112.31425 Qualified blind trusts.—

(1) The Legislature finds that if a public officer creates a trust and does not control the interests held by the trust, his or her official actions will not be influenced or appear to be influenced by private considerations.

(2) If a public officer holds a beneficial interest in a qualified blind trust as described in this section, he or she does not have a conflict of interest prohibited under s. 112.313(3) or (7) or a voting conflict of interest under s. 112.3143 with regard to matters pertaining to that interest.

(3) The public officer may not attempt to influence or exercise any control over decisions regarding the management of assets in a qualified blind trust. The public officer or any person having a beneficial interest in the qualified blind trust may not make any effort to obtain information with respect to the

holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto, except as otherwise provided in this section.

(4) Except for communications that consist solely of requests for distributions of cash or other unspecified assets of the trust, the public officer or the person who has a beneficial interest may not have any direct or indirect communication with the trustee with respect to the trust, unless such communication is in writing and relates only to:

(a) A distribution from the trust which does not specify the source or assets within the trust from which the distribution is to be made in cash or in kind;

(b) The general financial interests and needs of the public officer or the person who has a beneficial interest, including, but not limited to, an interest in maximizing income or long-term capital gain;

(c) A notification of the trustee of a law or regulation subsequently applicable to the public officer which prohibits the officer from holding an asset and directs that the asset not be held by the trust; or

(d) A direction to the trustee to sell all of an asset initially placed in the trust by the public officer which, in the determination of the public officer, creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the public officer.

(5) The public officer shall report the beneficial interest in the qualified blind trust and its value as an asset on his or her financial disclosure form, if the value is required to be disclosed. The public officer shall report the blind trust as a primary source of income on his or her financial disclosure forms and its amount, if the amount of income is required to be disclosed. The public officer is not required to report as a secondary source of income any source of income to the blind trust.

(6) In order to constitute a qualified blind trust, the trust established by the public officer must meet the following requirements:

(a) The appointed trustee must be a bank, trust company, or other institutional fiduciary or an individual who is an attorney, certified public accountant, broker, or investment advisor. If the trustee is an individual or if the trustee is a bank, trust company, or other institutional fiduciary, the individual responsible for managing the trust may not be:

1. The public officer's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin, or the spouse of any such person;

2. A person who is an elected or appointed public officer or a public employee;

3. A person who has been appointed to serve in an agency by the public officer or by a public officer or public employee supervised by the public officer; or

4. A business associate or principal of the public officer.

(b) All assets in the trust must be free of any restrictions with respect to their transfer or sale. The trust may not contain investments or assets the transfer of which by the trustee is improbable or impractical without the public officer's knowledge.

(c) The trust agreement must:

1. Contain a statement that its purpose is to remove from the grantor control and knowledge of investment of trust assets so that conflicts between the grantor's responsibilities as a public officer and his or her private interests are eliminated.

2. Give the trustee complete discretion to manage the trust, including, but not limited to, the power to dispose of and acquire trust assets without consulting or notifying the covered public officer or the person having a beneficial interest in the trust.

3. Prohibit communication between the trustee and the public officer, or the person who has a beneficial interest in the trust, concerning the holdings or sources of income of the trust, except amounts of cash value or net income or loss, if such report does not identify any asset or holding, or except as provided in this section.

4. Provide that the trust tax return is prepared by the trustee or his or her designee and that any information relating thereto is not disclosed to the public officer or to the person who has a beneficial interest, except as provided in this section.

5. Permit the trustee to notify the public officer of the date of disposition and value at disposition of any original investment or interest in real property to the extent required by federal tax law so that the information can be reported on the public officer's applicable tax returns.

6. Prohibit the trustee from disclosing to the public officer or the person who has a beneficial interest any information concerning replacement assets to the trust, except for the minimum tax information necessary to enable the public official to complete an individual tax return required by law.

(d) Within 5 business days after the agreement is executed, the public officer shall file with the commission a notice setting forth:

1. The date that the agreement is executed.

2. The name and address of the trustee.

3. The acknowledgement by the trustee that he or she has agreed to serve as trustee.

4. A certification by the trustee on a form prescribed by the commission that the trust meets all of the requirements of this section. In lieu of said certification, the public officer may file a copy of the trust agreement.

5. A complete list of assets placed in the trust that the public officer would be required to disclose pursuant to ss. 112.3144 or 112.3145.

(7) If the trust is revoked while the covered public official is a public officer, or if the covered public official learns of any replacement assets that have been added to the trust, the covered public official shall file an amendment to his or her most recent financial disclosure statement. The amendment shall be filed no later than 60 days after the date of revocation or the addition of the replacement assets. The covered public official shall disclose the previously unreported pro rata share of the trust's interests in investments or income deriving from any such investments. For purposes of this section, any replacement asset that becomes known to the covered public official shall thereafter be treated as though it were an original asset of the trust.

Section 6. Subsections (1) and (2) of section 112.3143, Florida Statutes, are amended, current subsection (5) of that section is renumbered as subsection (6), and a new subsection (5) is added to that section, to read:

112.3143 Voting conflicts.—

(1) As used in this section:

(a) "Principal by whom retained" means an individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one's client, employer, or the parent, subsidiary, or sibling organization of one's client or employer.

(b)(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(c)(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(d) "Special private gain or loss" means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.

2. The nature of the interests involved.

3. The degree to which the interests of all members of the class are affected by the vote.

4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

(2)(a) A No state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss is prohibited from voting in an official capacity on any matter. However, Any state public officer who abstains from voting in an official capacity upon any measure that which the officer knows would inure to the officer's special private gain or loss, or who votes in an official capacity on a measure that; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

(b) A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member's respective house if the member discloses the information required by this subsection.

(5) If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Section 7. Subsection (2) of section 112.3144, Florida Statutes, is amended, present subsection (7) is renumbered as subsection (9), and new subsections (7) and (8) are added to that section, to read:

112.3144 Full and public disclosure of financial interests.—

(2) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year shall not be required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part. When a candidate has qualified for office, the qualifying officer shall forward an electronic copy of the full and public disclosure of financial interests to the commission no later than July 1. The electronic copy of the full and public disclosure of financial interests satisfies the annual disclosure requirement of this section. A candidate who does not qualify until after the annual full and public disclosure has been filed pursuant to this section, except that a candidate for office shall file a copy of his or her disclosure with the officer before whom he or she qualifies.

(7)(a) The commission shall treat an amended full and public disclosure of financial interests that is filed prior to September 1 of the current year as the original filing, regardless of whether a complaint has been filed. If a complaint pertaining to the current year alleges a failure to properly and accurately disclose any information required by this section or if a complaint filed pertaining to a previous reporting period within the preceding 5 years alleges a failure to properly and accurately disclose any information required to be disclosed by this section, the commission may immediately follow complaint procedures in s. 112.324. However, if a complaint filed after August 25 alleges an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint, other than notifying the filer of the complaint. The filer must be given 30 days to file an amended full and public disclosure of financial interests correcting any errors. If the filer does not file an amended full and public disclosure of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(b) For purposes of the final full and public disclosure of financial interests, the commission shall treat a new final full and public disclosure of financial interests as the original filing if filed within 60 days after the original filing, regardless of whether a complaint has been filed. If, more than 60 days after a final full and public disclosure of financial interests is filed, a complaint is filed alleging a complete omission of any information required to be disclosed by this section, the commission may immediately follow the complaint procedures in s. 112.324. However, if the complaint alleges an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint, other than notifying the filer of the complaint. The filer must be given 30 days to file a new final full and public disclosure of financial interests correcting any errors. If the filer does not file a new final full and public disclosure of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(c) For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest.

(8)(a) An individual required to file a disclosure pursuant to this section may have the disclosure prepared by an attorney in good standing with The Florida Bar or by a certified public accountant licensed under chapter 473. After preparing a disclosure form, the attorney or certified public accountant must sign the form indicating that he or she prepared the form in accordance with this section and the instructions for completing and filing the disclosure forms and that, upon his or her reasonable knowledge and belief, the disclosure is true and correct. If a complaint is filed alleging a failure to disclose information required by this section, the commission shall determine whether the information was disclosed to the attorney or certified public accountant. The failure of the attorney or certified public accountant to accurately transcribe information provided by the individual required to file is not a violation of this section.

(b) An elected officer or candidate who chooses to use an attorney or a certified public accountant to prepare his or her disclosure may pay for the services of the attorney or certified public accountant from funds in an office account created pursuant to s. 106.141 or, during a year that the individual qualifies for election to public office, the candidate's campaign depository pursuant to s. 106.021.

Section 8. Section 112.31445, Florida Statutes, is created to read:

112.31445 Electronic filing system; full and public disclosure of financial interests.—

(1) As used in this section, the term "electronic filing system" means an Internet system for recording and reporting full and public disclosure of financial interests or any other form that is required pursuant to s. 112.3144.

(2) Beginning with the 2012 filing year, all full and public disclosures of financial interests filed with the commission pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must be scanned and made publicly available by the commission through a searchable Internet database.

(3) By December 1, 2015, the commission shall submit a proposal to the President of the Senate and the Speaker of the House of Representatives for a mandatory electronic filing system. The proposal must, at a minimum:

(a) Provide for access through the Internet.

(b) Establish a procedure to make filings available in a searchable format that is accessible by an individual using standard web-browsing software.

(c) Provide for direct completion of the full and public disclosure of financial interests forms as well as upload such information using software approved by the commission.

(d) Provide a secure method that prevents unauthorized access to electronic filing system functions.

(e) Provide a method for an attorney or certified public accountant licensed in this state to sign the disclosure form to indicate that he or she prepared the form in accordance with s. 112.3144 and the instructions for completing and filing the disclosure form and that, upon his or her reasonable knowledge and belief, the form is true and correct.

(f) Address whether additional statutory or rulemaking authority is necessary for implementation of the system, and must include, at a minimum, the following elements: alternate filing procedures to be used in the event that the commission's electronic filing system is inoperable, issuance of an electronic receipt via electronic mail indicating and verifying to the individual who submitted the full and public disclosure of financial interests form that the form has been filed, and a determination of the feasibility and necessity of including statements of financial interests filed pursuant to s. 112.3145 in the proposed system.

Section 9. Paragraphs (a) and (b) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 112.3145, Florida Statutes, are amended, present subsection (9) of that section is renumbered as subsection (11), and new subsections (9) and (10) are added to that section, to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(a) “Local officer” means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:

a. The governing body of the political subdivision, if appointed;

~~b. An expressway authority or transportation authority established by general law;~~

b.e. A community college or junior college district board of trustees;

c.d. A board having the power to enforce local code provisions;

d.e. A planning or zoning board, board of adjustment, board of appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards;

e.f. A pension board or retirement board having the power to invest pension or retirement funds or the power to make a binding determination of one's entitlement to or amount of a pension or other retirement benefit; or

f.g. Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; finance director of a county, municipality, or other political subdivision; chief county or municipal building code inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of any political subdivision of the state or any entity thereof.

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a criminal conflict and civil regional counsel, an assistant criminal conflict and civil regional counsel, a full-time state employee who serves as counsel or assistant counsel to any state agency, the Deputy Chief Judge of Compensation Claims, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. The State Surgeon General or each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the warden or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he or she files, qualifying papers. When a candidate has qualified for office prior to the deadline to file an annual statement of financial interests, the statement of financial interests that is filed with the candidate's qualifying papers shall be deemed to satisfy the annual disclosure requirement of this section. The qualifying officer must record that the statement of financial interests was timely filed. However, if a candidate does not qualify until after the annual statement of financial interests has been filed, the candidate may file a copy of his or her statement with the qualifying officer.

(3) The statement of financial interests for state officers, specified state employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include, at the filer's option, either:

(a)1. All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received an amount which was in excess of 10 percent of his or her gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every individual liability that equals more than the reporting person's net worth; or

(b)1. All sources of gross income in excess of \$2,500 received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received gross income exceeding \$5,000 during the disclosure period. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residence and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of \$10,000. For the purpose of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every liability in excess of \$10,000.

A person filing a statement of financial interests shall indicate on the statement whether he or she is using the method specified in paragraph (a) or paragraph (b) of this subsection.

(9)(a) The commission shall treat an amended statement of financial interests that is filed prior to September 1 of the current year as the original filing, regardless of whether a complaint has been filed. If a complaint pertaining to the current year alleges a failure to properly and accurately disclose any information required by this section or if a complaint filed pertaining to a previous reporting period within the preceding 5 years alleges a failure to properly and accurately disclose any information required to be disclosed by this section, the commission may immediately follow complaint procedures in s. 112.324. However, if a complaint filed after August 25 alleges an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint, other than notifying

the filer of the complaint. The filer must be given 30 days to file an amended statement of financial interests correcting any errors. If the filer does not file an amended statement of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(b) For purposes of the final statement of financial interests, the commission shall treat a new final statement of financial interests, as the original filing, if filed within 60 days of the original filing regardless of whether a complaint has been filed. If, more than 60 days after a final statement of financial interests is filed, a complaint is filed alleging a complete omission of any information required to be disclosed by this section, the commission may immediately follow the complaint procedures in s. 112.324. However, if the complaint alleges an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint other than notifying the filer of the complaint. The filer must be given 30 days to file a new final statement of financial interests correcting any errors. If the filer does not file a new final statement of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(c) For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest.

(10)(a) An individual required to file a disclosure pursuant to this section may have the disclosure prepared by an attorney in good standing with The Florida Bar or by a certified public accountant licensed under chapter 473. After preparing a disclosure form, the attorney or certified public accountant must sign the form indicating that he or she prepared the form in accordance with this section and the instructions for completing and filing the disclosure forms and that, upon his or her reasonable knowledge and belief, the disclosure is true and correct. If a complaint is filed alleging a failure to disclose information required by this section, the commission shall determine whether the information was disclosed to the attorney or certified public accountant. The failure of the attorney or certified public accountant to accurately transcribe information provided by the individual who is required to file the disclosure does not constitute a violation of this section.

(b) An elected officer or candidate who chooses to use an attorney or a certified public accountant to prepare his or her disclosure may pay for the services of the attorney or certified public accountant from funds in an office account created pursuant to s. 106.141 or, during a year that the individual qualifies for election to public office, the candidate's campaign depository pursuant to s. 106.021.

Section 10. Section 112.31455, Florida Statutes, is created to read:

112.31455 Collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests.—

(1) Before referring any unpaid fine accrued pursuant to s. 112.3144(5) or s. 112.3145(6) to the Department of Financial Services, the commission shall attempt to determine whether the individual owing such a fine is a current public officer or current public employee. If so, the commission may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, or special district of the total amount of any fine owed to the commission by such individual.

(a) After receipt and verification of the notice from the commission, the Chief Financial Officer or the governing body of the county, municipality, or special district shall begin withholding the lesser of 10 percent or the maximum amount allowed under federal law from any salary-related payment. The withheld payments shall be remitted to the commission until the fine is satisfied.

(b) The Chief Financial Officer or the governing body of the county, municipality, or special district may retain an amount of each withheld payment, as provided in s. 77.0305, to cover the administrative costs incurred under this section.

(2) If the commission determines that the individual who is the subject of an unpaid fine accrued pursuant to s. 112.3144(5) or s. 112.3145(6) is no longer a public officer or public employee or if the commission is unable to determine whether the individual is a current public officer or public employee, the commission may, 6 months after the order becomes final, seek garnishment of any wages to satisfy the amount of the fine, or any unpaid portion thereof, pursuant to chapter 77. Upon recording the order imposing the fine with the clerk of the circuit court, the order shall be deemed a judgment for purposes of garnishment pursuant to chapter 77.

(3) The commission may refer unpaid fines to the appropriate collection agency, as directed by the Chief Financial Officer, to utilize any collection methods provided by law. Except as expressly limited by this section, any other collection methods authorized by law are allowed.

(4) Action may be taken to collect any unpaid fine imposed by ss. 112.3144 and 112.3145 within 20 years after the date the final order is rendered.

Section 11. Section 112.3147, Florida Statutes, is amended to read:

112.3147 Forms.—Except as otherwise provided, all information required to be furnished by ss. 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II of the State Constitution shall be on forms prescribed by the Commission on Ethics.

Section 12. Paragraph (e) of subsection (2) of section 112.3148, Florida Statutes, is amended and paragraph (f) is added to that subsection, and subsections (3) through (5) of that section are amended, to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(2) As used in this section:

(e) “Procurement employee” means any employee of an officer, department, board, commission, ~~or council,~~ or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months ~~participates~~ through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in any fiscal year.

(f) “Vendor” means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services.

(3) A reporting individual or procurement employee is prohibited from soliciting any gift from a vendor doing business with the reporting individual’s or procurement employee’s agency, a political committee ~~or committee of continuous existence,~~ as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual’s or procurement employee’s agency, or the partner, firm, employer, or principal of such lobbyist, where such gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a vendor doing business with the reporting individual’s or procurement employee’s agency, a political committee ~~or committee of continuous existence,~~ as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual’s or procurement employee’s agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A vendor doing business with the reporting individual’s or procurement employee’s agency; a political committee ~~or a committee of continuous existence,~~ as defined in s. 106.011; a lobbyist who lobbies a reporting individual’s or procurement employee’s agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or

partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of \$100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift that the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the Commission on Ethics, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Office of Legislative Services. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, if a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

Section 13. Section 112.31485, Florida Statutes, is created to read:

112.31485 Prohibition on gifts involving political committees.—

(1)(a) For purposes of this section, the term “gift” means any purchase, payment, distribution, loan, advance, transfer of funds, or disbursement of money or anything of value that is not primarily related to contributions, expenditures, or other political activities authorized pursuant to chapter 106.

(b) For purposes of this section, the term “immediate family” means any parent, spouse, child, or sibling.

(2)(a) A reporting individual or procurement employee or a member of his or her immediate family is prohibited from soliciting or knowingly accepting, directly or indirectly, any gift from a political committee.

(b) A political committee is prohibited from giving, directly or indirectly, any gift to a reporting individual or procurement employee or a member of his or her immediate family.

(3) Any person who violates this section is subject to a civil penalty equal to three times the amount of the gift. Such penalty is in addition to the penalties provided in s. 112.317 and shall be paid to the General Revenue Fund of the state. A reporting individual or procurement employee or a member of his or her immediate family who violates this section is personally

liable for payment of the treble penalty. Any agent or person acting on behalf of a political committee who gives a prohibited gift is personally liable for payment of the treble penalty.

Section 14. Paragraph (e) of subsection (1) of section 112.3149, Florida Statutes, is amended, and paragraph (f) is added to that subsection, and subsections (3) and (4) of that section are amended, to read:

112.3149 Solicitation and disclosure of honoraria.—

(1) As used in this section:

(e) “Procurement employee” means any employee of an officer, department, board, commission, ~~or council, or agency~~ of the executive branch or judicial branch of state government who has participated in the preceding 12 months ~~participates~~ through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

(f) “Vendor” means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services.

(3) A reporting individual or procurement employee is prohibited from knowingly accepting an honorarium from a political committee ~~or committee of continuous existence~~, as defined in s. 106.011, from a vendor doing business with the reporting individual’s or procurement employee’s agency, from a lobbyist who lobbies the reporting individual’s or procurement employee’s agency, or from the employer, principal, partner, or firm of such a lobbyist.

(4) A political committee ~~or committee of continuous existence~~, as defined in s. 106.011, a vendor doing business with the reporting individual’s or procurement employee’s agency, a lobbyist who lobbies a reporting individual’s or procurement employee’s agency, or the employer, principal, partner, or firm of such a lobbyist is prohibited from giving an honorarium to a reporting individual or procurement employee.

Section 15. Section 112.317, Florida Statutes, is amended to read:

112.317 Penalties.—

(1) Any violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, or any violation of any provision of s. 8, Art. II of the State Constitution, in addition to any criminal penalty or other civil penalty involved, shall, under applicable constitutional and statutory procedures, constitutes ~~constitute~~ grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third of his or her salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in his or her salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency by which the public employee was employed, or of which the officer was deemed to be an employee, or to the General Revenue Fund.
8. Public censure and reprimand.

(c) In the case of a candidate who violates ~~the provisions of this part or s. 8(a) and (i), Art. II of the State Constitution:~~

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.
4. A civil penalty not to exceed \$10,000.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred before the officer's or employee's leaving public office or employment:

1. Public censure and reprimand.
2. A civil penalty not to exceed \$10,000.

3. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.

(e) In the case of a person who is subject to the standards of this part, other than a lobbyist or lobbying firm under s. 112.3215 for a violation of s. 112.3215, but who is not a public officer or employee:

1. Public censure and reprimand.
2. A civil penalty not to exceed \$10,000.

3. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of the person or to the General Revenue Fund.

(2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and the proper disciplinary official or body under s. 112.324 imposes a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. The Attorney General shall collect any costs, attorney's fees, expert witness fees, or other costs of collection incurred in bringing the action.

(3) The penalties prescribed in this part shall not be construed to limit or to conflict with:

(a) The power of either house of the Legislature to discipline its own members or impeach a public officer.

(b) The power of agencies to discipline officers or employees.

(4) Any violation of this part or of s. 8, Art. II of the State Constitution by a public officer constitutes ~~shall constitute~~ malfeasance, misfeasance, or neglect of duty in office within the meaning of s. 7, Art. IV of the State Constitution.

(5) By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates ~~any provision of this part or of s. 8, Art. II of the State Constitution~~ may be suspended from office and the office filled by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its President or by a majority of its membership.

(6) In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(7) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part, the complainant shall be liable for costs plus reasonable attorney ~~attorney's~~ fees incurred in the defense of the person complained against, including the costs and reasonable attorney ~~attorney's~~ fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Section 16. Paragraphs (a) and (c) of subsection (8) and subsection (10) of section 112.3215, Florida Statutes, are amended, present subsections (11) through (14) are renumbered as (12) through (15), respectively, and a new subsection (11) is added to that section to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(8)(a) The commission shall investigate every sworn complaint that is filed with it alleging that a person covered by this section has failed to register, has failed to submit a compensation report, has made a prohibited expenditure, or has knowingly submitted false information in any report or registration required in this section.

(c) The commission shall investigate any lobbying firm, lobbyist, principal, agency, officer, or employee upon receipt of information from a sworn complaint or from a random audit of lobbying reports indicating a possible violation other than a late-filed report.

(10) If the Governor and Cabinet finds that a violation occurred, it may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years. If the violator is a lobbying firm, lobbyist, or principal, the Governor and Cabinet may also assess a fine of not more than \$5,000 to be deposited in the Executive Branch Lobby Registration Trust Fund.

(11) Any person who is required to be registered or to provide information under this section or under rules adopted pursuant to this section and who knowingly fails to disclose any material fact that is required by this section or by rules adopted pursuant to this section, or who knowingly provides false information on any report required by this section or by rules adopted pursuant to this section, commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty is in addition to any other penalty assessed by the Governor and Cabinet pursuant to subsection (10).

Section 17. Section 112.324, Florida Statutes, is amended to read:

112.324 Procedures on complaints of violations and referrals; public records and meeting exemptions.—

~~(1) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, The commission shall investigate an any alleged violation of this part or any other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution; in accordance with procedures set forth herein.~~

(a) Upon a written complaint executed on a form prescribed by the commission and signed under oath of affirmation by any person; or

(b) Upon receipt of a written referral of a possible violation of this part or other possible breach of the public trust from the Governor, the Department of Law Enforcement, a state attorney, or a United States Attorney which at least six members of the commission determine is sufficient to indicate a violation of this part or any other breach of the public trust.

Within 5 days after receipt of a complaint by the commission or a determination by at least six members of the commission that the referral received is deemed sufficient, a copy shall be transmitted to the alleged violator.

(2)(a) The complaint and records relating to the complaint or to any preliminary investigation held by the commission or its agents, by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1) or by any municipality defined in s. 165.031, or by any county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements as provided in s. 112.326 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Any proceeding conducted by the commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process, pursuant to a complaint or preliminary investigation, is exempt from the provisions of s. 286.011, s. 24(b), Art. I of the State Constitution, and s. 120.525.

(c) The exemptions in paragraphs (a) and (b) apply until the complaint is dismissed as legally insufficient, until the alleged violator requests in writing that such records and proceedings be made public, or until the commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process determines, based on such investigation, whether probable cause exists to believe that a violation has occurred. ~~In no event shall~~ A complaint or referral under this part against a candidate in any general, special, or primary election may not be filed nor may or any intention of filing such a complaint or referral be disclosed on the day of any such election or within the 30 5 days immediately preceding the date of the election, unless the complaint or referral is based upon personal information or information other than hearsay.

