

Committee on Environmental Preservation and Conservation

HB 13 — Sovereignty Submerged Lands

by Rep. Frishe and others (SB 88 by Senator Latvala)

The bill authorizes the Board of Trustees of the Internal Improvement Trust Fund (Board) to lease sovereignty submerged lands for certain multi-family residential docks and piers without requiring lease fees. It specifies a maximum 10-year lease term, lease fees for the preempted area over and above the 10 square foot per linear foot of shoreline maximum, exemptions from lease fees on revenue derived from transfer of private property entitled to a homestead exemption and inspections at least once every 10 years to ensure compliance. The bill authorizes the Board to impose additional fees and requirements authorized by law. Finally, the bill provides for a transfer of \$1 million from the General Revenue Fund to the Internal Improvement Trust Fund to defray the fiscal impact of the bill

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 111-0

Committee on Environmental Preservation and Conservation

CS/CS/HB 313 — Premises Liability

by Judiciary Committee; Agriculture and Natural Resources Subcommittee; and Rep. Bembry and others (CS/CS/SB 802 by Budget Subcommittee on General Government Appropriations; Judiciary Committee; and Environmental Preservation and Conservation)

The bill allows private property owners who provide outdoor recreational opportunities on their properties to enter into written agreements with the state, as opposed to formal leases, and still receive the benefit of the limitation of liability.

The bill also provides limitation of liability protection to private property owners who make their properties available to specific persons, as opposed to “the public,” for the purpose of hunting, fishing or wildlife viewing. To limit liability, the landowner must provide notice of the liability limits to the person or persons using the land. The property owner must not derive any profit from patronage of the property for outdoor recreational purposes; however, reimbursement of reasonable costs and expenses may be included in the agreement.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-1; House 116-0

Committee on Environmental Preservation and Conservation

CS/HB 639 — Reclaimed Water

by State Affairs Committee; and Rep. Young and others (CS/SB 1086 by Environmental Preservation and Conservation Committee and Senator Garcia)

The bill addresses the regulation and use of reclaimed water. It defines “reclaimed water” and “reclaimed water distribution system.” It reaffirms that reclaimed water is an alternative water supply and eligible for such funding and authorizes specified contract provisions for the development of reclaimed water as an alternative water supply. It gives reclaimed water utilities more control over reclaimed water and prohibits the water management districts from requiring a permit for reclaimed water. However, the bill authorizes the water management districts to require reclaimed water under certain circumstances. The bill requires the Department of Environmental Protection and each water management district to initiate rulemaking to adopt specified revisions to the water resource implementation rule. It authorizes the Department of Environmental Protection to regulate the use of surface water or groundwater to supplement a reclaimed water system. Finally, the bill specifies limitations of the act.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-0; House 113-1

Committee on Environmental Preservation and Conservation

CS/HB 691 — Beach Management

by Agriculture and Natural Resources Subcommittee; and Rep. Frishe and others (CS/SB 758 by Environmental Preservation and Conservation Committee and Senator Jones)

The bill renames ch. 161, part I and II, F.S., as the “Dennis L. Jones Beach and Shore Preservation Act.” It also implements most of the Beach Management Working Group’s recommendations regarding streamlining and transparency. The bill does not reduce environmental protections for beach construction projects, including nourishment and erosion control projects. The bill clarifies guidelines cannot be enforced as rules and clarifies requirements for DEP to make requests for additional information. Finally, the bill exempts certain minimal exploratory activities from permitting.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-0; House 118-0

Committee on Environmental Preservation and Conservation

CS/SB 924 — Special Observances

by Environmental Preservation and Conservation Committee; and Senators Simmons, Margolis, Rich, Bogdanoff, and Latvala

The bill designates April 7th of each year as “Everglades Day.”

