

October 2020

NEW WATER LAWS

Governor DeSantis signed into law this summer several bills that aim to improve water quality across Florida.

SB172 – Florida Drug and Cosmetic Act:

Preempts the regulation of over-the-counter proprietary drugs or cosmetics to the state. This bill was inspired by a Key West ordinance put from 2019 making it unlawful to sell, offer for sale, or distribute for sale...any SPF sunscreen protection personal care product that contains oxybenzone or octinoxate, or both, without a “medically licensed” prescription. The city commission cited significant harmful impacts from the two chemicals on the marine environment and residing ecosystems around the waters of Key West, including coral reefs that protect the shoreline of Key West and the Florida Keys.

SB180 – Kristin Jacobs Ocean Conservation Act:

Removes the import of domestically sourced shark fins by any shark fin processor that obtains fins from a wholesale dealer who holds a valid federal Atlantic shark dealer permit on January 1, 2021 from the prohibition’s exceptions. The bill also removes the expiration date of the listed exceptions, and adds additional language to allow the Fish and Wildlife Conservation Commission to review and include any other information in its report that is not explicitly required if it believes it is relevant to the management of shark fisheries.

Naples Area Board of REALTORS®

Water Quality Advisory



As the voice of REALTORS® in the Naples area, NABOR® has and will always advocate for action to reduce or eliminate any man-made or environmental threats to home ownership, property values and the living standards in Florida.

STATE INCREASES FINES FOR SEWAGE POLLUTION

Fines for sewage spills – including from public utility systems – increased 50 - 75%. These new fine rates were part of *HB1091 Environmental Accountability*, and became effective July 1, 2020.

“These new fines really put the burden on city and county agencies to be more proactive in the maintenance of our sewage lines,” said NABOR® President Elect Corey McCloskey. McCloskey is also co-chair of NABOR®’s Water Quality Advisory Task Force and is a member of the board of directors at Calusa WaterKeepers.

“For example, after a recent downpour, there were numerous reports of serious leakage in older neighborhoods in South Naples [East Trail area], including notice of a 2,000 gallon leak of highly treated effluent water,” added McCloskey. “After Tropical Storm Sally, there was a 3,000 gallon leak of raw wastewater near Santa Barbara and Rattle Snake Hammock Roads.”

The new bill increases various statutory penalties for violations of environmental laws. For certain violations, it specifies that each day during the violation occurrence constitutes a separate offense. The bill further specifies that each day the cause is not addressed constitutes a separate offense until the violation is resolved by order or judgment. In certain situations, a violation is punishable by a civil penalty of up to \$75,000 per violation per day.

Put in practice, for a drinking water contamination violation, the department shall assess a penalty of \$3,000 (previously \$2,000) for a Maximum Containment Level (MCL) violation; plus \$1,500 (previously \$1,000) if the violation is for a primary inorganic, organic, or radiological

REDUCING CRUISE SHIP PASSENGER LOADS

How a November Referendum Could Help Key West Reduce Water Quality Issues and Disease Spread

After the U.S. Centers for Disease Control and Prevention issued a “no-sail order” for the cruise ship industry in March, Key West residents quickly saw, within a few short months, something amazing for the first time in many years: clear water!

In response, a new citizen-led action committee was formed, **Key West Committee for Safer Cleaner Ships**, with the goal of shrinking the footprint of cruise ship tourism in Key West. After collecting enough signatures, the group was able to get three referendum questions on its November ballot. One prohibits ships that can carry over 1,300 passengers from disembarking, another limits the number of passengers who can disembark in Key West to 1,500 a day, and a third gives priority to ships with good environmental and health records.

On its website, the group provides a list of strong arguments including the fact that “Cruise ships have been plagued by outbreaks of H1N1, Norovirus, high-morbidity influenza, Legionnaire’s Disease, and other highly communicable diseases for decades, and over 85% of cruise ships that entered U.S. waters after March 1st carried COVID-19.”

It also says that large cruise ships navigating “in Key West’s shallow channel stir up silt plumes that drift onto coral and seagrass beds. Excessive silt kills juvenile conch, lobster, stone crab, fish, and coral.”

The group didn’t have to go far for good data, as the City of Key West Naval Properties Local Redevelopment Authority results of a study on the Impacts of the Cruise Industry on the Quality of Life in Key West, stated “cruise ships routinely dump pollutants into the ocean, including bilge water containing oil and grease, raw sewage, food waste, and household garbage.”

The good news is that the cruise ship industry has already started to respond and “Construction orders through 2024 show that 45% of all new ships being built would qualify to call on Key West after the referenda.”



Pacific Princess: Length: 594’. Draft: 19’. Combined passengers and crew: 1053. (In background is Grand Princess: 951’ and 3700 passengers and crew. Source: <https://www.safercleanerships.com/>



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Sewage Pollution Fines continued...

Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus \$1,500 (previously \$1,000) if the violation occurs at a community water system; and plus \$1,500 (previously \$1,000) if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance, the department shall assess a penalty of \$4,500 (previously \$3,000).

The bill also requires a seller of real property to disclose any known defects in the property’s sanitary sewer lateral.

In related news, *SB1720 – The Florida Safe Drinking Water Act*, was shot down by the Appropriations Committee and indefinitely postponed. It would have required DEP to change the way it collects data to how it makes rules for statewide drinking water maximum contaminant levels.

RESOURCES

[Calusa WaterKeeper](#)

[Captains for Clean Water](#)

[Collier County WaterKeeper](#)

[Collier County Watershed Management Plan](#)

[Daily Red Tide Reports](#)

[protectingfloridatogether.gov](#)