(d) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2015, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) A preliminary investigation shall be undertaken by the commission of each legally sufficient complaint or referral over which the commission has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, the commission shall dismiss the complaint or referral with the issuance of a public report to the complainant and the alleged violator, stating with particularity its reasons for dismissal ~~of the complaint~~. At that time, the complaint or referral and all materials relating to the complaint or referral shall become a matter of public record. If the commission finds from the preliminary investigation probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint or referral shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part or has committed any other breach of the public trust shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion, require a public hearing, may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interest of the state. The commission is without jurisdiction to, and no respondent may

voluntarily or involuntarily, enter into a stipulation or settlement which imposes any penalty, including, but not limited to, a sanction or admonition or any other penalty contained in s. 112.317. Penalties shall be imposed only by the appropriate disciplinary authority as designated in this section.

(4) If, in cases pertaining to members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, the commission shall forward a copy of the complaint or referral and its findings by certified mail to the President of the Senate or the Speaker of the House of Representatives, whichever is applicable, who shall refer the complaint or referral to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. It is ~~shall be~~ the duty of the committee to report its final action upon the matter ~~complaint~~ to the commission within 90 days of the date of transmittal to the respective house. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed. In the case of a member of the Legislature, the house in which the member serves has ~~shall have~~ the power to invoke the penalty provisions of this part.

(5) If, in cases ~~pertaining to complaints~~ against impeachable officers, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, and the commission finds that the violation may constitute grounds for impeachment, the commission shall forward a copy of the complaint or referral and its findings by certified mail to the Speaker of the House of Representatives, who shall refer the complaint or referral to the appropriate committee for investigation and action which shall be governed by the rules of the House of Representatives. It is ~~shall be~~ the duty of the committee to report its final action upon the matter ~~complaint~~ to the commission within 90 days of the date of transmittal.

(6) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by an impeachable officer other than the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the officer's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Governor, who has ~~shall have~~ the power to invoke the penalty provisions of this part.

(7) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the Governor's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Attorney General, who shall have the power to invoke the penalty provisions of this part.

(8) If, in cases ~~pertaining to complaints~~ other than complaints or referrals against impeachable officers or members of the Legislature, upon completion

of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it ~~is shall be~~ the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body ~~has shall have~~ the power to invoke the penalty provisions of this part, including the power to order the appropriate elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art. II of the State Constitution:

(a) The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission, members of the Public Service Commission Nominating Council, the Auditor General, or the director of the Office of Program Policy Analysis and Government Accountability.

(b) The Supreme Court, in any case concerning an employee of the judicial branch.

(c) The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, or Office of Program Policy Analysis and Government Accountability.

(d) Except as otherwise provided by this part, the Governor, in the case of any other public officer, public employee, former public officer or public employee, candidate or former candidate, or person who is not a public officer or employee, other than lobbyists and lobbying firms under s. 112.3215 for violations of s. 112.3215.

(e) The President of the Senate or the Speaker of the House of Representatives, whichever is applicable, in any case concerning a former member of the Legislature who has violated a provision applicable to former members or whose violation occurred while a member of the Legislature.

(9) In addition to reporting its findings to the proper disciplinary body or official, the commission shall report these findings to the state attorney or any other appropriate official or agency having authority to initiate prosecution when violation of criminal law is indicated.

(10) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part or of s. 8, Art. II of the State Constitution shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall, after determining that there are sufficient grounds for review, appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The

members shall elect a chair from among their number. If the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part or of s. 8, Art. II of the State Constitution has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chair thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

(11)(a) Notwithstanding subsections (1)-(8), the commission may dismiss any complaint or referral at any stage of disposition if it determines that the violation that is alleged or has occurred is a de minimis violation attributable to inadvertent or unintentional error. In determining whether a violation was de minimis, the commission shall consider whether the interests of the public were protected despite the violation. This subsection does not apply to complaints or referrals pursuant to ss. 112.3144 and 112.3145.

(b) For the purposes of this subsection, a de minimis violation is any violation that is unintentional and not material in nature.

~~(12)(11)~~ Notwithstanding the provisions of subsections (1)-(8), the commission may, at its discretion, dismiss any complaint or referral at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal.

Section 18. For the purpose of incorporating the amendment made by this act to section 112.3143, Florida Statutes, in a reference thereto, subsection (1) of section 120.665, Florida Statutes, is reenacted to read:

120.665 Disqualification of agency personnel.—

(1) Notwithstanding the provisions of s. 112.3143, any individual serving alone or with others as an agency head may be disqualified from serving in an agency proceeding for bias, prejudice, or interest when any party to the agency proceeding shows just cause by a suggestion filed within a reasonable period of time prior to the agency proceeding. If the disqualified individual was appointed, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the individual is an elected official, the Governor may appoint a substitute to serve in the matter from which the individual is disqualified. However, if a quorum remains after the individual is disqualified, it shall not be necessary to appoint a substitute.

Section 19. For the purpose of incorporating the amendment made by this act to section 112.3143, Florida Statutes, in a reference thereto, section 286.012, Florida Statutes, is reenacted to read:

286.012 Voting requirement at meetings of governmental bodies.—No member of any state, county, or municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of s. 112.311, s. 112.313, or s. 112.3143. In such cases, said member shall comply with the disclosure requirements of s. 112.3143.

Section 20. For the purpose of incorporating the amendment made by this act to section 112.324, Florida Statutes, in a reference thereto, section 287.175, Florida Statutes, is reenacted to read:

287.175 Penalties.—A violation of this part or a rule adopted hereunder, pursuant to applicable constitutional and statutory procedures, constitutes misuse of public position as defined in s. 112.313(6), and is punishable as provided in s. 112.317. The Chief Financial Officer shall report incidents of suspected misuse to the Commission on Ethics, and the commission shall investigate possible violations of this part or rules adopted hereunder when reported by the Chief Financial Officer, notwithstanding the provisions of s. 112.324. Any violation of this part or a rule adopted hereunder shall be presumed to have been committed with wrongful intent, but such presumption is rebuttable. Nothing in this section is intended to deny rights provided to career service employees by s. 110.227.

Section 21. Paragraph (c) of subsection (1) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.—

(1) CREATION.—

(c) The Legislature determines that it is in the public interest for the members of Enterprise Florida, Inc., board of directors to be subject to the requirements of ss. 112.3135, 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2), notwithstanding the fact that the board members are not public officers or employees. For purposes of those sections, the board members shall be considered to be public officers or employees. The exemption set forth in s. 112.313(12) for advisory boards applies to the members of Enterprise Florida, Inc., board of directors. Further, each member of the board of directors who is not otherwise required to file financial disclosures pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.

Section 22. Subsection (1) of section 445.007, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to section 112.3143, Florida Statutes, in a reference thereto, and subsection (11) of that section is amended, to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b) but may not exceed the minimum membership required in Pub. L. No. 105-220, Title I, s. 117(b)(2)(A) and in this subsection. Upon approval by the Governor, the chief elected official may appoint additional members above the limit set by this subsection. If a public education or training provider is represented on the board, a representative of a private nonprofit provider and a representative of a private for-profit provider must also be appointed to the board. The board shall include one nonvoting representative from a military installation if a military installation is located within the region and the appropriate military command or organization authorizes such representation. It is the intent of the Legislature that membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(2) or workforce services as provided in s. 445.009(1) or that such persons be included as ex officio members of the board or of committees organized by the board. The importance of minority and gender representation shall be considered when making appointments to the board. The board, its committees, subcommittees, and subdivisions, and other units of the workforce system, including units that may consist in whole or in part of local governmental units, may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of the telecommunications meeting and reasonable access to observe and, when appropriate, participate. Regional workforce boards are subject to chapters 119 and 286 and s. 24, Art. I of the State Constitution. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the board, a quorum having been established, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143. Each member of a regional workforce board who is not otherwise required to file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 shall file a statement of financial interests pursuant to s. 112.3145. The executive director or designated person responsible for the operational and administrative functions of the regional workforce board who is not otherwise required to file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 shall file a statement of financial interests pursuant to s. 112.3145.

(11) To increase transparency and accountability, a regional workforce board must comply with the requirements of this section before contracting with a member of the board or a relative, as defined in s. ~~112.3143(1)(c)~~ 112.3143(1)(b), of a board member or of an employee of the board. Such contracts may not be executed before or without the approval of Workforce Florida, Inc. Such contracts, as well as documentation demonstrating adherence to this section as specified by Workforce Florida, Inc., must be submitted to the Department of Economic Opportunity for review and recommendation according to criteria to be determined by Workforce Florida, Inc. Such a contract must be approved by a two-thirds vote of the board, a quorum having been established; all conflicts of interest must be disclosed before the vote; and any member who may benefit from the contract, or whose relative may benefit from the contract, must abstain from the vote. A contract under \$25,000 between a regional workforce board and a member of that board or between a relative, as defined in s. ~~112.3143(1)(c)~~ 112.3143(1)(b), of a board member or of an employee of the board is not required to have the prior approval of Workforce Florida, Inc., but must be approved by a two-thirds vote of the board, a quorum having been established, and must be reported to the Department of Economic Opportunity and Workforce Florida, Inc., within 30 days after approval. If a contract cannot be approved by Workforce Florida, Inc., a review of the decision to disapprove the contract may be requested by the regional workforce board or other parties to the disapproved contract.

Section 23. For the purpose of incorporating the amendment made by this act to section 112.3143, Florida Statutes, in a reference thereto, paragraph (m) of subsection (5) of section 627.311, Florida Statutes, is reenacted to read:

627.311 Joint underwriters and joint reinsurers; public records and public meetings exemptions.—

(5)

(m) Senior managers and officers, as defined in the plan of operation, and members of the board of governors are subject to the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145, 112.316, and 112.317. Senior managers, officers, and board members are also required to file such disclosures with the Commission on Ethics and the Office of Insurance Regulation. The executive director of the plan or his or her designee shall notify each newly appointed and existing appointed member of the board of governors, senior manager, and officer of his or her duty to comply with the reporting requirements of s. 112.3145. At least quarterly, the executive director of the plan or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers, officers, and members of the board of governors who are subject to the public disclosure requirements under s. 112.3145. Notwithstanding s. 112.313, an employee, officer, owner, or director of an insurance agency, insurance company, or other insurance entity may be a member of the board of governors unless such employee, officer, owner, or director of an insurance agency, insurance company, other

insurance entity, or an affiliate provides policy issuance, policy administration, underwriting, claims handling, or payroll audit services. Notwithstanding s. 112.3143, such board member may not participate in or vote on a matter if the insurance agency, insurance company, or other insurance entity would obtain a special or unique benefit that would not apply to other similarly situated insurance entities.

Section 24. For the purpose of incorporating the amendment made to this act to section 112.3143, Florida Statutes, in a reference thereto, paragraph (d) of subsection (6) of section 627.351, Florida Statutes, is reenacted to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(d)1. All prospective employees for senior management positions, as defined by the plan of operation, are subject to background checks as a prerequisite for employment. The office shall conduct the background checks pursuant to ss. 624.34, 624.404(3), and 628.261.

2. On or before July 1 of each year, employees of the corporation must sign and submit a statement attesting that they do not have a conflict of interest, as defined in part III of chapter 112. As a condition of employment, all prospective employees must sign and submit to the corporation a conflict-of-interest statement.

3. Senior managers and members of the board of governors are subject to part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. Notwithstanding s. 112.3143(2), a board member may not vote on any measure that would inure to his or her special private gain or loss; that he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312; or that he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Before the vote is taken, such member shall publicly state to the assembly the nature of his or her interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. Senior managers and board members are also required to file such disclosures with the Commission on Ethics and the Office of Insurance Regulation. The executive director of the corporation or his or her designee shall notify each existing and newly appointed member of the board of governors and senior managers of their duty to comply with the reporting requirements of part III of chapter 112. At least quarterly, the executive director or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers and

members of the board of governors who are subject to the public disclosure requirements under s. 112.3145.

4. Notwithstanding s. 112.3148 or s. 112.3149, or any other provision of law, an employee or board member may not knowingly accept, directly or indirectly, any gift or expenditure from a person or entity, or an employee or representative of such person or entity, which has a contractual relationship with the corporation or who is under consideration for a contract. An employee or board member who fails to comply with subparagraph 3. or this subparagraph is subject to penalties provided under ss. 112.317 and 112.3173.

5. Any senior manager of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from representing another person or entity before the corporation for 2 years after retirement or termination of employment from the corporation.

6. Any senior manager of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from having any employment or contractual relationship for 2 years with an insurer that has entered into a take-out bonus agreement with the corporation.

Section 25. This act shall take effect upon becoming a law.

Approved by the Governor May 1, 2013.

Filed in Office Secretary of State May 1, 2013.



COST PROPOSAL

ALL COST ITEMS SHALL INCLUDE ALL COSTS FOR FURNISHING TO THE OWNER ALL MATERIALS, EQUIPMENT AND SUPPLIES, PERMITS, AND FOR ALL COSTS INCURRED IN PROVIDING ALL WORK SHOWN ON THE INTRACOASTAL WATERWAY CUT P-31 MAINTENANCE DREDGING PROJECT DRAWINGS AND OUTLINED IN THE CONTRACT SPECIFICATIONS FOR CONSTRUCTION.

ITEM	DESCRIPTION	UNITS	QUANTITY	UNIT COST	TOTAL COST
LUMP SUM					
0001	Insurance	LS	1	\$1,000	\$1,000
0002	Mobilization and Demobilization	LS	1	\$1,000	\$1,000
0003	Environmental Protection and Erosion Control	LS	1	\$1,500	\$1,500
UNIT COST					
0004	Dredging and Material Placement	CY	3,545	\$26	\$92,170

TOTAL COST PROPOSAL (ITEMS 0001 THRU 0004) \$ 95,670.00

AMOUNTS SHALL BE SHOWN IN BOTH WORDS AND NUMBERS. IN CASE OF DISCREPANCIES, THE AMOUNT SHOWN IN WORDS SHALL GOVERN FOR EACH COST ITEM AND TOTAL COST PROPOSAL.

TOTAL COST PROPOSAL (WRITTEN)

Ninety five thousand six hundred seventy and 00/100 Dollars

Signature of Contractor: [Signature]

Date: 7/1/13

Notes:

- (1) Quantities are estimated. Actual quantities may vary.
- (2) Cost Proposals must be for the entire work and must have each blank space completed.

NOTES:

- 1 The District reserves the right to delete any part of any of the above items.
- 2 Changes in the Contract Price and Contract Time require prior authorization in writing from the District in the form of a Change Order or Work Change Directive. The Contractor is responsible for verification of all bid quantities and to report to the District any discrepancies found prior to ordering materials and or equipment for construction.
- 3 Cost Proposal prices for the various work items are intended to establish a total price for completing the project in its entirety. The Contractor shall include in the Cost Proposal, any item for which a separate pay item has not been established in the Proposal Form (under any related pay item), to reflect the total price for completing the project in its entirety.
- 4 Quantities shown are estimated. Actual quantity may vary due to estimated excavation or fill.
- 5 Contractor shall meet requirements of all applicable permits and codes (in their current edition).



**INTRACOASTAL WATERWAY CUT P-31
MAINTENANCE DREDGING**



COST PROPOSAL

ALL COST ITEMS SHALL INCLUDE ALL COSTS FOR FURNISHING TO THE OWNER ALL MATERIALS, EQUIPMENT AND SUPPLIES, PERMITS, AND FOR ALL COSTS INCURRED IN PROVIDING ALL WORK SHOWN ON THE INTRACOASTAL WATERWAY CUT P-31 MAINTENANCE DREDGING PROJECT DRAWINGS AND OUTLINED IN THE CONTRACT SPECIFICATIONS FOR CONSTRUCTION.

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
LUMP SUM					
0001	Insurance	LS	1	\$	\$
0002	Mobilization and Demobilization	LS	1	\$	\$
0003	Environmental Protection and Erosion Control	LS	1	\$	\$
UNIT COST					
0004	Dredging and Material Placement	CY	3,545	\$	\$

TOTAL COST PROPOSAL (ITEMS 0001 THRU 0004) \$ _____

AMOUNTS SHALL BE SHOWN IN BOTH WORDS AND NUMBERS. IN CASE OF DISCREPANCIES, THE AMOUNT SHOWN IN WORDS SHALL GOVERN FOR EACH COST ITEM AND TOTAL COST PROPOSAL.

TOTAL COST PROPOSAL (WRITTEN)

Dollars

Signature of Contractor: _____

Date: _____

Notes:

- (1) Quantities are estimated. Actual quantities may vary.
- (2) Cost Proposals must be for the entire work and must have each blank space completed.

NOTES:

- 1 The District reserves the right to delete any part of any of the above items.
- 2 Changes in the Contract Price and Contract Time require prior authorization in writing from the District in the form of a Change Order or Work Change Directive. The Contractor is responsible for verification of all bid quantities and to report to the District any discrepancies found prior to ordering materials and or equipment for construction.
- 3 Cost Proposal prices for the various work items are intended to establish a total price for completing the project in its entirety. The Contractor shall include in the Cost Proposal, any item for which a separate pay item has not been established in the Proposal Form (under any related pay item), to reflect the total price for completing the project in its entirety.
- 4 Quantities shown are estimated. Actual quantity may vary due to estimated excavation or fill.
- 5 Contractor shall meet requirements of all applicable permits and codes (in their current edition).

SUMMARY OF WORK

PART 1 - GENERAL

1.1 WORK COVERED BY CONTRACT DOCUMENTS

A. Project Description

1. Project work generally consists of mechanically dredging approximately 3,545 cubic yards of sand from the Intracoastal Waterway (ICWW) in vicinity of the Parker Bridge in North Palm Beach Palm Beach County, Florida. The project limits are shown on the Project Survey Drawings (Appendix A). The project intent is to restore the constructed channel template, in accordance with the regulatory permits (Appendix B and C), as follows: *100-ft wide (base width), 3 [horizontal]:1[vertical] side slopes, and an elevation of -11 ft Mean Lower Low Water (MLLW) required with an allowable 1-ft overdredge depth.*
2. The Contractor shall transport the dredged material via containment barge and place it into the District-owned MSA 617C. There the dredged material shall be properly managed, dried and then removed by truck and disposed of properly. The site shall be returned to its original condition at the end of material removal.

B. Work Schedule

1. The Contractor will have 35 calendar days from the Notice to Proceed to complete the dredging portion of the project and an additional 70 days to remove the dredged materials and restore the site.

--End of Section--

ENVIRONMENTAL PROTECTION

PART 1 - GENERAL

1.1 SUMMARY

- A. This section covers prevention of environmental pollution and damage as the result of construction operations under this contract and for those measures set forth in other Technical Requirements of these specifications. For the purpose of this specification, environmental pollution and damage are defined as the presence of chemical, physical, or biological elements or agents, which adversely affect human health or welfare; unfavorably alter ecological balances of importance to human life; affect other species of importance to man; or degrade the utility of the environment for aesthetic, cultural, and/or historical purposes. The control of environmental pollution and damage requires consideration of air, water, and land, and includes management of visual aesthetics, noise, solid waste, radiant energy and radioactive materials, as well as other pollutants.
- B. Contractor shall establish and maintain quality control for environmental protection of all items set forth herein. Contractor shall record on daily quality control reports or attachments thereto, any problems in complying with laws, regulations and ordinances, and corrective action taken.
- C. Contractor shall comply with all requirements under terms and conditions set forth in the following environmental permits and authorizations for this project:
 - Florida Department of Environmental Protection File No. 50-0313649-001 (Appendix B)
 - U.S. Army Corps of Districts File No. SAJ-2012-02469 (GP-GGL) (Appendix C)

Copies of these environmental permits are appended to these contract documents. The Contractor shall familiarize himself and his personnel with these and any other permits issued for this project and comply with all requirements under the terms and conditions set forth therein. The contractor shall be responsible for any fines resulting from violations of construction conditions set forth in the environmental permits. The Contractor shall include all costs for preparation and submittal of required reporting within each relative bid item. The Contractor shall be responsible for any delays and costs resulting from failure to comply with these and all federal, state and local environmental protection laws and regulations.

1.2 SUBMITTALS

The following submittals shall be submitted in accordance with SECTION 01 33 00 SUBMITTAL PROCEDURES.

A. Environmental Protection Plan:

1. Within ten (10) calendar days before the pre-construction meeting, the Contractor shall submit in writing an Environmental Protection Plan. Acceptance of the Contractor's plan shall not relieve the Contractor of its responsibility for adequate and continuing control of pollutants and other environmental protection measures. Acceptance of the plan is conditional and predicated on satisfactory performance during construction. The District reserves the right to require the Contractor to make changes to the Environmental Protection Plan or operations if the District determines that environmental protection requirements are not being met. No physical work at the site shall begin prior to acceptance of the Contractor's Plan.

The Environmental Protection Plan shall include but not be limited to the following:

- a. Methods for protection of features and resources to be preserved within authorized work areas. The Contractor shall prepare a listing of methods to protect resources needing protection, i.e., trees, shrubs, vines, grasses and ground cover, landscape features, air and water quality, fish and wildlife, soil, historical, archeological, and cultural resources.
- b. Procedures to be implemented to provide the required environmental protection and to comply with the applicable laws and regulations. The Contractor shall provide written assurance that immediate corrective action will be taken to correct pollution of the environment due to accident, natural causes, or failure to follow the procedure set out in accordance with the environmental protection plan.
- c. Methods for protecting surface and groundwater during construction activities.
- d. Spill Prevention Plan. The Contractor shall specify all potentially hazardous substances to be used on the job site and intended actions to prevent accidental or intentional introduction of such materials into the air, ground, water, wetlands, or drainage areas. The plan shall specify the Contractor's provisions to be taken to meet Federal, State, and local laws and regulations regarding labeling, storage, removal, transport, and disposal of potentially hazardous substances.
- e. Spill contingency plan for hazardous, toxic or petroleum material.
- f. Work area plan showing the proposed activity in each portion of the area and identify the areas of limited use or non-use. Plan should include measures for marking the limits of use areas.
- g. Plan inclusive of construction limits and dredging procedures.
- h. A statement identifying the Contractor's personnel who shall be responsible for implementation of the Environmental Protection Plan. The Contractor's personnel responsible shall report directly to the Contractor's top management and shall have the authority to act for the Contractor in all environmental protection matters.
- i. A Certification Letter must be signed acknowledging the Contractor has a copy of all environmental permits applicable to the project and understand the conditions in the permits. The Certification Letter (see Appendix D) shall be attached to the Environmental Protection Plan.

B. Turbidity Monitoring Reports

- 1. During construction, the Contractor shall submit daily monitoring reports on the form in Appendix E containing the turbidity data gathered. Monitoring reports shall be submitted to the District via e-mail on a daily basis. All reports shall contain the following information:
 - a. Time of day samples were taken
 - b. Dates of sampling and analysis
 - c. Depth of water body
 - d. Depth of each sample
 - e. Antecedent water conditions, including wind direction and velocity
 - f. Tidal stage and direction of flow
 - g. Water temperature
 - h. Map indicating sampling locations, dredging and discharge locations, and direction of flow
 - i. Statement describing the methods used in collection, handling, storage, and analysis of the samples
 - j. Statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, calibration of the meter and accuracy of the data
 - k. When samples cannot be collected, include an explanation in the report. If unable to collect sampled due to severe weather conditions, include a copy of a current report from a reliable, independent source, such as an online weather service.

C. Manatee Reporting Log and Summary Report

1. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). For all daily in-water activities, a report summarizing the presence or absence of manatees must be prepared and submitted daily. An example report form is contained in Appendix F.
2. A summary report, summarizing all activities noted in manatee observer logs, the location and name of the project, and the dates and times of work shall be submitted within ten (10) days following project completion.

1.3 SUBCONTRACTORS

- A. Assurance of compliance with this section by subcontractors will be the responsibility of Contractor.

1.4 NONCOMPLIANCE

- A. The District will notify the Contractor in writing of any observed noncompliance with the aforementioned federal, state, or local laws or regulations, permits and other elements of the Contractor's Environmental Protection Plan. The Contractor shall, after receipt of such notice, inform the District of proposed corrective action and take such action as may be approved. If the Contractor fails to comply promptly, the District may issue an order stopping all or part of the Work until satisfactory corrective action has been taken. No time extensions shall be granted or costs or damages allowed to the Contractor for any such suspension.
- B. Monitoring of permit and/or regulation compliance by the District is for the sole benefit of the District and shall not relieve the Contractor of the responsibility of knowing and complying with all local, state, and federal laws and regulations concerning the protection of environmental resources, nor does it relieve the Contractor of the responsibility of ensuring that all environmental permit requirements governing the project work are met.
- C. The Contractor shall notify the District, in writing, of the absence or occurrence of environmental incidents, as required on the Project Environmental Summary Sheet.