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 117-0

Committee on Environmental Preservation and Conservation

CS/HB 1117 — Conservation of Wildlife

by Agriculture and Natural Resources Subcommittee; and Rep. Harrison (SB 1456 by Senator Diaz de la Portilla)

The bill allows 16 zoos and aquariums that are accredited by the Association of Zoos and Aquariums in Florida to seek authorization from the Board of Trustees of the Internal Improvement Trust Fund and the Water Management Districts to use state lands to conduct enhanced research. The research could include the following areas: husbandry, reproductive biology, endocrinology, nutrition, genetics, behavior, health and ecology of native and non-native species of animals and birds. Projects involving mammalian species that are carnivores or primates are prohibited. The bill specifies that a detailed description of the proposed project include containment facilities and a plan to ensure the timely recovery of animals that have escaped due to natural disasters or other unforeseen events.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-1; House 113-2

Committee on Environmental Preservation and Conservation

CS/CS/HB 1383 — Fish and Wildlife Conservation Commission

by Appropriations Committee; Agriculture and Natural Resources Subcommittee; and Rep. Glorioso (CS/SB 1782 by Environmental Preservation and Conservation Committee; and Senators Latvala and Alexander

Pursuant to Chapter 2011-66, L.O.F., the Environmental Unit Sub-Team of the Law Enforcement Consolidation Task Force was established to conduct a review of the conservation law enforcement activities and assets of the Department of Agriculture and Consumer Services (DACS), the Department of Environmental Protection (DEP), and the Florida Fish and Wildlife Conservation Commission (FWCC), to determine if any duplication of law enforcement functions exist between the agencies. As a result of the work of the Sub-Team, the task force recommended integration of the DEP Division of Law Enforcement (DLE) into the FWCC DLE and integration of the DACS Office of Agricultural Law Enforcement officers assigned to the Conservation and Recreational Lands (CARL) Patrol and the investigator responsible for commercial aquaculture violations into the FWCC DLE. The bill acts on the recommendations of the Environmental Unit Sub-Team.

Department of Environmental Preservation Division of Law Enforcement

The bill provides for a type 2 transfer of the Division of Law Enforcement of DEP, excluding the Bureau of Emergency Response, to the Division of Law Enforcement of FWCC.

Department of Agriculture and Consumer Services Division of Law Enforcement

The bill provides for a type 2 transfer of the Division of Law Enforcement of the Department of Agriculture and Consumer Services sworn positions assigned to the Florida Forest Service and funded by the Conservation and Recreation Lands Program and the investigator responsible for the enforcement of aquaculture violations to the DLE within the FWCC.

Pay/Benefits for Transferred Personnel

The bill provides for the transfer of any accrued annual leave, sick leave, and regular and special compensatory leave balances for personnel who transfer divisions.

Transition Advisory Group

The bill provides for an advisory group made up of representatives of FWCC, DACS, and DEP to help guide the transitions required by the bill.

Powers of the Fish and Wildlife Commission Division of Law Enforcement

The bill provides that the DLE of the FWCC has the power to investigate and arrest for violations of laws and rules of the DEP, the Board of Trustees of the Internal Improvement Trust

Fund, and the DACS, including state parks, coastal and aquatic managed areas, greenways and trails, CARL lands, and aquaculture lands.

The bill creates a section of law detailing the specific powers and duties of the FWCC relating to state parks, aquatic preserves and wild and scenic rivers.

The bill adds the Office of Emergency Response to the list of special offices within the DEP.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 115-0

Committee on Environmental Preservation and Conservation

CS/HB 1389 — Water Storage and Water Quality Improvements

by Agriculture and Natural Resources Subcommittee; and Rep. Perman and others (CS/SB 1858 by Environmental Preservation and Senator Altman)

The bill provides legislative intent to encourage public-private partnerships for water storage and water quality improvements on agricultural lands throughout the state. The bill specifies that any agreement must include a baseline condition to determine the extent of wetlands and other surface waters on a property. In addition, the bill specifies that during and after expiration of any agreement, the extent of the wetlands and other surface waters on the property is the original baseline condition.

