

Committee on Environmental Preservation and Conservation

CS/CS/CS/HB 325 — Brownfields

by Economic Affairs Committee; Local and Federal Affairs Committee; and Economic Development and Tourism Subcommittee; and Reps. Stone, Hutson, and others (CS/CS/SB 586 by Judiciary Committee; Environmental Preservation and Conservation Committee; and Senator Altman)

The bill clarifies procedures for brownfield designation under the Brownfield Redevelopment Act. It specifies that a local government does not have to use the term “brownfield area” in the name once one has been designated. The bill provides additional liability protection from damages to property for individuals who successfully complete a brownfield site rehabilitation agreement (BSRA). The liability protection applies to causes of action accruing on or after July 1, 2014. The bill specifies that liability protection does not apply to a person who caused the discharge at a property subject to a BSRA, commits fraud in demonstrating site conditions or in completing site rehabilitation of a property subject to a BSRA, or exacerbates contamination of a property subject to a BSRA in violation of applicable laws.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 37-0; House 115-0

Committee on Environmental Preservation and Conservation

CS/CS/HB 955 — Fish and Wildlife Conservation Commission

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Goodson (CS/SB 1126 by Environmental Preservation and Conservation Committee; and Senator Dean)

The bill amends and repeals various statutes relating to programs under the authority of the Fish and Wildlife Conservation Commission (FWC). The bill:

- Requires boating law violators to complete a mandatory boating safety course in person or online;
- Requires boating violators to take an approved boater safety education course following conviction for a criminal boating violation or a reportable boating accident. The repealed subsection provided an exemption to taking the boater safety education course following a violation if the violator had previously taken an approved boater safety education course;
- Extends the FWC's anchoring and mooring pilot program until July 1, 2017, and requires an updated report by January 1, 2017;
- Expands the allowable uses of local government boating registration fees deposited into the Marine Resources Conservation Trust Fund to include maintaining or operating recreational channel markings and other uniform water way markers, boat piers, docks, and mooring buoys. It also allows for the removal of derelict vessels and debris that specifically impede boat access, but does not include the dredging of channels;
- Repeals the FWC's authorization to charge fees related to hunting on areas subject to cooperative agreements between the FWC and the U.S. Forest Service;
- Repeals licenses and fees for freshwater trawl seine gear and statewide freshwater haul seine gear;
- Repeals haul seine and trawl permits and fees in Lake Okeechobee;
- Repeals a provision permitting trawling for shrimp for personal use in the St. Johns River, north of the Acosta Bridge, in Jacksonville, Florida;
- Specifies that the annual military gold sportsman's license authorizes the same activities as the annual gold sportsman's license;
- Eliminates the Special Recreational Spiny Lobster license; and
- Makes technical and conforming changes.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 40-0; House 111-3

Committee on Environmental Preservation and Conservation

HB 1049 — Divers

by Rep. Raschein and others (CS/SB 1176 by Judiciary Committee and Senator Abruzzo)

The bill gives divers the option to display a divers-down buoy instead of a divers-down flag when diving. The bill specifies design and display requirements for a divers-down buoy but prohibits the use or display of the divers-down buoy onboard a vessel. All other current requirements for vessel operators and divers when a divers-down flag is used will apply when a divers-down buoy is used.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 38-0; House 116-0

Committee on Environmental Preservation and Conservation

CS/CS/HB 1363 — Vessel Safety

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Van Zant (CS/CS/SB 1594 by Criminal Justice Committee; Environmental Preservation and Conservation Committee; and Senators Bradley, Dean, and Latvala)