PART 2 - EXECUTION

2.1 PROTECTION OF ENVIRONMENTAL RESOURCES

A. General

1. For contract work, the Contractor shall comply with all applicable federal, state, and local laws and regulations. The environmental resources within the project boundaries and those affected outside the limits of permanent work under this contract shall be protected during the entire period of this contract. Contractor shall confine his activities to areas defined by the drawings and specifications. Environmental protection shall be as stated in the following paragraphs. Failure to meet the requirements of these Specifications for environmental protection may result in Work stoppages or termination for default. No part of the time lost due to any such Work stoppages shall be made the subject of claims for extensions of time or for excess costs or damages by Contractor. If Contractor fails or refuses to promptly repair any damage caused by violation of provisions of these Specifications, the District may have the necessary Work performed and charge the cost thereof to Contractor.

2.2 PRESERVATION AND RECOVERY OF HISTORIC, ARCHEOLOGICAL, AND CULTURAL RESOURCES

A. Inadvertent Discoveries

1. If, during construction activities, Contractor observes items that may have historic or archeological value, such observations shall be reported immediately to District so that the appropriate authorities may be notified and a determination made as to their significance and what, if any, special disposition of the finds should be made. Contractor shall cease all activities that may result in the destruction of these resources and shall prevent his employees from trespassing on, removing, or otherwise damaging such resources.

B. Claims for Downtime due to Inadvertent Discoveries

1. Upon discovery and subsequent reporting of a possible inadvertent discovery of cultural resources, the Contractor shall seek to continue work well away from, or otherwise protectively avoiding, the area of interest, or in some other manner that strives to continue productive activities in keeping with the Contract. Should an inadvertent discovery be of the nature that substantial impact(s) to the work schedule are evident; such delays shall be coordinated with the District. Contract adjustments resulting from compliance with this paragraph shall be determined in accordance with Article 14 of the General Conditions.

2.3 PROTECTION OF SEAGRASSES AND WETLANDS

A. General

1. The Contractor shall protect all seagrass and wetland areas both inside and adjacent to the work area from erosion, siltation, scouring, and/or dewatering resulting from his operations. There shall be no storage of tools, materials (e.g., clearing debris, lumber, fill dirt) within wetlands, along the shoreline in the littoral zone, or elsewhere within waters of the state except as specified in the project Specifications and/or Project Drawings. Turbidity/erosion controls shall be installed prior to any clearing, excavation, or placement of fill material and shall be maintained in an effective condition at all locations until construction is completed and disturbed areas are stabilized. Appropriate erosion control barriers shall be placed at the edge of fill slopes adjacent to wetlands to prevent turbid run-off and erosion.
2. The Contractor shall protect seagrasses adjacent to the dredging area by ensuring no equipment, dredges, or other contractor boats anchors or prop scars the area as shown in Appendix A. No dredging will occur in the buffer area.

2.4 PROTECTION OF LAND RESOURCES

- A. Before beginning any construction, Contractor shall identify all land resources to be preserved within Contractor's work area. Contractor shall not remove, cut, deface, injure, or destroy land resources including trees, shrubs, vines, grasses, topsoil, and landforms without special permission from District. Contractor shall engage a qualified tree surgeon to perform all tree surgery, and shall repair injuries to bark, trunk, branches, and roots of protected trees by dressing, cutting, and painting as specified for Class I Fine Pruning, of the National Arborist Association Pruning Standards for Shade Tree or as per State's Agricultural Extension Agency Guidelines, immediately as occurrences arise. No ropes, cables, or guys shall be fastened to or attached to any trees for anchorage unless specifically authorized. Where such special

emergency use is permitted, Contractor shall provide effective protection for land and vegetation resources at all times as defined in the following subparagraphs.

B. Work Area Limits:

1. The Contractor's field offices, staging areas, stockpile storage, and temporary buildings shall be placed in areas approved by the District. Temporary movement or relocation of the Contractor facilities shall be made only upon approval by the District.
2. Prior to any construction, the Contractor shall mark the areas that are not required to accomplish all work to be performed under this contract. Isolated areas within the general work area that are to be saved and protected shall also be marked or fenced. Protect from damage all existing trees designated to remain. Protect tree roots from noxious materials in solution caused by run-off or spillage. No materials, trailers, or equipment shall be stored within the drip line of any protected tree.
3. Monuments and markers shall be protected before construction operations commence. Where construction operations are to be conducted during darkness, the markers shall be visible. The Contractor shall convey to his personnel the purpose of marking and/or protection of all necessary objects.

C. Protection of Landscape

1. With exception of the Barge Access and Staging area, the District will not allow vegetation to be disturbed or removed from the site.
2. Trees and their roots, shrubs, vines, grasses, land forms, and other landscape features shall be clearly identified and protected by fencing or any other approved techniques. Place tree protection fencing before dredging is begun and maintain in place until construction is complete.

D. Disturbed Areas

1. The Contractor shall effectively prevent erosion and control sedimentation through approved methods include, but are not limited to, the following:
 - a. Retardation and Control of Runoff: Runoff from the construction site or from storms shall be controlled, retarded, and diverted to protected drainage courses by means of diversion ditches, benches, and by any other erosion control measures necessary.
 - b. The Contractor shall select, implement, and maintain erosion and sediment control measures as required by local, state, and federal laws and regulations.

E. Disposal of Solid Wastes

1. Solid wastes (excluding clearing debris) shall be placed in containers that are emptied on a regular schedule. All handling and disposal shall be conducted to prevent contamination. The Contractor shall transport all solid waste off the properties within the project limits and dispose of it in compliance with federal, state, and local requirements for solid waste disposal. Discarded materials other than those that can be handled in the solid waste category will be handled as directed by the District.

F. Dispensing of Fuel

1. Fuel dispensers shall have a 4-foot square, 16-gauge metal pan with borders banded up and welded at corners right below the bib. Edges of the pans shall be 8-inch minimum in

depth to ascertain that no contamination of the ground takes place. Pans shall be cleaned by an approved method immediately after every dispensing of fuel and wastes disposed of offsite in an approved area. Should any spillage of fuel occur the Contractor shall immediately recover the contaminated ground and dispose of it offsite in an approved area.

G. Disposal of Chemical Waste

1. Chemical waste shall be stored in corrosion resistant containers, removed from the work area and disposed of in accordance with Federal, State, and local regulations.

H. Disposal of Discarded Materials

1. Discarded materials other than those that can be included in the solid waste category shall be handled as directed.

2.5 PROTECTION OF WATER RESOURCES

A. General

1. The Contractor shall keep construction activities under surveillance, management, and control to avoid pollution of surface and ground waters. The Contractor shall conduct his operations in a manner to minimize erosion, and shall conform to all water quality standards as prescribed all other relevant Federal, State and local regulatory criteria. Special management techniques as set out below shall be implemented to control water pollution by the listed construction activities that are included in this contract. In the event of unforeseen conditions, the District may require the use of control features or methods other than those indicated or proposed by the Contractor.
2. Storage, stockpiling or access of equipment on, in, over or through seagrass (or other aquatic vegetation) beds is prohibited unless a work area or ingress/egress corridor is specifically approved by this permit. Refer to the Project Drawings. Anchoring or spudding of vessels and barges within beds of aquatic vegetation or over hardbottom areas is prohibited.

B. Turbidity Control

1. Turbidity shall be monitored and conducted in accordance with techniques described in the FDEP Standard Operating Procedure (SOP) for field turbidity measurements:
 - a. Every 4 hours during all dredging and discharge operations
 - b. Background: At surface, mid-depth, and 2 meters above bottom, clearly outside the influence of any artificially generated turbidity plume.
 - 1) Dredge Site: approximately 300 meters in the opposite direction in the prevailing current flow.
 - c. Compliance: At surface, mid-depth, and 2 meters above bottom, within the densest portion of any visible turbidity plume generated by this project.
 - 1) Dredge Site: Samples shall be collected 150 meters downcurrent from the dredge head, in the densest portion of any visible turbidity plume.
2. If turbidity monitoring shows an increase in compliance sampling turbidity, the Contractor will immediately cease operations and only return to operations when compliance

sampling results demonstrate background turbidity values. During non-compliance periods, turbidity sampling must occur at background and compliance stations every two hours. All sampling and sampling data record keeping must comply with FDEP Standard Operating Procedures. See Appendix F for a sample Turbidity Monitoring Report Form.

3. Work Delay

- a. Delays in work due to the fault or negligence of the Contractor or the Contractor's failure to comply with the required turbidity requirements shall not be compensable.

C. Washing and Curing Water

1. Wastewaters directly derived from construction activities shall not be allowed to enter surface water areas. These wastewaters shall be collected and placed in retention ponds where suspended materials can be settled out or the water evaporates so that pollutants are separated from the water.
2. The Contractor shall provide siltation fences, hay bales, and other means and materials to prevent the pollution of the Intracoastal and Okeechobee Waterways, streams, canals, lakes, ditches, rivers, and other water improvements including on-site retention areas from siltation from erosion, run off, concrete truck wash, mortar mixer cleanout, and other construction activities. Under no circumstances will material delivery trucks be cleaned out on District property. The Contractor is responsible for arranging for proper clean out facilities.
3. The Contractor shall take sufficient precautions to prevent discharge of fuels, oils, bitumen, calcium chloride, and other harmful materials to the surface and ground water.

D. Oil Spill Prevention

1. Prevent oil or other hazardous substances from entering the ground, drainage, or local bodies of water. Provide containment, diversionary structures, or equipment to prevent discharged oil from reaching a watercourse. Take immediate action to contain and clean up any spill of oily substances, petroleum products, and hazardous substances. Immediately report such spills to the District. Provide one or more of the following preventive systems at each oil storage site. The provision of such preventive systems shall be approved by the District prior to tank installation and use.
 - a. Dikes, berms, retaining walls, culverts, curbs, gutters, or other similar structures shall be capable of containing the contents of the largest single tank.
 - b. Spill diversion ponds shall be capable of containing the contents of the largest single tank.
 - c. Absorbent materials shall be capable of absorbing the contents of the largest single tank.
2. Oil Storage Tank Installation: All oil storage tank installation shall be constructed so that a secondary means of containment is provided for the entire contents of the largest single tank. Dikes and other structures shall be positioned or located so as to provide a secondary containment identical to that required for non-mobile storage tanks. Storage tanks shall be located where they will not be subject to flooding or washout. When it is determined that the installation of containment structures or equipment to prevent discharged oil from reaching a watercourse is not practicable, a clear demonstration of such impracticability shall be submitted to the District for approval prior to installation or

use of the storage tank. The following shall also be provided to the District for approval prior to installation use of the storage tank.

- a. An oil spill contingency plan.
 - b. A written certification of commitment of manpower, equipment, and materials required to expeditiously control and remove the discharge oil.
3. Liabilities: Contractor shall be liable for the damage caused by oil spills when it can be shown that oil was discharged as a result of willful negligence or willful misconduct. The penalty for failure to report the discharge of oil shall be in accordance with state and federal laws.

2.6 PROTECTION OF FISH AND WILDLIFE RESOURCES

- A. Contractor shall keep construction activities under surveillance, management, and control to minimize interference with, disturbance to, and damage of fish and wildlife. Species that require specific attention along with measures for their protection will be listed in Contractor's Environmental Protection Plan prior to the beginning of construction operation.
- B. In the event that a threatened or endangered species is harmed because of construction activities, the Contractor shall cease all work and notify the District. The Owner will provide emergency contact information at the Pre-Construction Meeting.
- C. Manatee Protection
 1. The Contractor shall be fully aware and in compliance with the Standard Manatee Conditions for In-Water Work.
- D. Seagrass protection
 1. The Contractor shall protect seagrasses adjacent to the dredging area by ensuring no equipment, dredges, or other contractor boats anchors or prop scars the area as shown in Appendix A. No dredging will occur in the buffer area.

2.7 PROTECTION OF AIR RESOURCES

- A. The Contractor shall keep construction activities under surveillance, management, and control to minimize pollution of air resources. All activities, equipment, processes and work operated or performed by the Contractor in accomplishing the specified construction shall be in strict accordance with the applicable air pollution standards of the State of Florida and all Federal emission and performance laws and standards.

2.8 PROTECTION FROM SOUND INTRUSIONS

- A. The Contractor shall keep construction activities under surveillance and control to minimize damage to the environment by noise and to comply with all federal, state, and local noise ordinances. The use of horns, bells or the use of whistle signals shall be held to a minimum necessary in order to ensure as safe and as quiet an operation as possible.

2.9 POST CONSTRUCTION CLEANUP

- A. The Contractor shall clean up any area(s) to the satisfaction of the District and Site Owner used for construction.

2.10 MAINTENANCE OF POLLUTION CONTROL FACILITIES

- A. The Contractor shall, at his expense, provide routine maintenance of permanent and temporary erosion control features until the project is completed and accepted. If such erosion control features must be reconstructed due to the Contractor's negligence, carelessness, or in the case of temporary erosion control features, failure by the Contractor to install permanent erosion control features as scheduled, such replacement shall be on the Contractor's expense.
- B. If the Contractor through any construction activity degrades, destroys, or impacts the ground cover on any adjoining property including rights-of-way, effected area shall be fully repaired and re-vegetated at the Contractor's expense. Where the area affected is undeveloped with no maintained stand of grass, the area shall be sodded with Bahia, and where affected areas are grassed, the sod shall match the applicable vegetative cover.

-- End of Section --

MANATEE REPORTING LOG

DATE: _____

1. PROJECT: _____
2. FDEP WATER QUALITY CERTIFICATE No.: _____
3. MANATEES SIGHTED: YES: _____ NO: _____
(If "no" proceed to No. 10)
4. TIME: _____
5. NUMBER OF MANATEES SIGHTED: ADULT: _____ JUVENILE: _____
6. NUMBER OF MANATEES INJURED: _____
ADULT: _____ JUVENILE: _____ Work Related: YES _____ NO _____
7. NUMBER OF MANATEES KILLED: _____
ADULT: _____ JUVENILE: _____ Work Related: YES _____ NO _____
8. LOCATION: _____

9. REMARKS: _____

10. SIGNATURE: _____
11. TITLE: _____

Date Collected: _____ Time Collected: _____

TURBIDITY MONITORING**PROJECT:** Intracoastal Waterway Cut P-31 Maintenance Dredging Project**FDEP PERMIT NUMBER:** 50-0313649-001**COLLECTOR:** _____**LOCATION:** _____**DREDGE STATUS:** WORKING (____) NOT WORKING (____)**WEATHER AND WATER OBSERVATIONS:**

WIND VELOCITY: _____ DIRECTION FROM: _____ CURRENT DIRECTION: _____

TIDAL STAGE: HIGH: _____ LOW: _____ (Predicted) EST

WEATHER CONDITIONS: _____

COMPLIANCE STATION DATA

WATER BODY DEPTH _____

SURFACE MID-DEPTH 2 METERS ABOVE BOTTOM

COLLECTION DEPTH

COLLECTION TIME

ANALYSIS TIME

TURBIDITY (NTU)

ANALYSIS DATE

BACKGROUND STATION DATA

WATER BODY DEPTH _____

SURFACE MID-DEPTH 2 METERS ABOVE BOTTOM

COLLECTION DEPTH

COLLECTION TIME

ANALYSIS TIME

TURBIDITY (NTU)

ANALYSIS DATE

Date Collected: _____ Time Collected: _____

TURBIDITY REVIEW

DID THE COMPLIANCE NTU EXCEED BACKGROUND NTU BY MORE THAN 29 NTUS?

CIRCLE: YES OR NO

DISCHARGE (D) LOCATION X: _____ Y: _____

COMPLIANCE STATION (C) LOCATION X: _____ Y: _____

BACKGROUND STATION (BG) LOCATION X: _____ Y: _____

INDICATE STATIONS D, C, AND BG ON MAP.

SAMPLES ARE COLLECTED AND IMMEDIATELY ANALYZED FOR TURBIDITY WITH A _____ TURBIDITY METER. THE METER IS CLEANED AND CALIBRATED ACCORDING TO UNIT INSTRUCTIONS BEFORE EACH DAY'S SAMPLING. I HEREBY ATTEST TO THE ACCURACY, PRECISION, AND AUTHENTICITY OF THE DATA PRESENTED IN THIS REPORT.

COLLECTOR'S SIGNATURE: _____ DATE: _____

CERTIFICATION LETTER ACKNOWLEDGING ALL PERMITS ARE ON FILE

I _____ have a copy of all permits for the
Intracoastal Waterway Cut P-31 Maintenance Dredging Project and have read and understand
the conditions in the permits.

Signature

Title

Date



Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
561-681-6600

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

October 2, 2012

Florida Inland Navigation District
c/o David Roach, Executive Director
1314 Marcinski Road
Jupiter FL 33477
Via email: droach@aicw.org

Re: File No.: 50-0313649-001
File Name: FIND- ICW Cut P-31

Dear Mr. Roach:

On September 4, 2012, we received your application for an exemption to maintenance dredge 5,326 yd³ comprised of 62,500 ft² of submerged lands for a length of 500-linear feet, to a maximum depth of -12 feet below mean low water, per the attached drawings. The spoil material shall be placed in a fully-contained upland location on site. Control devices (i.e. turbidity curtains, silt fences, and hay bails) shall be used to prevent toxic or deleterious substances from discharging into adjacent waters during maintenance dredging activities. No impacts to resources are authorized with this application. The project is located in the Intracoastal Waterway, Class III Waters, adjacent to west of US1/ SR 5 Parker Bridge, Palm Beach Gardens (Section 9, Township 42 South, Range 43 East), in Palm Beach County (Latitude N 26° 52' 42.49", Longitude W 80° 4' 4.20").

Your application has been reviewed to determine whether it qualifies for any of three kinds of authorization that may be necessary for work in wetlands or waters of the United States. The kinds of authorization are (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully. Your project may not have qualified for all three forms of authorization. If your project did not qualify for one or more of the authorizations, refer to the specific section dealing with that authorization for advice on how to obtain it.

1. Regulatory Review. -VERIFIED

The Department has the authority to review your project under Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, Florida Administrative Code (F.A.C.), and in accordance with operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

Based on the information you submitted, we have determined that your project to maintenance dredge 5,326 yd³ comprised of 62,500 ft² of submerged lands for a length of 500-

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 FDEP File No.: 50-0313649-001
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linear feet, to a maximum depth of -12 feet below mean low water is exempt from the need to obtain a DEP Environmental Resource Permit under Rule 40E-4.051(2)(a), F.A.C.

2. Proprietary Review. - NOT REQUIRED

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereignty submerged lands. The Department has the authority to review your project under Chapters 253 and 258, F.S., 18-21, F.A.C., and Section 62-343.075, F.A.C.

Your project will not occur on sovereignty submerged land. Therefore, pursuant to Chapter 253.77, F.S., authorization from the Board of Trustees is not required.

3. Federal Review (SPGP). -NOT GRANTED

Federal authorization for the proposed project is reviewed by DEP pursuant to an agreement between the Department and the U.S. Army Corps of Engineers (Corps). The agreement is outlined in a document titled *Coordination Agreement Between the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act*.

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). As shown on the attached drawings, the proposed project is not consistent with the SPGP program. A copy of your application has been sent to the Corps who may require a separate permit. Failure to obtain their authorization prior to construction could subject you to enforcement action. For further information, contact the Corps directly at 561-472-3530.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification will expire after one year, and will not be valid at any other time if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. However, the activity may still be conducted without further notification to or verification from the Department after the one-year expiration of this verification, provided: 1) the project design does not change; 2) site conditions do not materially change; and 3) there are no changes to the statutes or rules governing the exempt activity. In the event you need to re-verify the exempt status for the activity after the one-year expiration of this verification, a new application and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required. Conditions of compliance with the regulatory exemption are contained in Attachment A.

This letter does not relieve you from the responsibility of obtaining other permits (federal, state, or local) that may be required for the project.

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NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

This letter acknowledges that the proposed activity is exempt from ERP permitting requirements under Rule 40E-4.051(2)(a), F.A.C. This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. The procedures for petitioning for a hearing are set forth in the attached notice.

This determination is based on the information you provided the Department and the statutes and rules in effect when the application was submitted and is effective only for the specific activity proposed. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption. Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a final determination that the proposed activity is not authorized under the exemption established under Rule 40E-4.051(2)(a), F.A.C.

The Department will not publish notice of this determination. Publication of this notice by you is optional and is not required for you to proceed. However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permit.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish, at your own expense, the enclosed notice (Attachment A) in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. A single publication will suffice.

If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination, including Attachment A.

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 FDEP File No.: 50-0313649-001
 Page 4 of 4

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes. In the event you do publish this notice, within seven days of publication, you must provide to the following address proof of publication issued by the newspaper as provided in section 50.051 of the Florida Statutes. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice.

Florida Department of Environmental Protection
 Southeast District
 Submerged Lands and Environmental Resources Program
 400 North Congress Avenue, Suite 200
 West Palm Beach, Florida 33401

If you have any questions, please contact Kelly Egan at 561/681-6656 or by email at Kelly.Egan@dep.state.fl.us. When referring to your project, please use the FDEP file name and number listed above.

Sincerely,

Jill King
 Environmental Manager
 Submerged Lands and Environmental Resources Program

Enclosures

cc: Samantha Rice, USACOE Palm Beach Gardens, Samantha.L.Rice@usace.army.mil

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(9),
 Florida Statutes, with the designated Department
 Clerk, receipt of which is hereby acknowledged.