The bill also creates the Study Committee on Investor-owned Water and Wastewater Utility Systems Study. The purpose of the committee is to identify issues of concern of investor-owned water and wastewater utility systems. The Committee must prepare and submit a report to the Governor, Legislature and any relevant agencies detailing its findings and making specific recommendations by February 15, 2013. The bill specifies the Committee terminates on June 30, 2013.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 115-0

Committee on Environmental Preservation and Conservation

HB 4039 — Recreation and Parks

by Rep. Porter and others (SB 952 by Senator Oelrich)

The bill repeals duplicative statutes dealing with the authority that cities and counties have to set aside lands and/or buildings for use as playgrounds and recreation centers and to appropriate funds to conduct, equip, and maintain these facilities. Since 1968, cities and counties under their home rule authority have been able to levy such taxes, subject to referendum, within their respective millage cap.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 116-0

Committee on Environmental Preservation and Conservation

HB 4123 — Federal Environmental Permitting

by Rep. Burgin and others (SB 994 by Senator Dean)

The bill repeals s. 373.4144(2), F.S., directing the Department of Environmental Protection (DEP) to file a report with the President of the Senate and the Speaker of the House of Representatives proposing any required federal and state statutory changes that would be necessary to accomplish consolidation of state and federal wetland permitting programs, and to coordinate with the Florida congressional delegation on any necessary changes to federal law. The section also renumbers the subsequent subsection of law and makes minor language changes.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-0; House 113-0

Committee on Environmental Preservation and Conservation

CS/HB 7003 — Environmental Resource Permitting

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Crisafulli and others (CS/SB 1354 by Budget Subcommittee on General Government Appropriations and Senator Detert)

The bill directs the Department of Environmental Protection (DEP) to adopt statewide environmental resource permit (ERP) rules. The Water Management Districts (WMDs) and delegated local governments are directed to implement the rules without rulemaking, except to conform existing rules. The bill specifies the statewide ERP rules are to be based on existing DEP and WMD rules. Differences are allowed that are based on geographic differences in physical or natural characteristics. The bill allows the WMDs, with DEP oversight, to continue to adopt rules governing design and performance standards for stormwater quality and quantity. “Grandfather” clauses are included for ongoing activities that will not be subject to the new rules. The bill requires DEP staff oversight and training to ensure statewide consistency in implementing the ERP rules. The bill requires that local governments seeking delegation to implement the ERP program use statewide ERP rules and gives local governments that have already received delegation, one year from adoption of the rules to conform their ordinances. Lastly, the bill reenacts s. 70.001(12), F.S., for the purposes of a cross-reference.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-0; House 115-0

Committee on Environmental Preservation and Conservation

HB 7015 — OGSR/Donor Information/Publicly Owned House Museums

by Government Operations Subcommittee; and Rep. Moraitis (SB 810 by Environmental Preservation and Conservation Committee)

This bill is the result of the Environmental Preservation and Conservation Committee's Open Government Sunset Review of the public records exemption for information that identifies a donor or prospective donor to publicly owned house museums designated by the U.S. Department of Interior as National Historic Landmarks if the donor desires to remain anonymous. The exemption will expire on October 2, 2012, unless saved from repeal through reenactment by the Legislature. This bill reenacts this public records exemption.

If approved by the Governor, these provisions take effect October 1, 2012.

Vote: Senate 40-0; House 115-0

Committee on Environmental Preservation and Conservation

CS/HB 7025 — Fish and Wildlife Conservation Commission

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Crisafulli and others (CS/CS/CS/SB 804 by Environmental Preservation and Conservation)

The bill makes changes to several fish and wildlife statutes including those involving the Florida Panther license plate, the Florida Wildlife magazine, usage of the Documentary Stamp Tax and vessel registration fees for marine mammal care, license requirements for scuba divers who are taking saltwater products from a licensed charter dive boat, the mentor option of the hunter safety course for hunting in Florida, the fee schedule for blue crab soft shell endorsements, and, lastly, the bill adds two third degree felony offenses to the list of Level 5 offenses on the offense severity ranking chart of the Criminal Punishment Code of Florida.