The bill authorizes the Fish and Wildlife Conservation Commission (FWC), officers of the FWC, and any law enforcement agency or officer specified in s. 327.70, F.S., which includes county sheriffs, their deputies, and municipal police officers, to relocate or remove, or cause to be relocated or removed derelict vessels, vessels that interfere other vessels, and vessels that constitute navigational hazards. The bill limits liability for all damages to relocated vessels unless the damages result from gross negligence or willful misconduct, as defined in the bill. It requires a contractor who performs removal or relocation services to be licensed in accordance with applicable U.S. Coast Guard regulations. The contractor must carry an insurance policy to insure against any accident, loss, injury, property damage, or other causality caused by or resulting from the contractor's actions. The bill also requires such contractors to be equipped to perform the work. Lastly, the bill provides for the recovery of all costs, including those costs owed to a third party, from the owner of the relocated or removed vessel and directs the FWC's Department of Legal Affairs to represent the FWC in actions to recover the costs of relocation or removal from the vessel owner.

If approved by the Governor, these provisions take effect July 1, 2014.
Vote: Senate 40-0; House 116-0

Committee on Environmental Preservation and Conservation

HB 7089 — Ratification of Rules of the Department of Environmental Protection

by Rulemaking Oversight and Repeal Subcommittee; and Rep. Ray (SB 1674 by Environmental Preservation and Conservation Committee)

The bill ratifies Rules 62-772.300 and 62-772.400, Florida Administrative Code, relating to competitive bidding and contractor qualifications for the Petroleum Restoration Program. The bill specifies that upon becoming law, the enactment and the effective dates of the bill are to be noted in the Florida Administrative Code or the Florida Administrative Register, as appropriate. The bill specifies that it serves no other purpose other than to ratify these rules.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 115-1

Committee on Environmental Preservation and Conservation

CS/HB 7093 — Department of Environmental Protection

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Rooney and others (CS/SB 1582 by Appropriations Committee and Senator Dean)

The bill revises the legislative intent for the Petroleum Restoration Program in the Department of Environmental Protection (DEP). It requires competitive procurement for cleanup contracts as provided for in ch. 287, F.S., and amends contractor qualifications. It deletes obsolete provisions related to the reimbursement program and repeals sections of statute related to the Petroleum Preapproval Program. The bill also contains numerous conforming and technical changes related to the DEP's transitioning to the new competitive procurement process.

The bill authorizes the DEP to grant areawide and general permits for coastal construction activities and requires the DEP to adopt rules to establish the criteria and guidelines for these permits. It allows the DEP to receive gifts and donations for the administration, development, improvement, promotion, and maintenance of aquatic preserves, as well as for the future acquisition or development of aquatic preserves. The bill also directs the DEP to promote the public use of aquatic preserves by authorizing privileges or concessions for visitor accommodations.

The bill authorizes the DEP to approve the use of additional safety and warning devices to be used in conjunction with the display of uniform warning and safety flags at public beaches.

The bill provides \$1.5 million in nonrecurring funds from the General Revenue Fund to the DEP to be distributed to the Southwest Florida Water Management District to purchase 41.47 acres of property for construction of a storm water retention pond within the Heritage Lakes Community at the Oaks at Riverside property in Pasco County. The bill specifies that the Southwest Florida Water Management District agreement cannot preclude shared use of the land for open space and passive recreation.

Lastly, the bill prohibits the DEP from granting new concession agreements after May 1, 2014, in a state park that provides beach access and contain less than 7,000 feet of shoreline if the type of concession is available within 1,500 feet of the park's boundaries. The bill does not apply to concession agreements for accommodations offered at a park on or before May 1, 2014.

If approved by the Governor, these provisions take effect July 1, 2014, unless otherwise provided.

Vote: Senate 40-0; House 113-2

Committee on Environmental Preservation and Conservation

HB 7171 — Establishing Minimum Water Flows and Levels for Water Bodies

by State Affairs Committee; and Rep. Brodeur and others (SB 1748 by Environmental Preservation and Conservation Committee)

The bill exempts Rule 62-42.300, Florida Administrative Code, from legislative ratification. The rule establishes minimum flows and levels for the Ichetucknee and Lower Santa Fe Rivers and associated priority springs. The bill specifies that it serves no other purpose than to exempt the rule from ratification, and it may not be codified in the Florida Statutes.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 117-0