Clerk

Date

10/2/12

Attachment A

File No.: 50-0313649-001

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF DETERMINATION OF EXEMPTION

The Department of Environmental Protection gives notice that the project to maintenance dredge 5,326 yd³ comprised of 62,500 ft² of submerged lands for a length of 500-linear feet, to a maximum depth of -12 feet below mean low water, per the attached drawings, located in the Intracoastal Waterway, Class III Waters, adjacent to west of US1/ SR 5 Parker Bridge, Palm Beach Gardens (Section 9, Township 42 South, Range 43 East), in Palm Beach County (Latitude N 26° 52' 42.49", Longitude W 80° 4' 4.20") has been determined to be exempt from requirements to obtain an environmental resource permit. The spoil material shall be placed in a fully-contained upland location on site. Control devices (i.e. turbidity curtains, silt fences, and hay bails) shall be used to prevent toxic or deleterious substances from discharging into adjacent waters during maintenance dredging activities. No impacts to resources are authorized with this application.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rule 62-110.106(3), F.A.C., petitions for an administrative hearing must be filed within 21 days of publication of the notice or receipt of written notice, whichever occurs first. Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

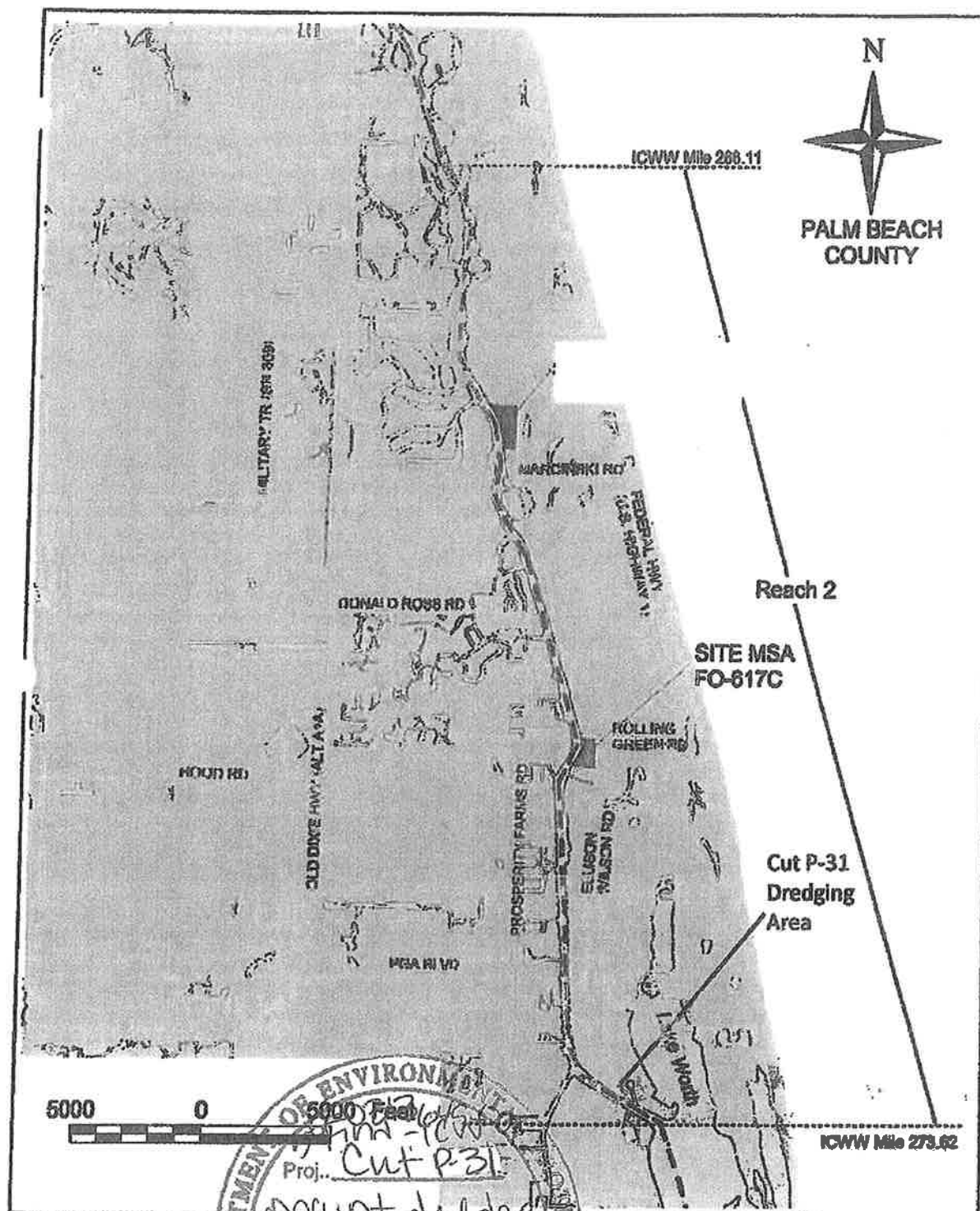
A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

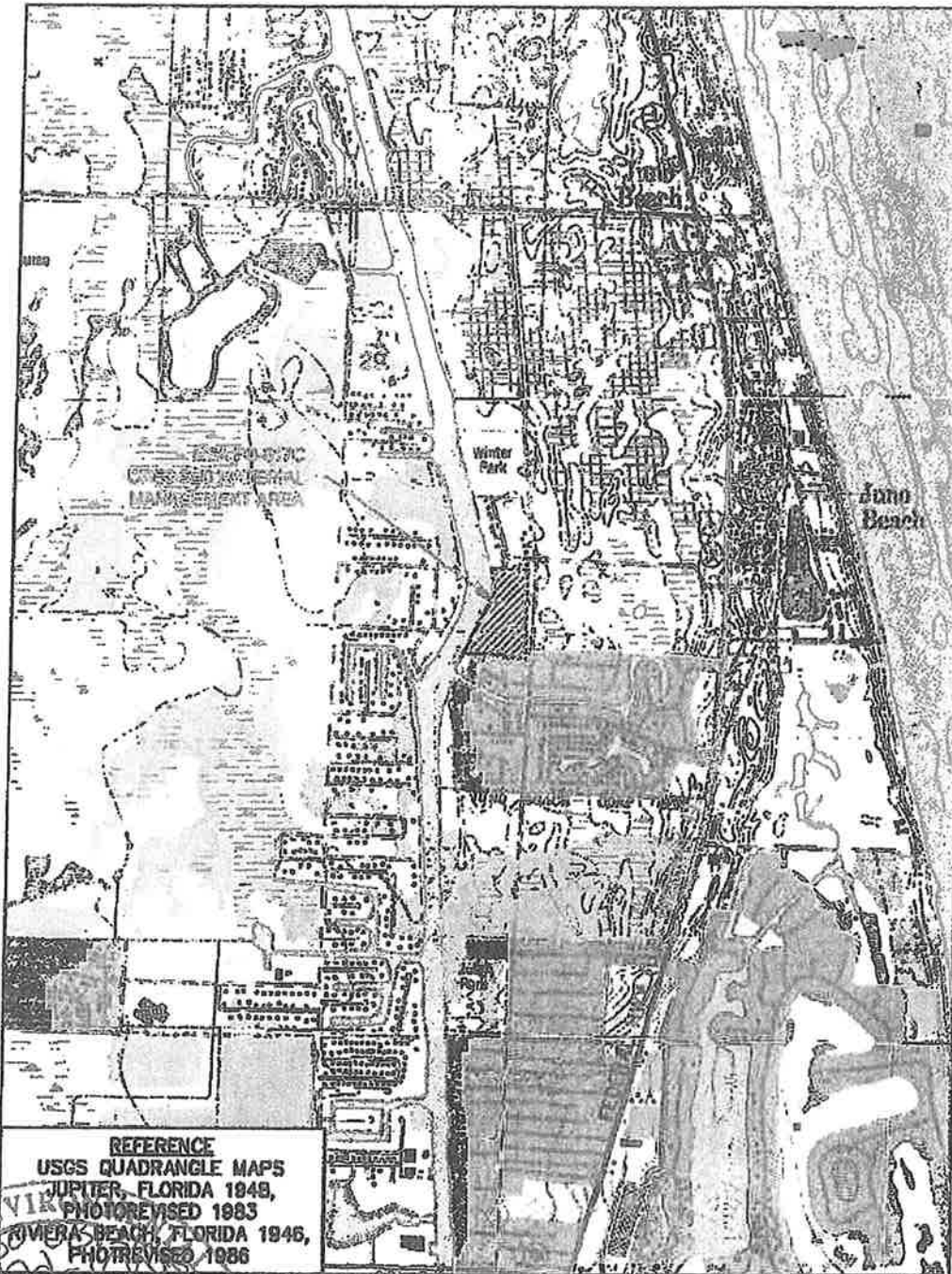
Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Southeast District office, 400 North Congress Avenue, West Palm Beach, Florida.



FIND
1314 Maricinski Road
Jupiter, Fl. 33477

Location Map
Date: OCT 02 2012
By: Kelly Egan
CUT P-31 DREDGING PROJECT
AND DREDGED MATERIAL MANAGEMENT
AREA

Page 1 of 7

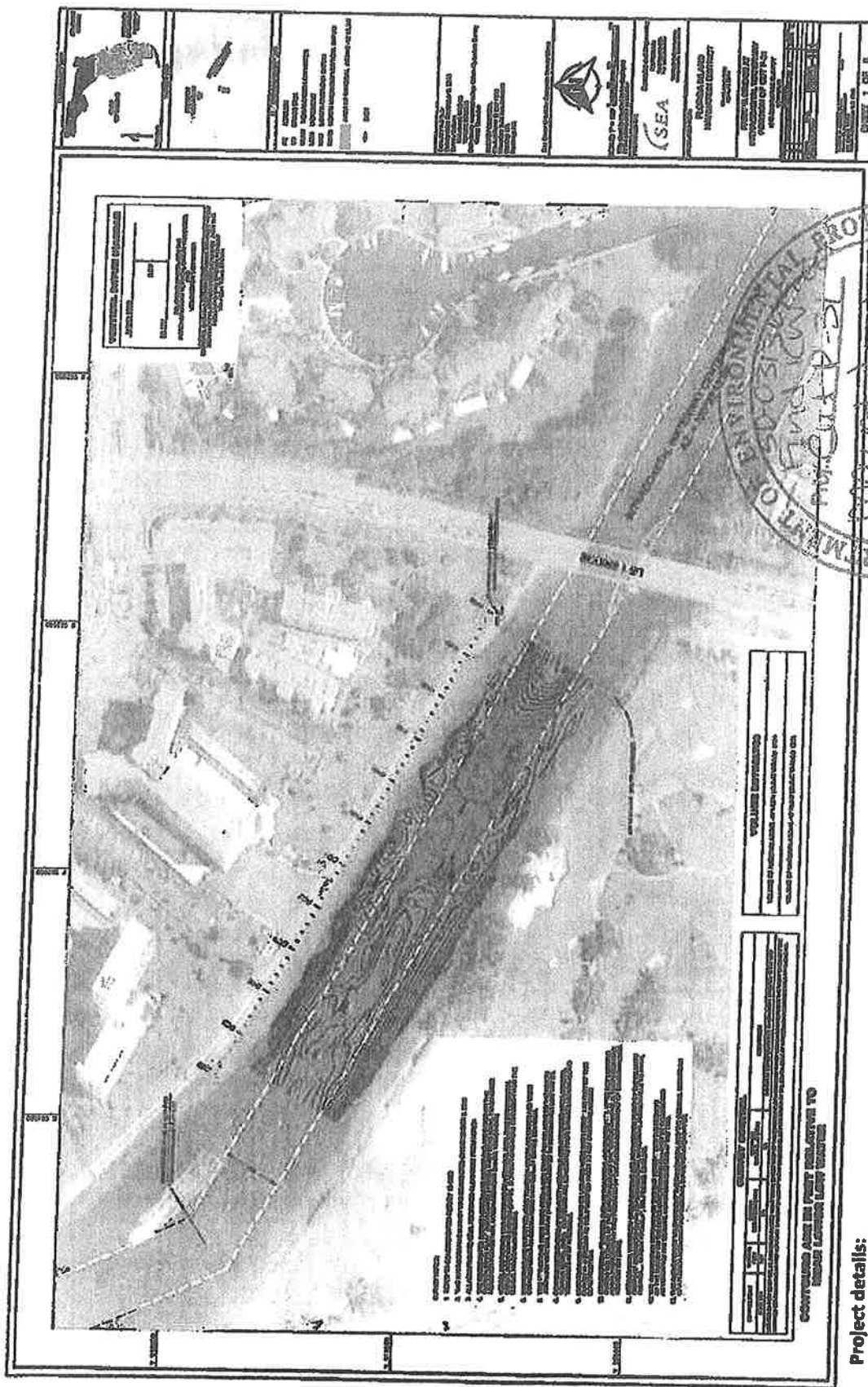


LOCATION OF MSA FO-617C
DREDGED MATERIAL MANAGEMENT AREA
PALM BEACH COUNTY, FLORIDA

Page 2 of 7



TAYLOR ENGINEERING INC.
8000 GUNNERS GREEN DRIVE
JACKSONVILLE, FLORIDA 32256



Project details:

Submerged lands to be excavated: 62,500 sq. ft.

Cubic yards to be excavated: 5,326

Length of dredge area: 500 ft.

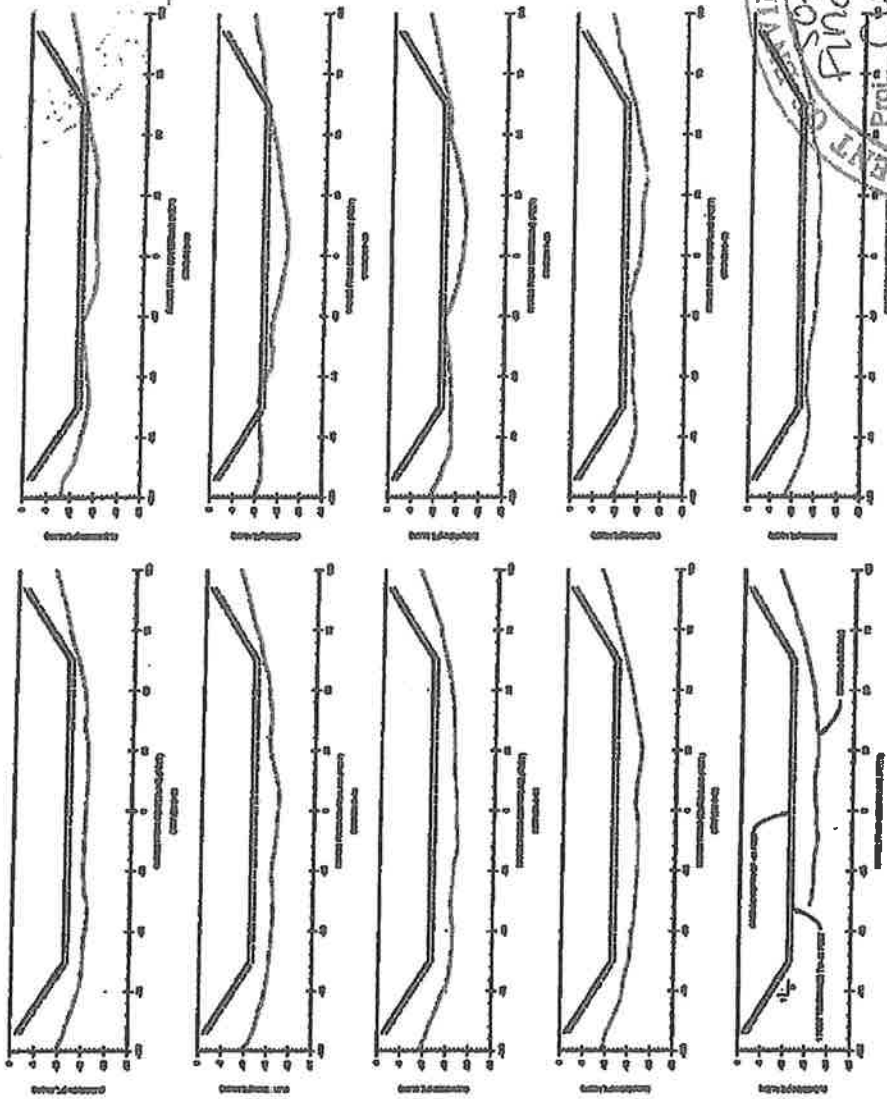
Cut P-31 Dredging Area


Date: OCT 02 2012

Mr. Kelly Tegan
3 of 7

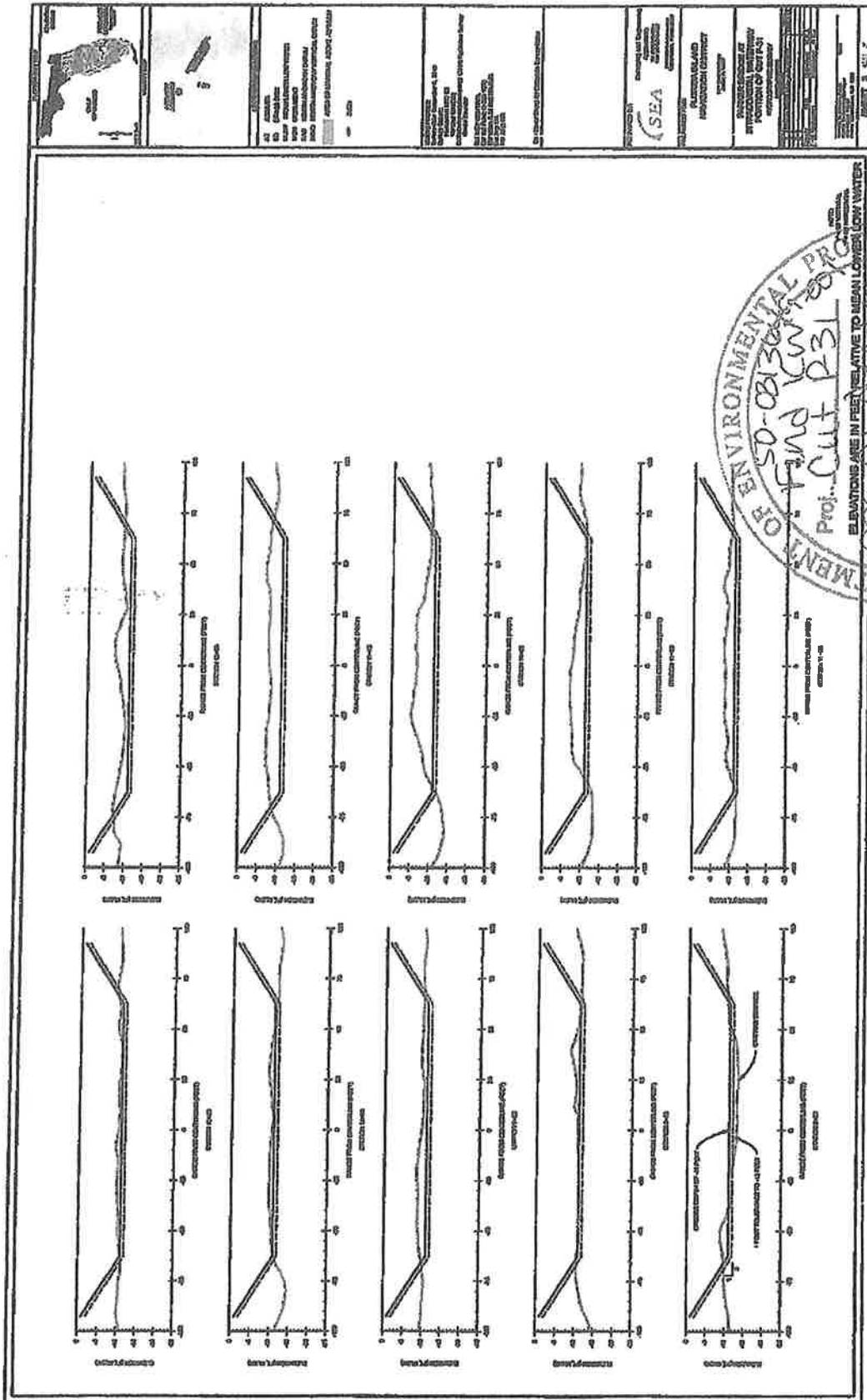
Page 3 of 7

STATE OF FLORIDA
JAN 10 1903

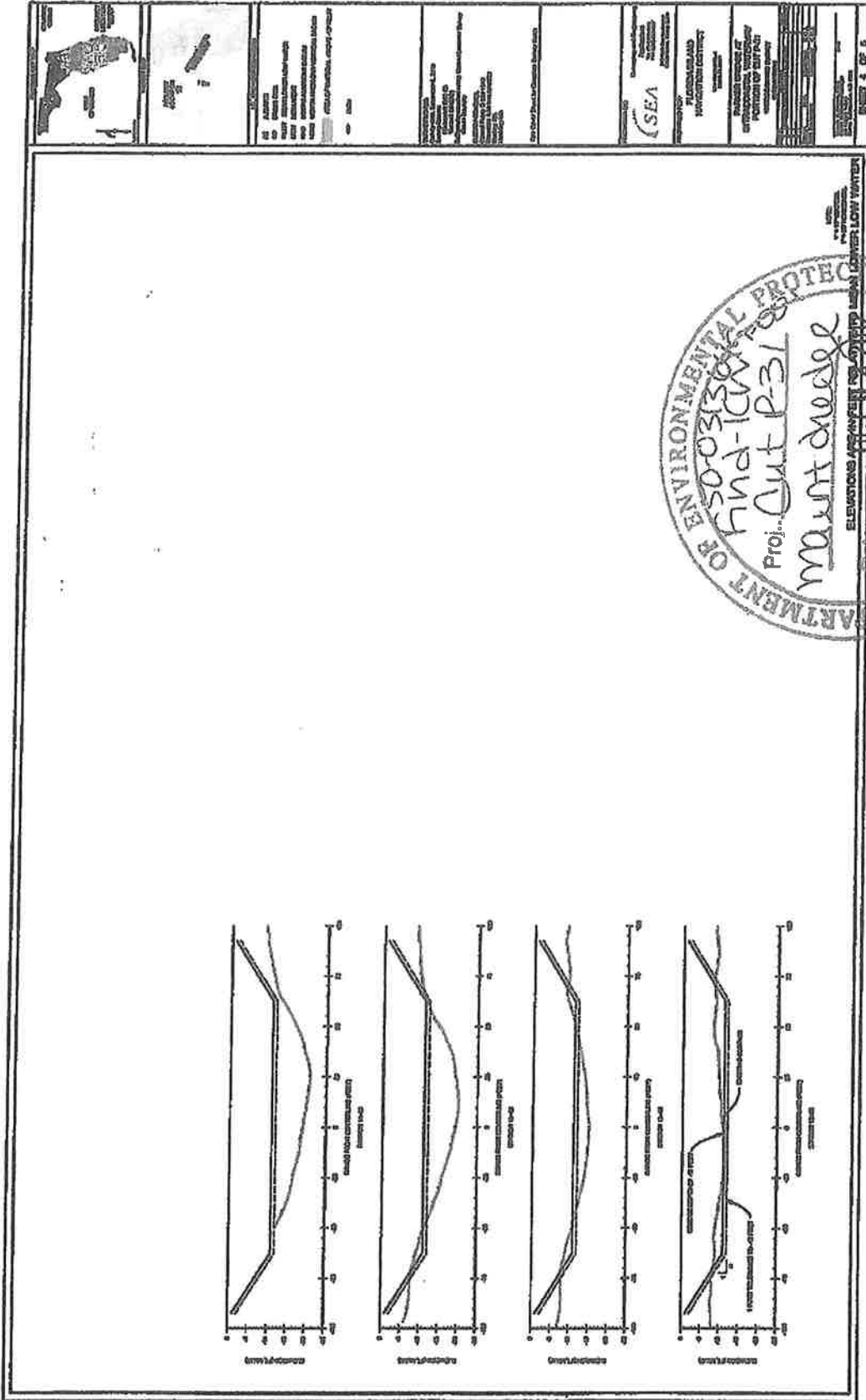



 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 STATE OF FLORIDA
 SO-03130
 And TWS
 Proj: C-1 + P-31
 Munt do de
 DATE: OCT 02 2012
 By: Kelly Egge
 4 of 7

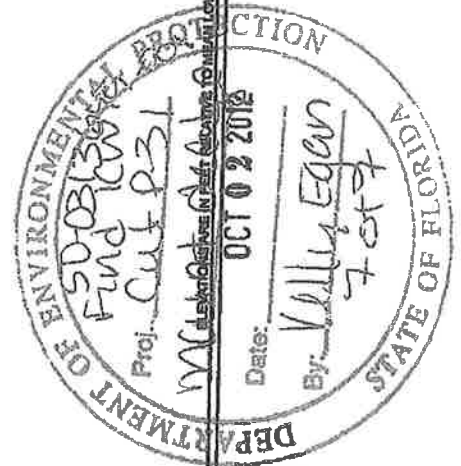
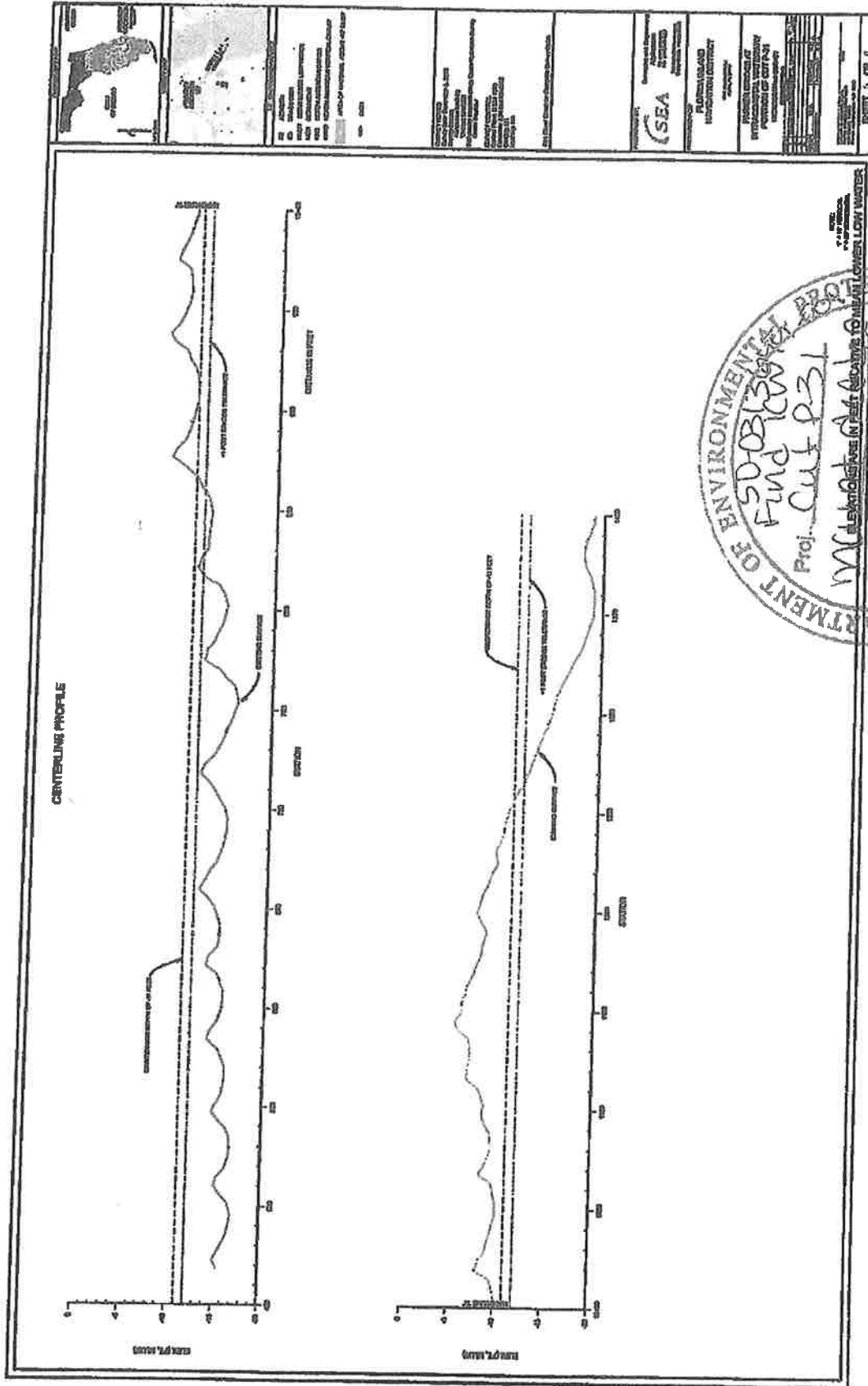
Cut P-31 Dredging Area



Cut P-31 Dredging Area



Cut P-31 Dredging Area



Cut P-31 Dredging Area

Page 7 of 7





DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BOULEVARD, SUITE 600
PALM BEACH GARDENS, FLORIDA 33410

October 22, 2012

REPLY TO
ATTENTION OF

Palm Beach Gardens Regulatory Section
 SAJ-2012-02469 (GP-GGL)

Florida Inland Navigation District
 Attention: David Roach
 1314 Marcinski Road
 Jupiter, Florida 33477-9427

Dear Mr. Roach:

Your application for a Department of the Army permit received on September 6, 2012, has been assigned number SAJ-2012-02469(GP-GGL). A review of the information and drawings provided shows the proposed work is to dredge approximately 5,350 cubic yards from approximately 2.9 acres of un-vegetated bottom within the Intracoastal Waterway (ICW) channel. The project is located in the ICW, at Cut P-31, just west of the US-1/Parker Bridge, in Section 9, Township 42 south, Range 43 east, Village of North Palm Beach, Palm Beach County, Florida. The project is located within Manatee Designated Critical Habitat.