Florida Panther License Plate

Currently, the Florida Communities Trust Fund receives 15%, but not less than \$300,000, from fees from the Florida panther license plate. The bill removes the Florida Communities Trust Fund as a recipient of money from the Florida Panther license plate.

Marine Resources Conservation Trust Fund

The bill removes outdated references to documentary stamp tax appropriations for marine mammal care and provides for permissive use of vessel registration fees. As of the 2009-2010 fiscal year, marine mammal care is funded by vessel registration fees and documentary stamp taxes no longer fund marine mammal care appropriations. The bill also strikes language providing for carrying forward funds in the Marine Resources Conservation Trust Fund that come from vessel registration fees.

Florida Wildlife Magazine

The bill repeals the Florida Wildlife magazine. Funding for the magazine was reduced permanently in the 2011-2012 General Appropriations Act. The bill makes the required associated statutory changes to end publication of the magazine and repeal the authorization of the Council.

Hunter Safety Course Requirement

Currently, in order to get a hunting license in the State of Florida, which is required for a person 16 years old or older to hunt, a person born after June 1, 1975, has to take a hunter safety course. The course may be deferred for one year and the hunter may receive a hunting license if the person is hunting under the supervision of a licensed hunter. After deferring one year, a hunter who was born after June 1, 1975, has to take a hunter safety course to get another hunting license. The bill removes the one year deferral limit and allows someone who has not taken the

hunter safety course to hunt under the supervision of a licensed hunter who is over the age of 21 for as many seasons as they choose.

Commercial Blue Crab Soft Shell Endorsement Fee

Currently, the soft shell crab endorsement for commercial fishermen harvesting in Florida waters is \$250. The bill reduces the cost of the endorsement to \$125.

Modification of License Requirements for SCUBA Divers who are Fishing

Currently, if a boat takes out a group of SCUBA divers and any of those divers wish to take saltwater products (fish, lobsters, etc.), each individual diver has to have a license to retrieve the particular type of salt water animal the diver wishes to take. The bill allows divers on a properly licensed boat to take saltwater products without getting a fishing license for the particular animal they wish to fish for. If the boat is not properly licensed, then the divers must be properly licensed individually for what they want to take.

Modification of the Lobster Trap Theft Penalty

Currently, there are two statutory provisions that deal with lobster trap theft and molestation which make such thefts and molestations 3rd degree felonies. Because they are not specifically listed on the offense severity ranking chart in the Criminal Punishment Code of Florida, they default to level 1 offenses which make it difficult for judges to impose significant punishments for violations of the laws. Level 1 penalties are limited to \$1000 fines and/or up to 1 year in jail. Level 5 penalties are limited to \$5,000 fines and/or up to 5 years in prison. The bill lists the two offenses as Level 5 offenses on the offense severity ranking chart of the Criminal Punishment Code meaning that a judge may impose a sentence within the full range of sentencing available for a 3rd degree felony.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-0; House 112-0

Committee on Environmental Preservation and Conservation

HB 7051 — Rules Establishing Numeric Nutrient Criteria

by Agriculture and Natural Resources Subcommittee; and Rep. Caldwell and others (SB 2060 by Environmental Preservation and Conservation Committee)

The bill (Chapter 2012-3, L.O.F.) exempts proposed rule amendments to Rules 62-302 and 62-303 of the Florida Administrative Code (F.A.C.) that were proposed for adoption by the Environmental Regulation Commission (ERC) on December 8, 2012, from legislative ratification under s. 120.541(3), F.S. It clarifies that ERC acted within its legislative authority in proposing for adoption Rule 62-302.531(9), F.A.C. Lastly, the bill directs the Department of Environmental Protection to submit the proposed rules to the U.S. Environmental Protection Agency within 30 days of this bill becoming a law.

These provisions were approved by the Governor and took effect February 16, 2012.

Vote: Senate 38-0; House 118-0