Latitude: 26.832241; Longitude: -80.061527

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-93. This authorization is valid until February 16, 2016. Please access the Corps' Regulatory webpage to view the special and general conditions for SAJ-#93, which apply specifically to this authorization. The website address is as follows:

<http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>

Please be aware this web address is case sensitive and should be entered as it appears above. Once there you will need to click on "General Permits." Then you can click on the specific SAJ permit. You must comply with all of the special and general conditions and any project-specific conditions of this authorization or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Special Projects and Enforcement Branch, Jose Rivera at the letterhead address.
2. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or

-2-

if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. All dredged material and dredge water shall be disposed at the MSA FO617C Dredged Material Management Area. No discharge of dredged material or dredge water into any water of the United States is authorized.

4. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps. The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
- c. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist, SHPO and the Corps.

-3-

e. In the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity shall immediately cease and the Permittee immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) and SHPO. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s), SHPO, and federal manager. After such notification, project activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.

Generally, authorization of activities that have commenced or are under contract to commence in reliance of the GP will remain in effect provided the activity is completed within 12 months of the date a GP expired or was revoked. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification will likely be required.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced GP, please contact Garrett Lips by telephone at 561-472-3519.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Again, please be aware this web address is case sensitive and should be entered as it appears above.

Sincerely,

**LIPS.GARETT.GRANT.11
85704153**

Digitally signed by LIPS.GARETT.GRANT.1185704153
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=LIPS.GARETT.GRANT.1185704153
Date: 2012.10.22 08:52:19 -04'00'

Garrett Lips
Project Manager

Enclosures

SELF-CERTIFICATION STATEMENT OF COMPLIANCE**General Permit Number: SAJ-93****Application Number: SAJ-2012-2469 (GP-GGL)**Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

_____Acreage or Square Feet of Impacts to Waters of the United States: _____
_____Describe Mitigation completed (if applicable): _____

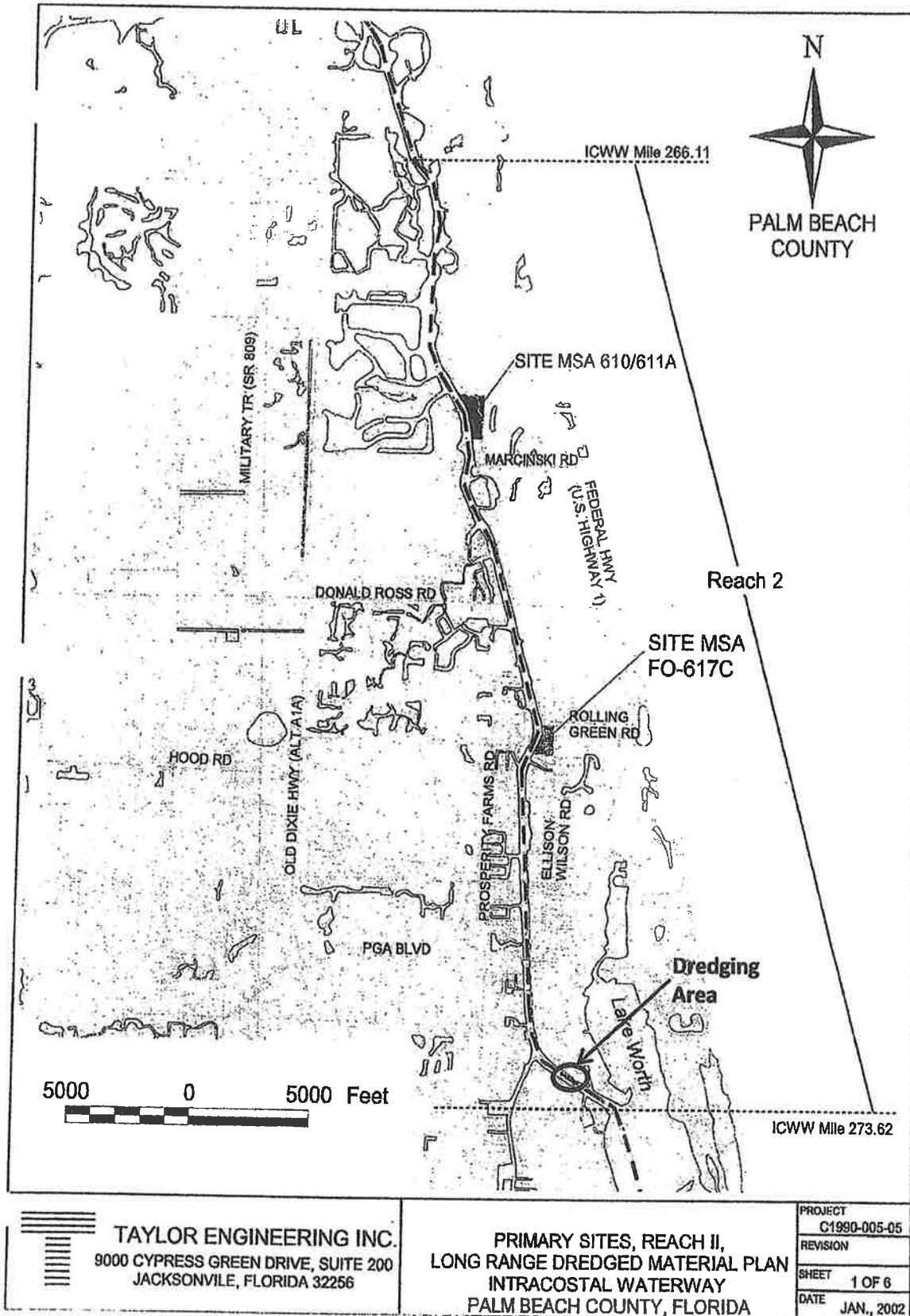
_____Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee_____
Date

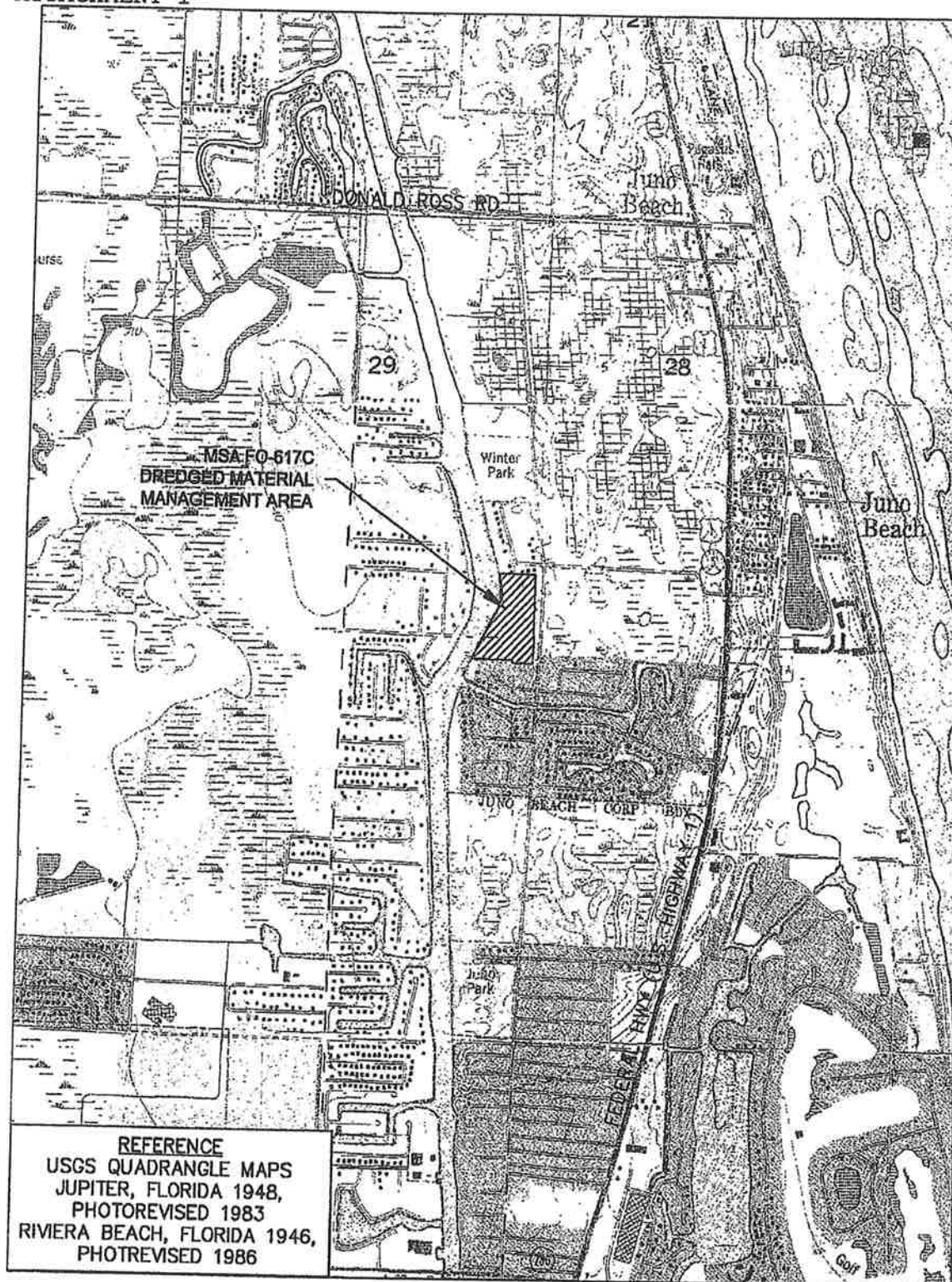
SAJ 2012-2469 (GP-GGL)

ATTACHMENT 1



SAJ 2012-2469 (GP-GGL)

ATTACHMENT 1



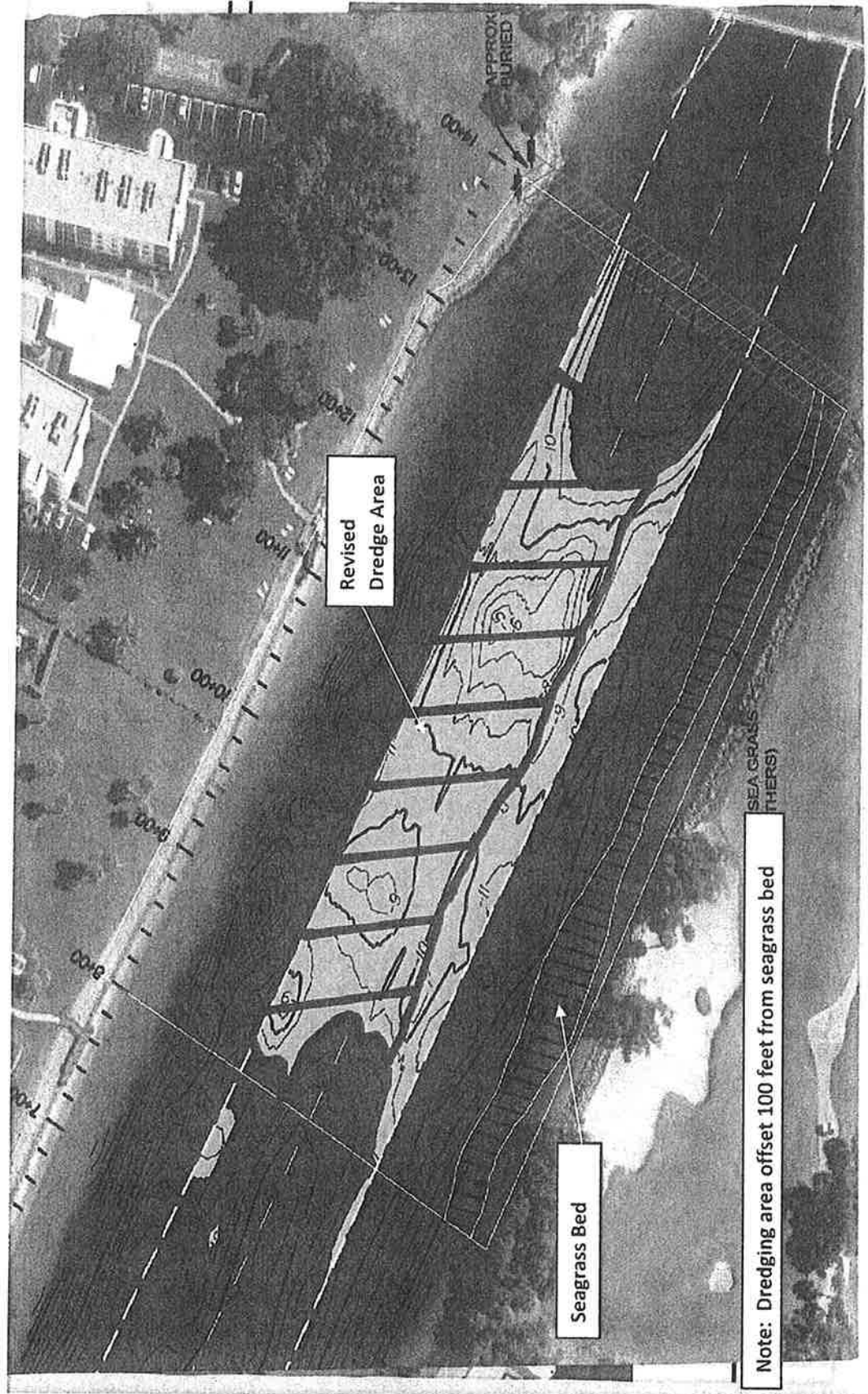
SCALE: 1" = 2000'

**TAYLOR ENGINEERING INC.**9000 CYPRESS GREEN DRIVE
JACKSONVILLE, FLORIDA 32256LOCATION OF MSA FO-617C
DREDGED MATERIAL MANAGEMENT AREA
PALM BEACH COUNTY, FLORIDA

PROJECT	C1890-005-05
REVISION	
SHEET	2 OF 6
DATE	JAN., 2002

Revised Dredging Map

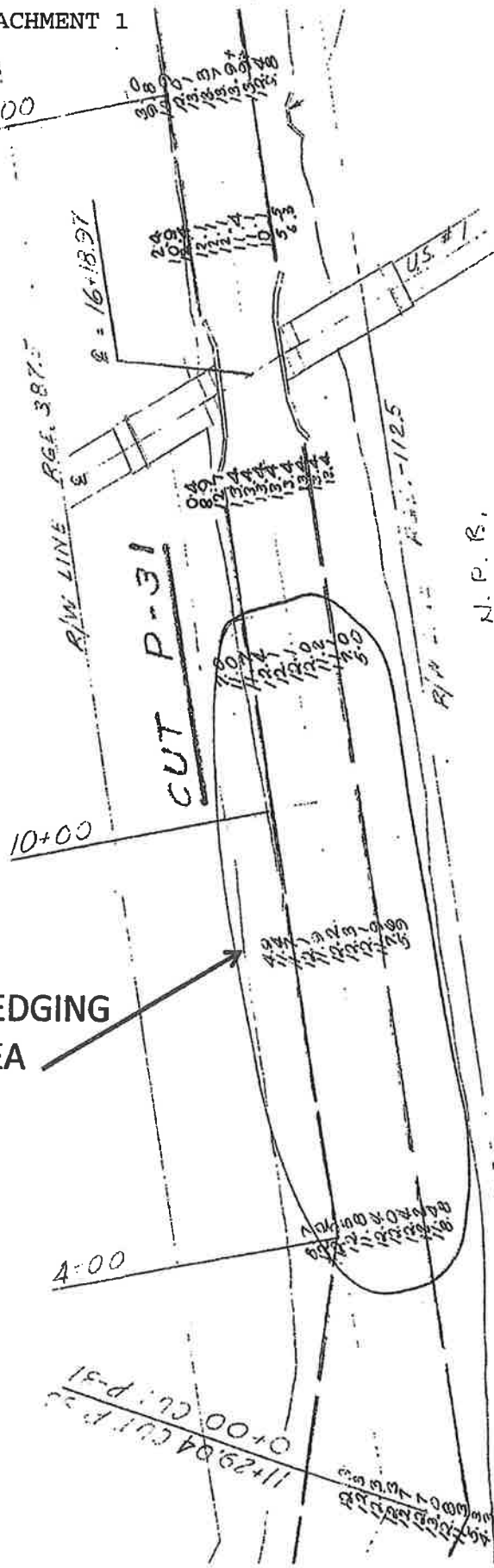
IWW Cut P-31



SAJ 2012-2469 (GP-GGL)

ATTACHMENT 1

DREDGING
AREA



N.P.R.

LAKE PARK BRIDGE

BAScule MILE 296.7

HORZ. 94.0

VERT. 25.0 M.H.W.

X=806,000

U. S. ARMY ENGINEER DISTRICT, JACKSONVILLE CORPS OF ENGINEERS JACKSONVILLE, FLORIDA			
JUL 11 1963			
RECORD DRAWING			
INVIATION NO.	SIZE	FILE NO.	
		8B-28,219	
SCALE: 1" = 200'		APRIL 1963	SHEET 3 OF 4

AS BUILT SURVEY

1963

Map of the study area showing the location of the bridge and the surrounding waterway.

PROJECT DATA

PROJECT NO. 12-2469 (GP-GGL)

PROJECT NAME: PARKER BRIDGE AT INTRACASTAL WATERWAY

PROJECT LOCATION: PORTION OF CUT P-31

PROJECT OWNER: FLORIDA INLAND NAVIGATION DISTRICT

PROJECT ENGINEER: SEA

PROJECT DATE: 12/15/11

PROJECT STATUS: PRELIMINARY

REVISIONS

NO.	DATE	DESCRIPTION
1	12/15/11	Initial Design
2	12/15/11	Revised Design
3	12/15/11	Final Design

DESIGN DATA

DESIGN SPEED: 40 MPH

DESIGN LANE WIDTH: 12 FT

DESIGN TRUCK LOAD: HS-20

DESIGN WIND SPEED: 100 MPH

DESIGN FLOODING: 100 Year Flood

DESIGN SEISMICITY: 0.15g

DESIGN CRACKING: Moderate

DESIGN CURVATURE: 0.001

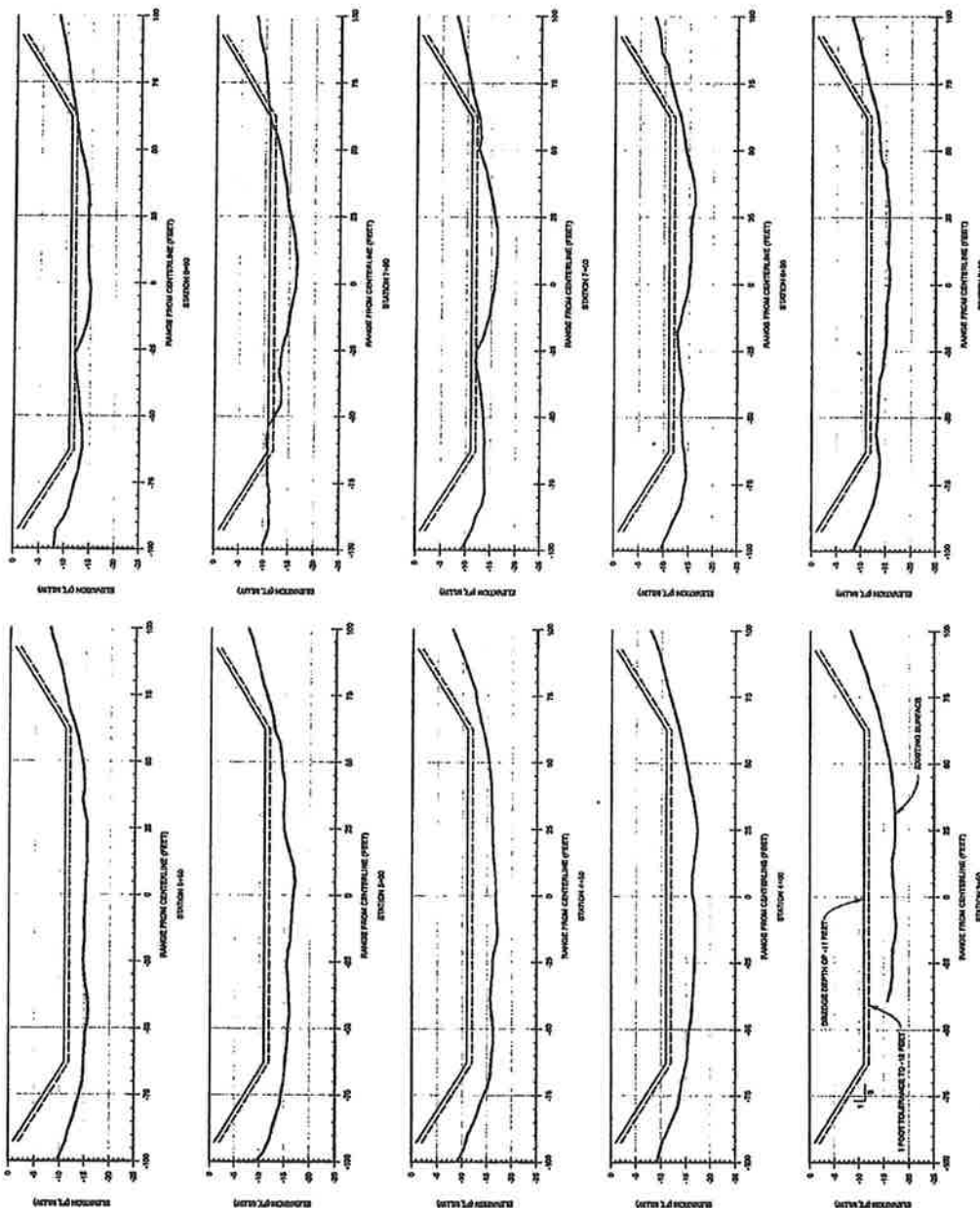
DESIGN GRADE: 2.0%

DESIGN DRAINAGE: 4% to 10% Slope

DESIGN MATERIALS: Concrete, Steel, Asphalt

DESIGN NOTES: See Notes for Complete Design Details

SAJ 2012-2469 (GP-GGL) ATTACHMENT 1



ELEVATIONS ARE IN FEET RELATIVE TO MEAN LOWER LOW WATER

NOTE: 1. IF SECTION IS NOT SHOWN, ELEVATION IS AS SHOWN.

LOCATION MAP

PROJECT LOCATION

PROJECT LOCATION

PROJECT LOCATION

PROJECT LOCATION

PROJECT LOCATION

PROJECT LOCATION

PROJECT LOCATION

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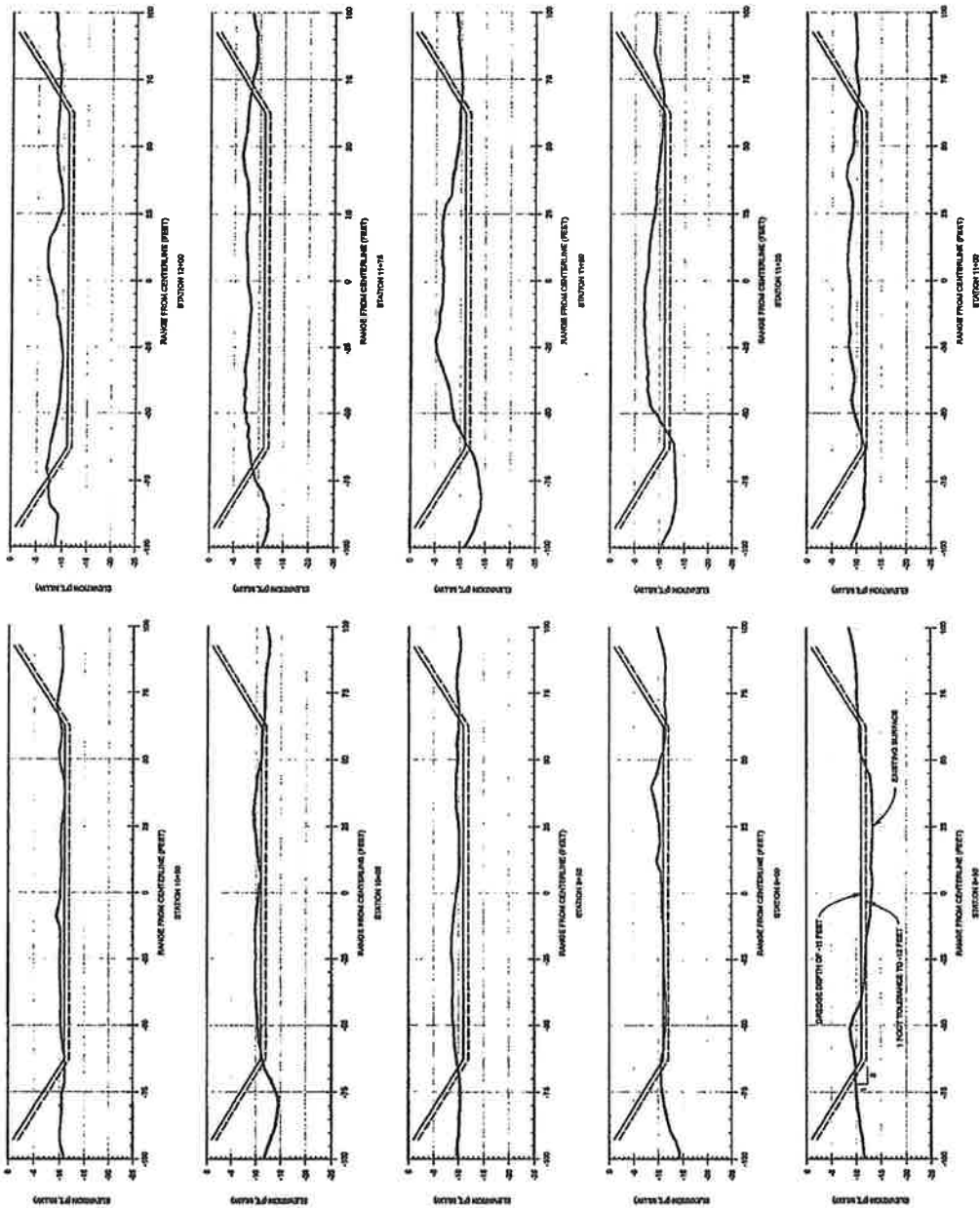
PROJECT LOCATION

PROJECT LOCATION

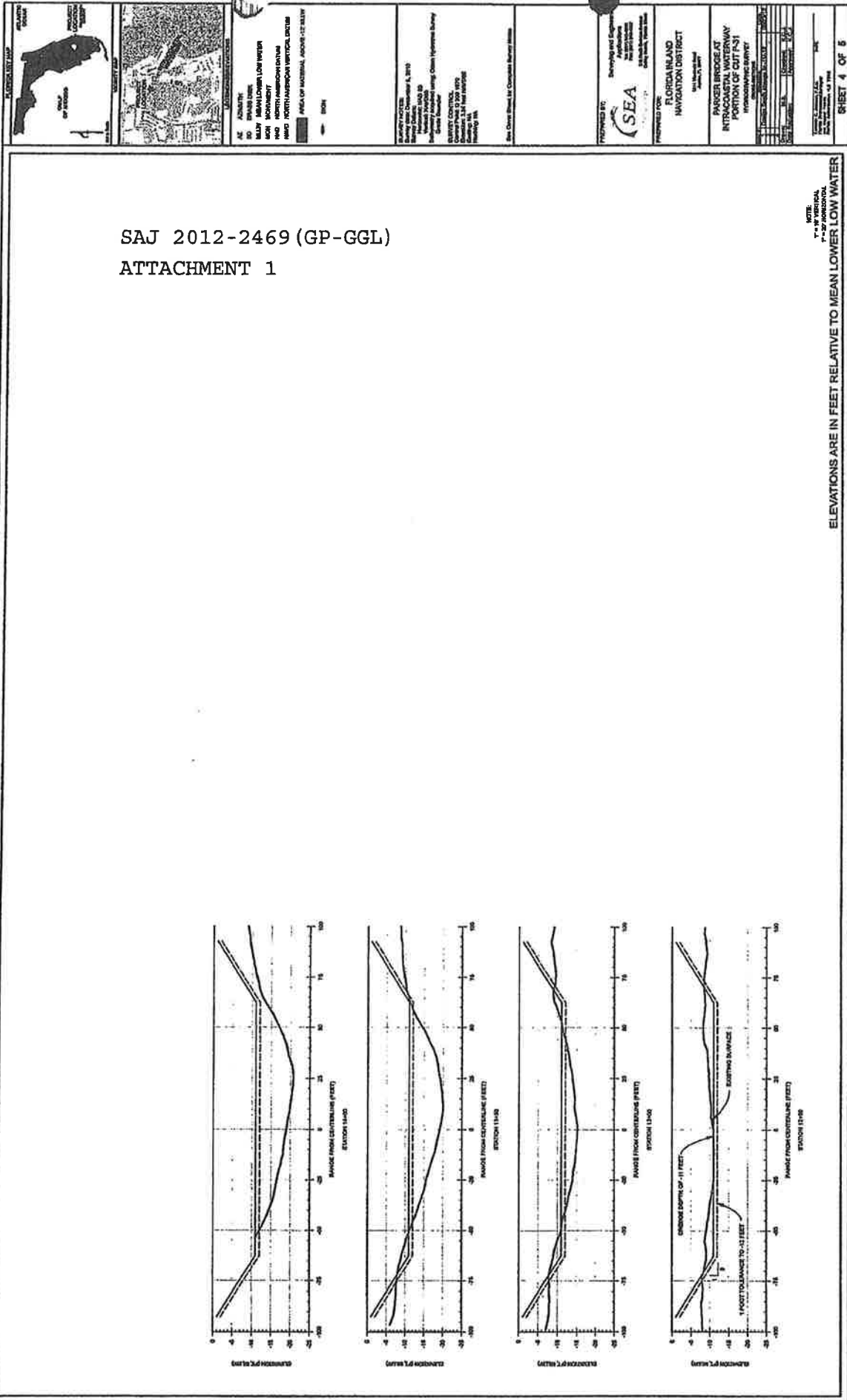
PROJECT LOCATION

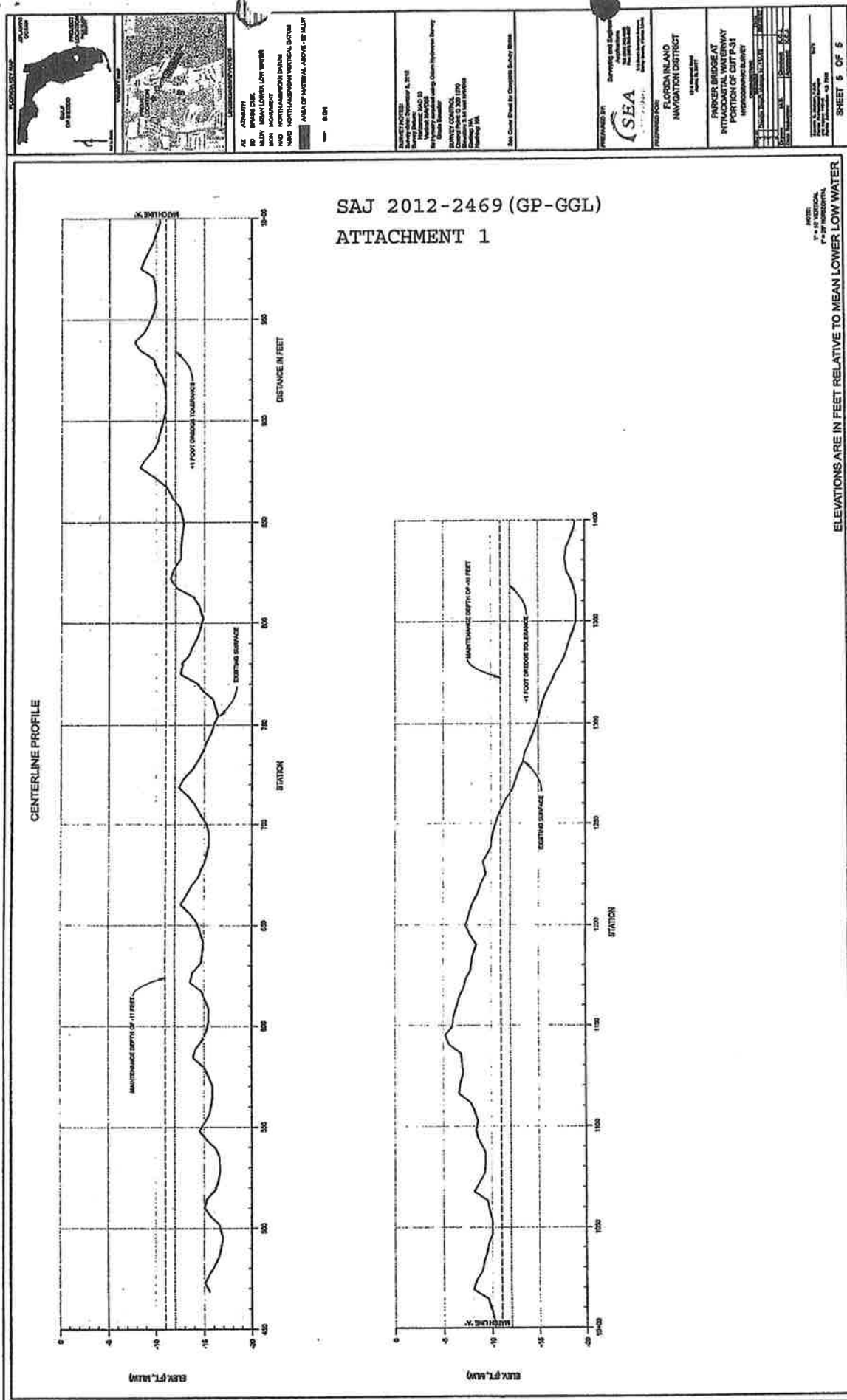
PROJECT LOCATION

SAJ 2012-2469 (GP-GGL)
ATTACHMENT 1



NOTE:
ELEVATIONS ARE IN FEET RELATIVE TO MEAN LOWER LOW WATER





CONTRACT

CONTRACT
BETWEEN
FLORIDA INLAND NAVIGATION DISTRICT
AND

CONTRACTOR

THIS Contract, made this _____ day of _____, 20____, by and between the Florida Inland Navigation District, an independent special district of the State of Florida, hereinafter designated as the "District," and _____, at _____, a _____ Corporation, FEID Number _____, hereinafter designated as the "Contractor."

WITNESS THAT:

WHEREAS, the District is an independent special district created by the Florida Legislature and given those powers and responsibilities enumerated in Chapter 374, Florida Statutes; and

WHEREAS, the District desires the services of a qualified and experienced Contractor to provide construction services; and

WHEREAS, the District solicited a Proposal from the Contractor for the project called "Intracoastal Waterway Cut P-31 Maintenance Dredging" because the Contractor was already staged on the District's property and had the necessary equipment in place to perform the Project resulting in a cost savings to the District.

WHEREAS, the Contractor has responded to the District's solicitation and the Contractor is qualified and willing to provide said services; and

WHEREAS, the District has found the Contractor's response to be acceptable and wishes to enter into a Contract; and

WHEREAS, the District has funds in its current fiscal year budget which are available for the funding of the Contract;

NOW THEREFORE, the District and the Contractor in consideration of the benefits flowing from each to the other do hereby agree as follows:

ARTICLE 1 - STATEMENT OF WORK

- 1.1 The Contractor shall furnish all equipment, tools, materials, labor, and everything necessary and shall perform the required Work in accordance with the Contract Documents for the contract entitled "Intracoastal Waterway Cut P-31 Maintenance Dredging."

ARTICLE 2 - TERM OF THE CONTRACT

- 2.1 Unless extended or terminated, the period of performance of the Contract shall commence upon the effective date of the Notice to Proceed and continue for a period of **105** consecutive days. The Contractor shall not proceed with Work under this Contract until a Notice to Proceed is received from the District.

ARTICLE 3 - COMPENSATION/CONSIDERATION

- 3.1 The consideration, for the full and complete performance under this Contract, shall be in the amount of \$ _____, subject only to any additions and/or deduction as provided in the Contract Documents and formally approved by the District.

The consideration stated above is based upon the aggregate Contract price submitted to the District, in which the aggregate amount is obtained from the summation of the total prices for each of the items shown in the Proposal.

ARTICLE 4 - INVOICING AND PAYMENT

- 4.1 If acceptable progress is being made, the Contractor may request partial payments on monthly estimates, based on the actual value of Work done or completed, which request may be approved and paid by the District. All pay requests shall reference the District's Contract Number, shall follow the same format as AIA Document G702-1992, and shall be in accordance with the terms specified in the General Conditions.
- 4.2 The Executive Director of the District has been authorized to approve and execute change orders, with the concurrent approval of the District's Chair, totaling up to ten (10) per cent of the initially executed contract value. When change orders in total exceed ten (10) percent of the initially executed construct value, they will be presented to the District's Board of Commissioners for approval at one of their regularly scheduled meetings. However, if there is a finding by the Engineer, the District's Executive Director and the District's Chair that a delay in approving the change order will result in an unnecessary delay causing negative financial, environmental, or health safety and welfare impacts, a change order up to 20% of the executed contract value can be executed by the District's Executive Director.

ARTICLE 5 - REMEDIES

- 5.1 If either party initiates legal action, including appeals, to enforce this Contract, the prevailing party shall be entitled to recover a reasonable attorney's fee.
- 5.2 In case of failure on the part of the Contractor to complete the Work within the time fixed in the Contract, or any extension thereof granted, then the Contractor shall be liable to pay the District: (i) not as a penalty but as liquidated damages, one thousand five-hundred dollars (\$500.00) per day for each calendar day the Work remains incomplete after the expiration of the time limit specified or any extension(s) thereof for the total contract plus (ii) any monies which are paid by the District to any other person, firm or corporation for services rendered for the preservation or completion of the Work. These monies shall include, but are not limited to, all Engineering and Inspection fees required to oversee the completion of the Work. Such monies shall be chargeable to the Contractor and shall be deducted from any monies due said Contractor, or if no money is due or the amount due is insufficient to cover the amount charged, then the Contractor and his Surety shall be liable for said amount.

ARTICLE 6 - STANDARDS OF COMPLIANCE

- 6.1 The Contractor, its employees, Subcontractors, or assigns, shall comply with all applicable federal, state, and local laws and regulations relating to the performance of this Contract. The District undertakes no duty to ensure such compliance, but will attempt to advise the Contractor, upon request, as to any such laws of which it has present knowledge.
- 6.2 The Contractor hereby assures that no person shall be excluded on the grounds of race, color, creed, national origin, handicap, age, or sex, from participation in, denied the benefits of, or be otherwise subjected to discrimination in any activity under this Contract. The Contractor shall take all measures necessary to effectuate these assurances.
- 6.3 The laws of the State of Florida shall govern all aspects of this Contract. In the event it is necessary for either party to initiate legal action regarding this Contract, venue shall be in the Fifteenth Judicial

Circuit or claims under state law and in the Southern District of Florida for any claims which are justifiable in federal court.

- 6.4 The Contractor hereby warrants that he has not, during the Proposal process, nor shall he, during the term of this Contract, offer to pay any officer, employee or agent of the District, anything of value including, but not limited to gifts, loans, rewards, promises of future employment, favors or services, based on the understanding that the actions, decision or judgments of such officer, employee, or agent would be influenced thereby. For breach of this provision, the District may terminate this Contract without liability and, at its discretion, deduct or otherwise recover the full amount of such fee, commission, percentage, gift, or other consideration.
- 6.5 The Contractor, by its execution of this Contract, acknowledges and attests neither he, nor any of his suppliers, subcontractors, or consultants who shall perform Work which is intended to benefit the District, is a convicted vendor or, if the Contractor or any affiliate of the Contractor has been convicted of a public entity crime, a period longer than thirty-six (36) months has passed since that person was placed on the convicted vendor list. The Contractor further understands and accepts that this Contract shall be either voidable by the District or subject to immediate termination by the District, in the event there is any misrepresentation or lack of compliance with the mandates of Section 287.133, Florida Statutes. The District, in the event of such termination, shall not incur any liability to the Contractor for any Work or materials furnished. The Contractor is required to submit a completed Public Entity Crime Statement with the Proposal Form.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

- 6.6 While this package cites Florida Department of Transportation (FDOT) specifications and references, the Contractor does not have to be FDOT certified.

ARTICLE 7 - RELATIONSHIP BETWEEN THE PARTIES

- 7.1 The Contractor is an independent Contractor and is not an employee or agent of the District. Nothing in this Contract shall be interpreted to establish any relationship, other than that of an independent Contractor, between the District and the Contractor, its employees, agents, subcontractors, or assigns, during or after the performance of this Contract. The Contractor is free to provide similar services to others.
- 7.2 The Contractor shall not assign, delegate, or otherwise transfer its rights and obligations as set forth in this Contract without the prior written consent of the District.

ARTICLE 8 - GENERAL PROVISIONS

- 8.1 The Contract Documents listed below, by this reference, shall become a part of this Contract as though physically attached as a part hereof and all documents in this Contract shall be interpreted together to yield the most consistent results to achieve the purpose of the project:
- a. General Conditions
 - b. Supplementary Conditions
 - c. General Requirements
 - d. Technical Specifications
 - e. Project Drawings

- f. Such addenda supplementing the documents forming this Contract as are referenced to it and attached as a part of it.
- g. Proposal Form provided however, that no exceptions to the District's specifications, whether stated or implied in the Contractor's Proposal, shall be allowed **EXCEPT** as shall be itemized, listed, approved by the District and recorded as written Addenda with the District as a supplement to this Contract.

8.2 This Contract states the entire understanding between the parties and supersedes any written or oral representations, statements, negotiations, or agreements to the contrary. The Contractor recognizes that any representations, statements, or negotiations made by District staff do not suffice to legally bind the District in a Contractual relationship unless they have been reduced to writing, approved, and signed by an authorized District representative. This Contract, once properly executed, shall bind the parties, their assigns, and successors in interest.

8.3 This Contract may be amended only with the prior written approval of the parties.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this Contract on the date first written above.

Legal Form Approved
District Counsel

FLORIDA INLAND NAVIGATION DISTRICT

By: _____

By: _____
Executive Director

Date: _____

WHEN THE CONTRACTOR IS AN INDIVIDUAL OR SOLE PROPRIETOR:

Signed, sealed, and delivered in the presence of:

Witness

By: _____
Signature

Witness

Type or Print Name

WHEN THE CONTRACTOR OPERATES UNDER A TRADE NAME OR FICTITIOUS NAME:

Signed, sealed, and delivered in the presence of:

Witness

Trade Name or Fictitious Name

Witness

Signature

Type or Print Name

WHEN THE CONTRACTOR IS A LIMITED LIABILITY COMPANY:

Signed, sealed, and delivered in the presence of:

Witness_____
LLC Name and State of Organization_____
Witness_____
Signature of Manager or Managing Member_____
Type or Print Name/Title**WHEN THE CONTRACTOR IS A GENERAL OR LIMITED PARTNERSHIP:**

Signed, sealed, and delivered in the presence of:

Witness_____
Partnership Name_____
Witness_____
Signature of General Partner_____
Type or Print Name of General Partner**WHEN THE CONTRACTOR IS A CORPORATION:**

ATTEST:

Secretary_____
Corporation Name

(Corporate Seal)

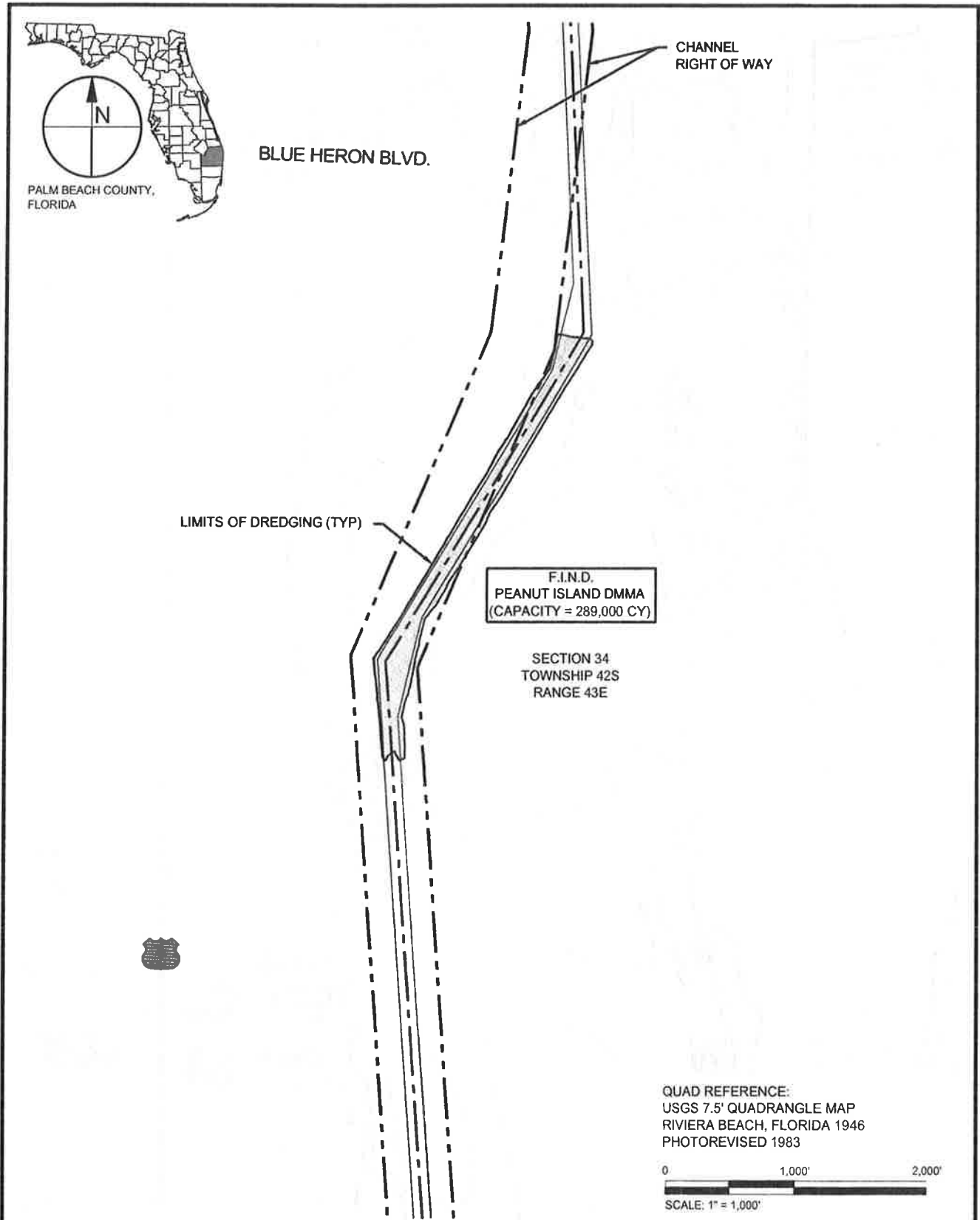
By: _____

Signature of Officer or Authorized Agent

Type or Print Name/Title**--End of Section--**

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C:\P\SWELL_X\315\PROJECTS\2011\06 ICWW DEEPENING PALM BEACH\HARBOR\PEINITE\FIGURE E1\LOC MAP.DWG 3/20/2012 5:00:06 PM



	TAYLOR ENGINEERING INC. 10151 DEERWOOD PARK BLVD. BLDG. 300, SUITE 300 JACKSONVILLE, FL 32256 CERTIFICATE OF AUTHORIZATION # 4815	FIGURE E1 LOCATION MAP ICWW DEEPENING IN VICINITY OF PORT OF PALM BEACH PALM BEACH COUNTY, FLORIDA				SEAL _____ LORI S. BROWNELL P.E. #60025
		PROJECT C2011-068	DRAWN BY CAS	SHEET 1 of 11	DATE MARCH 2012	

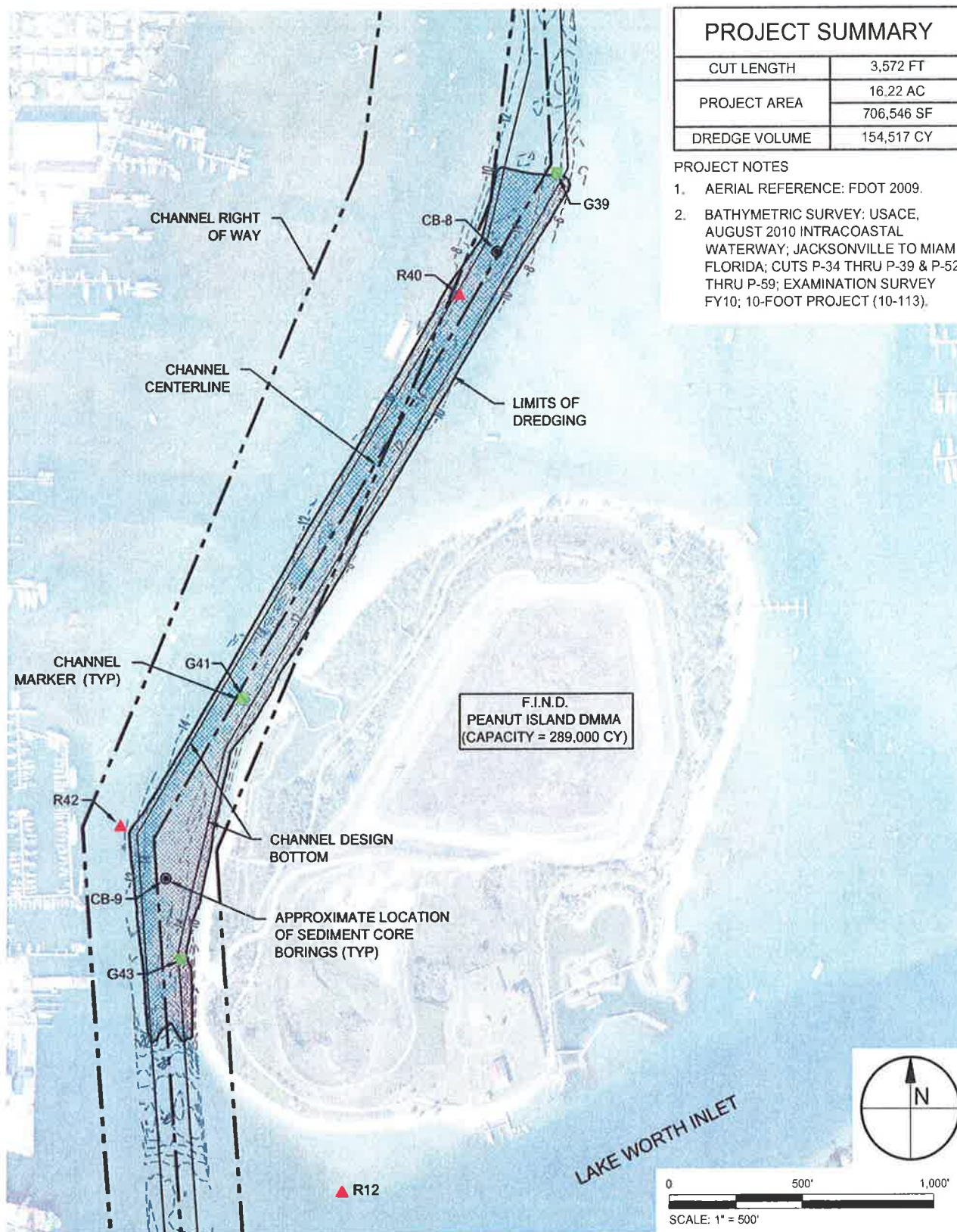
PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.

PROJECT SUMMARY

CUT LENGTH	3,572 FT
PROJECT AREA	16.22 AC
	706,546 SF
DREDGE VOLUME	154,517 CY

PROJECT NOTES

1. AERIAL REFERENCE: FDOT 2009.
2. BATHYMETRIC SURVEY: USACE, AUGUST 2010 INTRACOASTAL WATERWAY; JACKSONVILLE TO MIAMI, FLORIDA; CUTS P-34 THRU P-39 & P-52 THRU P-59; EXAMINATION SURVEY FY10; 10-FOOT PROJECT (10-113).



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE E2
PROJECT OVERVIEW
ICWW DEEPENING IN VICINITY OF PORT OF PALM BEACH
PALM BEACH COUNTY, FLORIDA

PROJECT C2011-068 DRAWN BY CAS SHEET 2 of 11 DATE MARCH 2012

SEAL

LORI S. BROWNELL P.E. # 00025 DATE



July 2, 2013

Mr. David Roach
Executive Director
Florida Inland Navigation District (FIND)
1314 Marcinski Road
Jupiter, FL 33477

RE: Supplementary Permitting Funding Request
FDEP File No. 50-0294306-002 & USACE Application No. SAJ-2012-01719 (SP-SLR)
Intracoastal Waterway Deepening Project in the Vicinity of the Port of Palm Beach
Palm Beach County, Florida

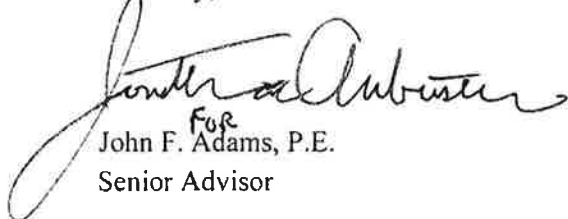
Mr. Roach:

I have enclosed a Scope of Work (Attachment A) and Cost Proposal (Attachment B) to provide continued professional permitting and engineering services in support of the above-referenced project. On May 1 and June 28, 2013, the Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (USACE) each provided additional Requests for Additional Information. Tasks 1 – 3 of the Scope of Work detail our approach to respond to the outstanding questions from both agencies.

Please note that while our original Scope of Work (FIND Work Order No. 11-07, dated November 4, 2011) covered tasks for preliminary design, permitting, and project coordination, our level of effort during the permit review process exceeded what was originally budgeted. Specifically, our original effort did not include (1) redesign of the channel (along with associated permit drawings) for avoidance/minimization of natural resources; (2) submittal and associated correspondence necessary to receive the USACE Section 408 review and acceptance; and (3) the site reconnaissance, documentation, and correspondence necessary to determine any adjacent property owners planning future deepening projects (as a result of this project construction).

Given this information and nearing completion of our response to FDEP RAI No. 1 (4th revision) and start of the USACE RAI No. 1 (received June 28, 2013), the total cost-plus maximum fee to address Tasks 1 – 3 totals \$44,042.00. Thank you for this opportunity to serve the FIND. We look forward to continuing our work on this project. Please contact Ms. Lori Brownell, P.E. or me if you have questions about this proposal.

Sincerely,



FOR
John F. Adams, P.E.
Senior Advisor

Enclosures (2)

SCOPE OF WORK
SUPPLEMENTARY PERMITTING FUNDING REQUEST
FDEP FILE NO. 50-0294306-002 & USACE APPLICATION NO. SAJ-2012-01719 (SP-SLR)
INTRACOASTAL WATERWAY DEEPENING PROJECT IN THE VICINITY OF THE PORT
OF PALM BEACH; PALM BEACH COUNTY, FLORIDA

Tasks 1 – 2 provide a summary of tasks required to address the fourth iteration of the Florida Department of Environmental Protection (FDEP) Request for Information (RAI) No. 1 and the first U.S. Army Corps of Engineers (USACE) RAI No. 1 received on May 1 and June 28, 2013, respectively. Assuming any other RAI's are received, Task 3 should cover any outstanding agency requests.

TASK 1 HARDBOTTOM MITIGATION

Both the FDEP (RAI NO. 1, Question No. 6) and the USACE (National Marine Fisheries [NMFS] Question No. 4) have both requested a proposal to offset the identified hardbottom impacts in the mitigation plan. Based on coordination with both FDEP and NMFS, the regulatory agencies have suggested either Kelsey Park or Sugar Sands Park as acceptable mitigation options. Taylor Engineering has begun coordination with Palm Beach County staff. Our goal with this planned coordination is an agency-approved mitigation plan for the hardbottom impacts associated with the planned project construction.

TASK 2 USACE RAI NO. 1

Based on issuance of the public notice on March 27, 2013, the USACE RAI No. 1 contains approximately 20 questions generated from the NMFS Habitat Conservation Division, NMFS Protected Resources Division, Environmental Protection Agency, Florida Fish Wildlife Conservation Commission (FFWCC), and the Port of Palm Beach. While the initial permit application already addressed many of these questions, Taylor Engineering staff will develop a succinct RAI response for submittal.

TASK 3 CONTINUED COORDINATION AND RESPONSE TO ADDITIONAL RAI REQUESTS

The single most important activity during the permitting process is establishment and maintenance of a clear line of communication between the applicant and the participating agencies. To that end, Taylor Engineering will continue to actively coordinate with local, state, and federal agency staff during the application process. These agencies include, among others, the FDEP, USACE, Palm Beach County, South Florida Water Management District (SFWMD), U.S. Fish and Wildlife Service (USFWS), FFWCC, and NMFS. We will maintain consistency between the state and federal permit applications and other environmental documentation, and strive to resolve environmental issues that arise during the review period.

After reviewing the RAI responses, the FDEP and USACE may respond with additional RAI requests. Taylor Engineering will provide all RAI responses to the Florida Inland Navigation District for review before submittal to the FDEP or USACE. For this task, we have estimated a cost-plus maximum fee of \$24,844.00.

ATTACHMENT B

TAYLOR ENGINEERING, INC.
COST SUMMARY BY TASK
C2012-068 / P2013-113: SUPPLEMENTARY PERMITTING FUNDING REQUEST_ICWW
DEEPENING IN VICINITY OF THE PORT OF PALM BEACH

TASK 1: HARDBOTTOM MITIGATION

<i>Labor</i>	<i>Hours</i>	<i>Cost</i>	<i>Task Totals</i>
Vice President	4.0	740.00	
Senior Advisor	1.0	177.00	
Senior Professional	24.0	3,096.00	
Total Man-Hours	29.0		
Labor Cost			4,013.00
<i>Total Task 1</i>			4,013.00

TASK 2: USACE RAI NO. 1

<i>Labor</i>	<i>Hours</i>	<i>Cost</i>	<i>Task Totals</i>
Senior Advisor	4.0	708.00	
Director	34.0	5,236.00	
Senior Professional	57.0	7,353.00	
Senior Technician	16.0	1,440.00	
Administrative	8.0	448.00	
Total Man-Hours	119.0		
Labor Cost			15,185.00
<i>Total Task 2</i>			15,185.00

TASK 3: CONTINUED COORDINATION AND RESPONSE TO ADDITIONAL RAI REQUESTS

<i>Labor</i>	<i>Hours</i>	<i>Cost</i>	<i>Task Totals</i>
Vice President	4.0	740.00	
Senior Advisor	12.0	2,124.00	
Director	80.0	12,320.00	
Senior Professional	40.0	5,160.00	
Technical Editor	8.0	792.00	
Senior Technician	30.0	2,700.00	
Administrative	18.0	1,008.00	
Total Man-Hours	192.0		
Labor Cost			24,844.00
<i>Total Task 3</i>			\$ 24,844.00

Project Total \$ 44,042.00

2013-2014 Cooperative Assistance Program Project Applications

Agenda Item#	PROJECT SPONSOR	PROJECT TITLE	Total Cost	Assistance Requested	Average Score
10.01	FDEP	Hugh Taylor Birch State Park Boat Dock Ph I	\$150,000.00	\$75,000.00	44.50

2013 - 2014 Waterway Assistance Program Project Applications

Agenda Item#	COUNTY	PROJECT SPONSOR	PROJECT TITLE	Assistance Requested	Totalled Costs	Average Score
11.07	Brevard	City of Melbourne	Melbourne Harbor Channel Dredge Ph II	\$274,000.00	\$274,000.00	48.91
11.14	St. Johns	City of St. Augustine	Dredging of Salt Run Channel Phase 4	\$210,000.00	\$484,000.00	48.09
11.48	Broward	Broward County	South Fork New River Channel Markers Ph II	\$60,000.00	\$544,000.00	47.70
11.51	Broward	City of Fort Lauderdale	Bahia Mar Marina Dredging Ph IA	\$206,543.00	\$750,543.00	47.70
11.52	Broward	City of Fort Lauderdale	Las Olas Marina and Aquatics Complex Dredging Ph I	\$258,898.00	\$1,009,441.00	47.70
11.15	St. Johns	City of St. Augustine	Dredging of San Sebastian River Channel Ph 4	\$210,000.00	\$1,219,441.00	47.45
11.77	Duval	City of Jacksonville	Ortega Channel Markers Ph II	\$16,800.00	\$1,236,241.00	47.18
11.37	Indian River	City of Sebastian	Sebastian Working Waterfront	\$157,350.00	\$1,393,591.00	46.60
11.01	Brevard	Brevard County	Griffis Landing at Blue Crab Cove Phase B	\$433,688.00	\$1,827,279.00	46.18
11.58	Palm Beach	Palm Beach County	Waterway Park Development	\$1,861,168.00	\$3,688,447.00	45.90
11.28	Miami-Dade	City of Miami	Dinner Key Marina Dinghy Dock Ph II	\$75,000.00	\$3,763,447.00	45.67
11.43	Martin	Martin County	St. Lucie Inlet Maintenance	\$500,000.00	\$4,263,447.00	45.30
11.34	Miami-Dade	Miami-Dade County	Crandon Marina Boat Ramps Ph I	\$70,000.00	\$4,333,447.00	45.11
11.16	St. Johns	St. Johns County Airport Authority	Barge Navigation Channel Maintenance Dredging Ph II	\$100,000.00	\$4,433,447.00	45.10
11.63	Palm Beach	City of Belle Glade	North Marina Basin Project	\$379,500.00	\$4,812,947.00	45.10
11.04	Brevard	City of Cocoa Beach	Public Spoil Site Development Ph II	\$200,000.00	\$5,012,947.00	45.09
11.20	Nassau	City of Fernandina Beach	Breakwater Dock Improvements	\$81,000.00	\$5,093,947.00	45.00
11.56	Palm Beach	Palm Beach County	Juno Dunes Shoreline Restoration	\$280,725.00	\$5,374,672.00	44.90
11.49	Broward	City of Dania Beach	Dania Beach Municipal Marina Renovation Ph II	\$1,000,000.00	\$6,374,672.00	44.89
11.29	Miami-Dade	City of Miami	Lummus Landing Riverwalk and Dock	\$570,000.00	\$6,944,672.00	44.78
11.19	Flagler	City of Palm Coast	Long's Landing Estuary Ph II	\$205,000.00	\$7,149,672.00	44.73
11.78	Duval	City of Jacksonville	Sisters Creek Dock Redesign Ph I	\$35,380.00	\$7,185,052.00	44.73
11.13	Volusia	Volusia County	Highbridge Park Expansion Ph I	\$15,000.00	\$7,200,052.00	44.64
11.59	Palm Beach	Town of Lake Park	Lake Park Harbor Marina Breakwater Ph II	\$249,115.00	\$7,449,167.00	44.60
11.27	Miami-Dade	City of Miami	Curtis Park Boat Ramp reconstruction	\$190,050.00	\$7,639,217.00	44.56
11.64	Palm Beach	City of Boca Raton	Hillsboro Canal Maintenance Dredge Project Ph I	\$75,000.00	\$7,714,217.00	44.56
11.72	Duval	City of Jacksonville	Half Moon Boat Ramp Ph I	\$25,100.00	\$7,739,317.00	44.27
11.12	Volusia	City of Port Orange	Riverwalk Launch & Boardwalk Ph I	\$40,000.00	\$7,779,317.00	44.18
11.02	Brevard	Brevard County	John Jorgensen's Landing Boat Ramp Dock Replacement	\$9,400.00	\$7,788,717.00	44.00
11.65	Palm Beach	City of Riviera Beach	Marina Replacement Ph B	\$1,000,000.00	\$8,788,717.00	44.00
11.10	Volusia	City of New Smyrna Beach	North Causeway Boat Launch Facility Improvements	\$407,400.00	\$9,196,117.00	43.82

2013 - 2014 Waterway Assistance Program Project Applications

Agenda Item#	COUNTY	PROJECT SPONSOR	PROJECT TITLE	Assistance Requested	Totalled Costs	Average Score
11.69	Duval	City of Jacksonville	County Dock Boat Ramp Ph I	\$46,260.00	\$9,242,377.00	43.82
11.39	Indian River	Indian River County	Oslo Public Boat Ramp Parking & Dredging	\$437,500.00	\$9,679,877.00	43.80
11.41	St. Lucie	City of Port St. Lucie	C-24 Canal Park Boat Ramp	\$376,000.00	\$10,055,877.00	43.80
11.23	Miami-Dade	City of Miami	Miami Marine Stadium Inwater Structural Assessment	\$157,900.00	\$10,213,777.00	43.78
11.35	Miami-Dade	Miami-Dade County	Matheson Hammock Marina Boat Ramps Ph I	\$74,000.00	\$10,287,777.00	43.78
11.55	Palm Beach	Palm Beach County	Highland Beach Mangroves Shoreline Restoration	\$258,037.00	\$10,545,814.00	43.70
11.30	Miami-Dade	City of Miami	Manatee Bend Park Seawall & Floating Dock Ph II	\$325,000.00	\$10,870,814.00	43.67
11.57	Palm Beach	Palm Beach County	Ocean Inlet Design and Permitting	\$75,000.00	\$10,945,814.00	43.60
11.26	Miami-Dade	City of Miami	Virginia Key Nature Center Seawall & Kayak Launch P	\$37,500.00	\$10,983,314.00	43.44
11.21	Miami-Dade	City of North Miami	North Bayshore William Lehman Park Fishing and Vie	\$300,000.00	\$11,283,314.00	43.18
11.66	Duval	City of Atlantic Beach	Marsh Preserves Launch, Fishing & Public Access Ph	\$125,000.00	\$11,408,314.00	43.18
11.70	Duval	City of Jacksonville	Exchange Island Ph I	\$57,880.00	\$11,466,194.00	43.18
11.03	Brevard	Brevard County	POW MIA Park Channel Dredging Ph I	\$35,000.00	\$11,501,194.00	43.09
11.36	Miami-Dade	Miami-Dade County	Miami River Greenway sites 4&5	\$500,000.00	\$12,001,194.00	43.00
11.38	Indian River	Indian River County	Jones's Pier Waterfront Improvements	\$15,000.00	\$12,016,194.00	43.00
11.17	St. Johns	St. Johns County Airport Auth	Barge Navigation Channel Ramp Repair Ph I (design)	\$25,000.00	\$12,041,194.00	42.90
11.73	Duval	City of Jacksonville	Half Moon Kayak Launch Ph I	\$45,100.00	\$12,086,294.00	42.82
11.42	Martin	City of Stuart	City of Stuart Riverwalk Expansion Ph I	\$40,000.00	\$12,126,294.00	42.60
11.24	Miami-Dade	City of Miami	Miami Woman's Club Baywalk Ph II	\$150,000.00	\$12,276,294.00	42.56
11.53	Palm Beach	Palm Beach County	Bert Winters Park Acquisition	\$250,000.00	\$12,526,294.00	42.50
11.06	Brevard	City of Melbourne	Horse Creek Non-Motorized Boat Launch and Dredg	\$225,000.00	\$12,751,294.00	42.45
11.74	Duval	City of Jacksonville	Lighting at 2 Boat Ramps	\$143,930.00	\$12,895,224.00	42.36
11.11	Volusia	City of New Smyrna Beach	Swoop Site boat ramp parking & restroom Ph IIB	\$171,002.50	\$13,066,226.50	42.27
11.33	Miami-Dade	City of Miami Beach	Parks Blueways Master Plan	\$40,000.00	\$13,106,226.50	42.22
11.76	Duval	City of Jacksonville	Northshore Kayak Launch Ph I	\$29,350.00	\$13,135,576.50	42.18
11.46	Broward	Broward County	Deerfield Island Boardwalk Replacement Ph I	\$50,000.00	\$13,185,576.50	42.10
11.05	Brevard	City of Cocoa	Lee Wenner Park Renovation Ph 1	\$75,000.00	\$13,260,576.50	42.00
11.09	Volusia	City of Daytona Beach	Halifax River Trail & Pedestrian Underpass	\$169,613.00	\$13,430,189.50	41.64
11.68	Duval	City of Jacksonville	Charles Reese Fishing Pier Ph I	\$44,250.00	\$13,474,439.50	41.55
11.60	Palm Beach	Town of Lantana	North Lake Park	\$104,000.00	\$13,578,439.50	41.50
11.08	Brevard	City of Satellite Beach	Samsons Island Pontoon Boat	\$7,500.00	\$13,585,939.50	41.45

2013 - 2014 Waterway Assistance Program Project Applications

Agenda Item#	COUNTY	PROJECT SPONSOR	PROJECT TITLE	Assistance Requested	Totalled Costs	Average Score
11.67	Duval	City of Jacksonville	Arlington Lions Club Boardwalk Ph I	\$40,420.00	\$13,626,359.50	41.36
11.25	Miami-Dade	City of Miami	Seybold Canal & Wagner Creek Dredging & Environment	\$1,000,000.00	\$14,626,359.50	41.33
11.47	Broward	Broward County	Deerfield Island Shelter Replacement & Interpretive E	\$75,000.00	\$14,701,359.50	41.20
11.32	Miami-Dade	City of Miami Beach	Normandy Shores Park Seawall	\$280,000.00	\$14,981,359.50	41.11
11.22	Miami-Dade	Town of Surfside	Surfside Seawall Replacement	\$494,445.00	\$15,475,804.50	41.09
11.18	St. Johns	St. Johns County	Vilano Fishing Pier Renovation Ph I Engineering	\$45,000.00	\$15,520,804.50	40.91
11.44	Martin	Town of Jupiter Island	Jupiter Island Marine Patrol Waterway Safety	\$30,000.00	\$15,550,804.50	40.80
11.45	Broward	Broward County	Anne Kolb Nature Center Exhibit Renovations	\$250,000.00	\$15,800,804.50	40.80
11.71	Duval	City of Jacksonville	Fishing Creek Dredge Ph II	\$225,000.00	\$16,025,804.50	40.73
11.40	St. Lucie	City of Fort Pierce	Fishing Pier & Fish Cleaning Station on Melody Lane	\$258,940.00	\$16,284,744.50	40.60
11.50	Broward	City of Fort Lauderdale	FLPD Marine Motors Replacement Project	\$30,000.00	\$16,314,744.50	40.50
11.54	Palm Beach	Palm Beach County	Grassy Flats Estuarine Habitat Restoration	\$600,000.00	\$16,914,744.50	40.44
11.75	Duval	City of Jacksonville	Northbank Riverwalk Ph I	\$40,000.00	\$16,954,744.50	40.09
11.31	Miami-Dade	City of Miami Beach	Indian Creek Park Seawall Ph I	\$160,000.00	\$17,114,744.50	39.67
11.61	Palm Beach	Town of Palm Beach	Town of Palm Beach Waterway Ph II	\$500,000.00		26.44

FLORIDA INLAND NAVIGATION DISTRICT



TO: All FIND Commissioners, Executive Director

FROM: Janet Zimmerman, Assistant Executive Director

DATE: July 9, 2013

SUBJECT: Initial Discussion of Proposed Assistance Program Rule Changes

COMMISSIONERS

GAIL KAVANAGH
CHAIR
ST. LUCIE COUNTY

E. TYLER CHAPPELL
VICE-CHAIR
BROWARD COUNTY

DONALD J. CUOZZO
SECRETARY
MARTIN COUNTY

J. CARL BLOW
TREASURER
ST. JOHNS COUNTY

AARON L. BOWMAN
DUVAL COUNTY

T. SPENCER CROWLEY, III
MIAMI-DADE COUNTY

PAUL U. DRITENBAS
INDIAN RIVER COUNTY

CHARLES C. ISIMINGER
PALM BEACH COUNTY

SUSANNE McCABE
VOLUSIA COUNTY

JONATHAN S. NETTS
FLAGLER COUNTY

JERRY H. SANSOM
BREVARD COUNTY

LYNN A. WILLIAMS
NASSAU COUNTY

DAVID K. ROACH
EXECUTIVE DIRECTOR

MARK T. CROSLEY
ASSISTANT EXECUTIVE
DIRECTOR

JANET ZIMMERMAN
ASSISTANT EXECUTIVE
DIRECTOR

In working with the Assistance Program and listening to the Board discussion over the past few months, staff has prepared the following list of Items for additional consideration by the board. Should the Board elect to initiate specific changes to our program rules, staff and our attorney will craft specific language to be considered at our August meeting.

- Expand allowable uses of vegetation
- Revise Attachment E-4 questions to lessen redundant answers and better qualify projects.
- Clarification of Comprehensive Maritime Management Plan eligibility
- Discuss waterway accessibility element for projects
- Environmental restoration or mitigation projects ineligible within the federal right-of-way

FLORIDA INLAND NAVIGATION DISTRICT



TO: All FIND Commissioners, Executive Director

FROM: Janet Zimmerman, Assistant Executive Director

DATE: July 9, 2013

SUBJECT: Initial Discussion of Proposed Assistance Program Rule Changes

COMMISSIONERS

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INDIAN RIVER COUNTY

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PALM BEACH COUNTY

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- Environmental restoration or mitigation projects ineligible within the federal right-of-way

ALCALDE & FAY
GOVERNMENT & PUBLIC AFFAIRS CONSULTANTS

July 8, 2013

MEMORANDUM

TO: David Roach, Executive Director
Mark Crosley, Assistant Executive Director

FROM: Jim Davenport

SUBJECT: Federal Legislative Report

The House and Senate Appropriations Committees have considered their respective Energy and Water Appropriations Bills (included). Below is a brief summary of the legislation as it pertains to the Florida Inland Navigation District.

Senate Energy and Water Appropriations Bill

The bill includes \$10 million for Navigation Maintenance, \$23 million for Inland Waterways, \$5 million for Other Authorized Purposes, which could fund maintenance dredging of the Intracoastal, Atlantic Intracoastal and Okeechobee Waterways (p. 60).

Additional report language, titled "Additional Funding for Ongoing Work", found on (pages 62 – 63), presents criteria for the Corps to consider. Some key language is as follows:

The Committee is concerned that the Administration's criteria for navigation maintenance do not allow small, remote, or subsistence harbors and waterways to properly compete for scarce navigation maintenance funds. The Committee urges the Corps to revise the criteria used for determining which navigation projects are funded in order to develop a reasonable and equitable allocation under this account. The criteria should include the economic impact that these projects provide to local and regional economies, in particular those with national defense or public health and safety importance."

The Bill also includes the \$250,000 for the IWW, which was in the Administration's Budget Request (p. 49).

The Okeechobee Waterway received \$2.467 million, which was requested by the Administration (p. 49).

House Energy and Water Appropriations Bill

The bill includes \$35.24 million for Other Authorized Purposes, which could be used for the IWW, AIWW and OWW (p. 62).

The bill allocates \$241,000 to the IWW, which is a slight cut from the Administration's request (p. 46).

The OWW received a slight cut as well, and was funded at \$2.381 million (p. 46).

The bill includes language similar to that found on pages 62 and 63 in the Senate bill (see page 64).

Please contact me with any questions.

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CORPS OF ENGINEERS—OPERATION AND MAINTENANCE—Continued
(In thousands of dollars)

Item	Budget estimate	Committee recommendation
R D BAILEY LAKE, WV	2,457	2,457
STONEWALL JACKSON LAKE, WV	1,184	1,184
SUMMERSVILLE LAKE, WV	3,348	3,348
SUTTON LAKE, WV	2,328	2,328
TYGART LAKE, WV	1,839	1,839
WISCONSIN		
EAU GALLE RIVER LAKE, WI	734	734
FOX RIVER, WI	2,005	2,005
GREEN BAY HARBOR, WI	3,367	3,367
INSPECTION OF COMPLETED WORKS, WI	61	61
MILWAUKEE HARBOR, WI	700	700
PROJECT CONDITION SURVEYS, WI	288	288
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	20	20
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	540	540
WYOMING		
INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, WY	10	10
INSPECTION OF COMPLETED WORKS, WY	123	123
JACKSON HOLE LEVEES, WY	2,374	2,374
SCHEDULING RESERVOIR OPERATIONS, WY	121	121
SUBTOTAL,	2,411,388	2,411,388
REMAINING ITEMS		
ADDITIONAL FUNDING FOR ONGOING WORK:		
NAVIGATION MAINTENANCE		10,000
DEEP-DRAFT HARBOR AND CHANNEL		95,000
INLAND WATERWAYS		23,000
SMALL REMOTE, OR SUBSISTENCE NAVIGATION		30,000
OTHER AUTHORIZED PURPOSES		5,000
AQUATIC NUISANCE CONTROL RESEARCH	690	690
ASSET MANAGEMENT/FACILITIES AND EQUIPMENT MANAGEMENT	4,750	4,750
BUDGET/MANAGEMENT SUPPORT FOR O&M BUSINESS PROGRAMS:		
STEWARDSHIP SUPPORT PROGRAM	1,000	1,000
PERFORMANCE-BASED BUDGETING SUPPORT PROGRAM	4,000	4,000
RECREATION MANAGEMENT SUPPORT PROGRAM	1,650	1,650
OPTIMIZATION TOOLS FOR NAVIGATION	392	392
COASTAL AND OCEAN DATA SYSTEM	3,000	5,000
COASTAL INLET RESEARCH PROGRAM	2,700	2,700
RESPONSE TO CLIMATE CHANGE AT CORPS PROJECTS	5,000	5,000
CULTURAL RESOURCES (NAGPRA/CURATION)	4,500	4,500
DREDGE MCFARLAND READY RESERVE	11,840	11,840
DREDGE WHEELER READY RESERVE	12,000	12,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,150	1,150
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	6,450	6,450
DREDGING OPERATIONS TECHNICAL SUPPORT PROGRAM (DOTS)	2,820	2,820
EARTHQUAKE HAZARDS REDUCTION PROGRAM	270	270
FACILITY PROTECTION (CISP)	5,500	5,500
FERC HYDROPOWER COORDINATION	3,000	3,000
FISH & WILDLIFE OPERATING FISH HATCHERY REIMBURSEMENT	4,700	4,700
GREAT LAKES TRIBUTARY MODEL	600	600
INLAND WATERWAY NAVIGATION CHARTS	3,000	3,000
INTERAGENCY PERFORMANCE EVALUATION TASK FORCE/HURRICANE	8,125	8,125
INSPECTION OF COMPLETED FEDERAL FLOOD CONTROL PROJECTS	30,000	30,000
MONITORING OF COMPLETED NAVIGATION PROJECTS	6,920	6,920
NATIONAL (LEVEE) FLOOD INVENTORY	10,000	10,000
NATIONAL (MULTIPLE PROJECT) NATURAL RESOURCES MANAGEMENT	8,673	8,673
NATIONAL COASTAL MAPPING PROGRAM	6,300	8,300
NATIONAL DAM SAFETY PROGRAM (PORTFOLIO RISK ASSESSMENT)	10,000	10,000
NATIONAL EMERGENCY PREPAREDNESS PROGRAM (NEPP)	6,750	6,750
NATIONAL PORTFOLIO ASSESSMENT FOR REALLOCATIONS	571	571

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Zebra and Quagga Mussels.—The Committee understands the challenges posed by the invasion of quagga and zebra mussels in various places across the country, and that invasion has not yet occurred in the Pacific Northwest and Lake Tahoe. Given the significant Federal assets in the region, it would seem prudent to determine the vulnerabilities of the infrastructure. The Committee recognizes the work that is underway, but believes more can and should be done to prevent invasion. Portions of the country are already dealing with these invasive species and the lessons learned should be applied to developing a strategy of minimizing the impacts to vulnerable infrastructure in this region. The Committee encourages the Corps of Engineers in partnership with the Bonneville Power Administration, to continue its efforts to develop invasive mussel vulnerability assessments for federally owned hydropower projects, in the Pacific Northwest, including an estimate of the annual cost of protection and maintenance of this infrastructure, if applicable. Further, the Committee urges the Corps, where appropriate, to assist the States in their efforts to prevent the spread of invasive mussels to Federal projects in the region.

Additional Funding for Ongoing Work.—The fiscal year 2014 budget request does not fund operation, maintenance, and rehabilitation of our Nation's aging infrastructure sufficiently to ensure continued competitiveness in a global marketplace. Federal navigation channels maintained at only a fraction of authorized dimensions, and navigation locks and hydropower facilities well beyond their design life result in economic inefficiencies and risks infrastructure failure, which cause substantial economic losses. The Committee believes that investing in operation, maintenance, and rehabilitation of infrastructure today will save taxpayers money in the future.

The Committee recommendation includes additional funds to continue ongoing projects and activities including periodic dredging of ports and harbors. None of these funds may be used for any item where funding was specifically denied. The intent of these funds is for ongoing work that either was not included in the administration's request or was inadequately budgeted. The Committee directs that priority in allocating these funds be given to completing ongoing work maintaining authorized depths and widths of harbors and shipping channels, including where contaminated sediments are present, and for addressing critical maintenance backlog. Particular emphasis should be placed on projects where there is a U.S. Coast Guard or other water safety/police force presence; that will enhance national, regional, or local economic development; or that will promote job growth or international competitiveness.

The Committee is concerned that the administration's criteria for navigation maintenance does not allow small, remote, or subsistence harbors and waterways to properly compete for scarce navigation maintenance funds. The Committee urges the Corps to revise the criteria used for determining which navigation maintenance projects are funded in order to develop a reasonable and equitable allocation under this account. The criteria should include the economic impact that these projects provide to local and regional economies, in particular, those with national defense or public health and safety importance.

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Funding associated with each category may be allocated to any eligible project within that category; funding associated with each subcategory may be allocated only to eligible projects within that subcategory. The list of subcategories is not meant to be exhaustive. Priority in allocating these funds should consider the following: number of jobs created directly by the funded activity; benefits to the local, regional, or national economy; ability to obligate the funds allocated within the fiscal year; ability to complete the project, separable element, or project phase within the funds allocated; and risk of imminent failure or closure of the facility.

Within 45 days of enactment of this act, the Corps shall provide to the House and Senate Committees on Appropriations a work plan delineating how these funds are to be distributed. The plan should include: (1) the ratings system developed and used to evaluate projects; (2) a summary of the work to be accomplished with each allocation; and (3) a list and description of each discrepancy between the results of the project evaluations and the allocations made. No funds shall be obligated for any project in the work plan which has not been justified in such a report. The Committee directs that a listing should accompany the work plan showing all the ongoing projects that were considered eligible and could have used funding for fiscal year 2013 and the reasons why these items were considered as being less competitive for inclusion in the work plan.

Reducing Civil Works Vulnerability.—No funding is included for this new item. However, the Committee has combined the intent of this study within the Water Resources Priority Study funded in the General Investigations account and changed the name to the National Flood Risk Assessment Study.

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CORPS OF ENGINEERS—OPERATION AND MAINTENANCE—Continued

[In thousands of dollars]

Item	Budget estimate	Committee recommendation
POTOMAC AND ANACOSTIA RIVERS, DC (DRIFT REMOVAL)	875	875
PROJECT CONDITION SURVEYS, DC	25	25
WASHINGTON HARBOR, DC	25	25
FLORIDA		
CANAVERAL HARBOR, FL	4,398	4,398
CENTRAL AND SOUTHERN FLORIDA, FL	14,791	14,791
ESCAMBIA AND CONECH RIVERS, FL AND AL	34	34
INSPECTION OF COMPLETED WORKS, FL	1,500	1,500
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	250	250
JACKSONVILLE HARBOR, FL	9,014	9,014
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL, AND GA	8,117	8,117
MANATEE HARBOR, FL	3,365	3,365
MIAMI HARBOR, FL	4,355	4,355
OKEECHOBEE WATERWAY, FL	2,467	2,467
PALM BEACH HARBOR, FL	2,500	2,500
PANAMA CITY HARBOR, FL	2,070	2,070
PORT EVERGLADES HARBOR, FL	300	300
PROJECT CONDITION SURVEYS, FL	1,465	1,465
REMOVAL OF AQUATIC GROWTH, FL	3,500	3,500
SCHEDULING RESERVOIR OPERATIONS, FL	35	35
SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	9,053	9,053
TAMPA HARBOR, FL	10,400	10,400
GEORGIA		
ALLATOONA LAKE, GA	8,165	8,165
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL, AND FL	1,324	1,324
ATLANTIC INTRACOASTAL WATERWAY, GA	164	164
BRUNSWICK HARBOR, GA	5,311	5,311
BUFORD DAM AND LAKE SIDNEY LANIER, GA	8,971	8,971
CARTERS DAM AND LAKE, GA	8,128	8,128
HARTWELL LAKE, GA AND SC	10,728	10,728
INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, GA	15	15
INSPECTION OF COMPLETED WORKS, GA	180	180
J STROM THURMOND LAKE, GA AND SC	9,939	9,939
PROJECT CONDITION SURVEYS, GA	161	161
RICHARD B RUSSELL DAM AND LAKE, GA AND SC	8,707	8,707
SAVANNAH HARBOR, GA	24,065	24,065
SAVANNAH RIVER BELOW AUGUSTA, GA	202	202
WEST POINT DAM AND LAKE, GA AND AL	7,518	7,518
HAWAII		
BARBERS POINT HARBOR, HI	434	434
HILO HARBOR, HI	206	206
HONOLULU HARBOR, HI	206	206
INSPECTION OF COMPLETED WORKS, HI	885	885
KAHULUI HARBOR, HI	206	206
NAWILIWILI HARBOR, HI	206	206
PROJECT CONDITION SURVEYS, HI	683	683
IDAHO		
ALBENI FALLS DAM, ID	1,244	1,244
DWORSHAK DAM AND RESERVOIR, ID	4,802	4,802
INSPECTION OF COMPLETED WORKS, ID	358	358
LUCKY PEAK LAKE, ID	2,383	2,383
SCHEDULING RESERVOIR OPERATIONS, ID	580	580
ILLINOIS		
CALUMET HARBOR AND RIVER, IL AND IN	4,912	4,912
CARLYLE LAKE, IL	5,542	5,542
CHICAGO HARBOR, IL	2,264	2,264
CHICAGO RIVER, IL	680	680

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE RECOMMENDED
JACKSON HOLE LEVEES, WY	2,374	2,291
SCHEDULUNG RESERVOIR OPERATIONS, WY	121	117
 SUBTOTAL, PROJECTS LISTED UNDER STATES	 2,411,388	 2,327,018
 REMAINING ITEMS		
ADDITIONAL FUNDING FOR ONGOING WORK		
HARBOR AND INLAND HARBOR	---	149,000
OTHER AUTHORIZED PURPOSES	---	35,243
AQUATIC NUISANCE CONTROL RESEARCH	690	666
ASSET MANAGEMENT/FACILITIES AND EQUIP MAINT (FEM)	4,750	4,584
BUDGET/MANAGEMENT SUPPORT FOR O&M BUSINESS PROGRAMS:		
STEWARDSHIP SUPPORT PROGRAM	1,000	965
PERFORMANCE-BASED BUDGETING SUPPORT PROGRAM	4,000	3,860
RECREATION MANAGEMENT SUPPORT PROGRAM	1,650	1,592
OPTIMIZATION TOOLS FOR NAVIGATION	392	378
COASTAL INLET RESEARCH PROGRAM	2,700	2,606
COASTAL OCEAN DATA SYSTEM	3,000	4,000
RESPONSE TO CLIMATE CHANGE AT CORPS PROJECTS	5,000	4,825
CULTURAL RESOURCES (NAGPRA/CURATION)	4,500	4,343
DREDGE MCFARLAND READY RESERVE	11,840	11,426
DREDGE WHEELER READY RESERVE	12,000	11,580
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,150	1,110
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	6,450	6,224
DREDGING OPERATIONS TECHNICAL SUPPORT PROGRAM (DOTS)	2,820	2,721
EARTHQUAKE HAZARDS REDUCTION PROGRAM	270	261
FACILITY PROTECTION	5,500	5,308
FERC HYDROPOWER COORDINATION	3,000	2,895
FISH & WILDLIFE OPERATING FISH HATCHERY REIMBURSEMENT	4,700	4,700
GREAT LAKES TRIBUTARY MODEL	600	579
INLAND WATERWAY NAVIGATION CHARTS	3,000	2,895
INTERAGENCY PERFORMANCE EVALUATION TASK FORCE/HURRICANE PROTECTION DECISION	8,125	7,841
CHRONOLOGY (IPET/HPDC) LESSONS LEARNED IMPLEMENTATION		
INSPECTION OF COMPLETED FEDERAL FLOOD CONTROL PROJECTS	30,000	28,950
MONITORING OF COMPLETED NAVIGATION PROJECTS	6,920	6,678
NATIONAL (LEVEE) FLOOD INVENTORY	10,000	9,650
NATIONAL (MULTIPLE PROJECT) NATURAL RESOURCES MANAGEMENT ACTIVITIES	8,673	8,369
NATIONAL COASTAL MAPPING PROGRAM	6,300	6,080
NATIONAL DAM SAFETY PROGRAM (PORTFOLIO RISK ASSESSMENT)	10,000	9,650
NATIONAL EMERGENCY PREPAREDNESS PROGRAM (NEPP)	6,750	6,514
NATIONAL PORTFOLIO ASSESSMENT FOR REALLOCATIONS	571	551
PROGRAM DEVELOPMENT TECHNICAL SUPPORT	300	290
PROTECT, CLEAR AND STRAIGHTEN CHANNELS	50	48
REMOVAL OF SUNKEN VESSELS	500	483
WATERBORNE COMMERCE STATISTICS	4,771	4,604
HARBOR MAINTENANCE FEE DATA COLLECTION	825	796

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE RECOMMENDED
DISTRICT OF COLUMBIA		
INSPECTION OF COMPLETED WORKS, DC	115	111
POTOMAC AND ANACOSTIA RIVERS, DC (DRIFT REMOVAL)	875	844
PROJECT CONDITION SURVEYS, DC	25	24
WASHINGTON HARBOR, DC	25	24
FLORIDA		
CANAVERAL HARBOR, FL	4,398	4,244
CENTRAL & SOUTHERN FLORIDA, FL	14,791	14,273
ESCAMBIA AND CONECH RIVERS, FL & AL	34	33
INSPECTION OF COMPLETED WORKS, FL	1,500	1,448
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	250	241
JACKSONVILLE HARBOR, FL	9,014	8,699
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA	8,117	7,833
MANATEE HARBOR, FL	3,365	3,247
MIAMI HARBOR, FL	4,355	4,203
OKEECHOBEE WATERWAY, FL	2,467	2,381
PALM BEACH HARBOR, FL	2,500	2,413
PANAMA CITY HARBOR, FL	2,070	1,998
PORT EVERGLADES HARBOR, FL	300	290
PROJECT CONDITION SURVEYS, FL	1,465	1,414
REMOVAL OF AQUATIC GROWTH, FL	3,500	3,378
SCHEDULING RESERVOIR OPERATIONS, FL	35	34
SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	9,053	8,736
TAMPA HARBOR, FL	10,400	10,036
GEORGIA		
ALLATOONA LAKE, GA	8,165	7,879
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL & FL	1,324	1,278
ATLANTIC INTRACOASTAL WATERWAY, GA	164	158
BRUNSWICK HARBOR, GA	5,311	5,125
BUFORD DAM AND LAKE SIDNEY LANIER, GA	8,971	8,657
CARTERS DAM AND LAKE, GA	8,128	7,844
HARTWELL LAKE, GA & SC	10,728	10,353
INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, GA	15	14
INSPECTION OF COMPLETED WORKS, GA	180	174
J STROM THURMOND LAKE, GA & SC	9,939	9,591
PROJECT CONDITION SURVEYS, GA	161	155
RICHARD B RUSSELL DAM AND LAKE, GA & SC	8,707	8,402
SAVANNAH HARBOR, GA	24,065	23,223
SAVANNAH RIVER BELOW AUGUSTA, GA	202	195
WEST POINT DAM AND LAKE, GA & AL	7,518	7,255

Additional Funding for Ongoing Work.—The fiscal year 2014 budget request does not fund operation, maintenance, and rehabilitation of our nation's aging infrastructure sufficiently to ensure continued competitiveness in a global marketplace. The Committee recognizes the ability of properly maintained ports to serve as drivers of economic growth within communities, states, and regions. On the other hand, federal navigation channels maintained at only a fraction of authorized dimensions and navigation locks and hydro-power facilities well beyond their design life result in economic inefficiencies and risk infrastructure failure, which can cause substantial economic losses. The Committee believes that investing in operation, maintenance, and rehabilitation of infrastructure today will save taxpayers money in the future.

The Committee includes additional funds to continue ongoing projects and activities. The intent of these funds is for ongoing work that either was not included in the Administration's request or was inadequately budgeted. None of these funds may be used to initiate new projects or programs, for any item where funding was specifically denied, or to alter any existing cost-share requirements.

As discussed earlier in this report, the Corps shall develop a ratings system and evaluate ongoing projects under this system prior to allocating these additional funds. The Corps shall consider developing a ratings system that takes into consideration the following: ability to complete ongoing work maintaining authorized depths and widths of harbors and shipping channels, including where contaminated sediments are present; ability to address critical maintenance backlog; presence of the U.S. Coast Guard; extent to which the work will enhance national, regional, or local economic development, including domestic manufacturing capacity; extent to which the work will promote job growth or international competitiveness; number of jobs created directly by the funded activity; ability to obligate the funds allocated within the fiscal year; ability to complete the project, separable element, or project phase within the funds allocated; and the risk of imminent failure or closure of the facility.

The Committee is concerned that the Administration's criteria for navigation maintenance do not allow small, remote, or subsistence harbors and waterways to properly compete for scarce navigation maintenance funds. The Committee urges the Corps to revise the criteria used for determining which navigation projects are funded in order to develop a reasonable and equitable allocation under this account. The criteria should include the economic impact that these projects provide to local and regional economies, in particular those with national defense or public health and safety importance. Further, the Committee directs the Corps to allocate not less than \$30,000,000 of the additional funds provided to small, remote, or subsistence harbors and waterways.

Not later than 60 days after enactment of this Act, the Corps shall provide to the Committee a work plan: (1) detailing the ratings system developed and used to evaluate projects; (2) delineating how these funds are to be distributed; (3) including a summary of the work to be accomplished with each allocation; and (4) a list and description of each discrepancy between the results of the project evaluations and the allocations made. No funds shall be obligated

for any project under this program which has not been justified in such a report.

Reducing Civil Works Vulnerability.—No funding is included for this new item.

Zebra and Quagga Mussels.—The Committee understands the challenges posed by the invasion of quagga and zebra mussels in various places across the country, and that invasion has not yet occurred in the Pacific Northwest and Lake Tahoe. Given the significant Federal assets in the region, it would seem prudent to determine the vulnerabilities of the infrastructure. The Committee recognizes the assessment work that is underway, but believes more can and should be done to prevent invasion. Portions of the country are already dealing with these invasive species and the lessons learned should be applied to developing a strategy of minimizing the impacts to vulnerable infrastructure in this region. The Committee encourages the Corps of Engineers, in partnership with the Bonneville Power Administration, to continue its efforts to develop invasive mussel vulnerability assessments for federally owned hydropower projects in the Pacific Northwest, including an estimate of the annual cost of protection and maintenance of this infrastructure, if applicable. Further, the Committee urges the Corps, where appropriate and within existing authority, to assist the States, Tribes and local authorities in their efforts to prevent the spread of invasive mussels to Federal projects in the region.

REGULATORY PROGRAM

Appropriation, 2013*	\$193,000,000
Budget estimate, 2014	200,000,000
Recommended, 2014	193,000,000
Comparison:	
Appropriation, 2013	— — —
Budget estimate, 2014	— 7,000,000

*FY13 enacted level does not include the 251A sequester or the Sec. 3004 OMB ATB.

This appropriation provides funds to administer laws pertaining to the regulation of activities affecting U.S. waters, including wetlands, in accordance with the Rivers and Harbors Appropriation Act of 1899, the Clean Water Act, and the Marine Protection, Research, and Sanctuaries Act of 1972. Appropriated funds are used to review and process permit applications, ensure compliance on permitted sites, protect important aquatic resources, and support watershed planning efforts in sensitive environmental areas in cooperation with states and local communities.

The Committee recommends an appropriation of \$193,000,000, the same as fiscal year 2013 and \$7,000,000 below the budget request.

The Committee is aware of at least two recent instances in which local economic development organizations have applied for permits to prepare sites to attract new economic activity, but the Corps has denied or otherwise frustrated those efforts. Although the local organizations have established precedent by providing several examples of where similar applications were approved, the Corps now claims its regulations require the identification of a specified end-user of a proposed development so it can review final design plans and other exact specifications of the proposed development in order to issue a permit. The Committee strongly rejects this new inter-