

Committee on Environmental Preservation and Conservation

CS/HB 359 — Miami-Dade Lake Belt Area

by Agriculture and Natural Resources Subcommittee and Rep. M. Diaz and others (CS/SB 510
by Environmental Preservation and Conservation Committee and Senator Garcia)

The bill specifies that amendments to local zoning and subdivision regulations must be compatible with limestone mining activities. It prohibits amending zoning and subdivision regulations that increase residential density in the vicinity of mining activities. The bill allows the proceeds from mitigation funds to be used for monitoring, incrementally reduces the mitigation fee, and directs proceeds from the mitigation fee to be used for additional mitigation projects instead of solely for seepage mitigation projects. The bill decreases the water treatment plant upgrade fee to six cents per ton and specifies the water treatment plant upgrade fee expires on July 1, 2018.

The bill transfers two cents per ton of the water treatment plant upgrade fee to the State Fire Marshal to be used for the ground vibration study under s. 552.30, F.S., until December 1, 2016. The transferred funds may not exceed \$300,000. Any funds that remain are directed to Miami-Dade County for mitigation and water quality monitoring.

The bill provides legislative findings regarding the water sampling around the Lake Belt and requires Miami-Dade County to submit reports to the Legislature that include an accounting of the water treatment plant upgrade fee and an analysis of the Northwest Wellfield water quality data.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 37-1; House 82-30

Committee on Environmental Preservation and Conservation

CS/CS/CS/HB 383 — Private Property Rights

by Judiciary Committee; Local Government Affairs Subcommittee; Civil Justice Subcommittee; and Reps. Edwards, Perry, and others (CS/CS/SB 284 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Diaz de la Portilla)

This bill authorizes a property owner to recover damages against a governmental entity that imposes a prohibited exaction as a final condition of approval for a requested use of real property. Under the bill, an exaction is prohibited if it does not have an essential nexus to a legitimate public purpose or if the exaction is not roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate. In effect, the bill provides remedies for violations of the unconstitutional conditions doctrine, as described by the U.S. Supreme Court in *Koontz v. St. Johns River Water Management District*, 133 S.Ct. 2586 (2013).

Under the procedures provided in the bill, a property owner must provide advance notice of the intent to file a lawsuit seeking damages for a prohibited exaction along with an estimate of the owner's damages. The governmental entity must then explain why the exaction is proportionate or offer to remove or reduce the exaction.

At trial, the governmental entity has the burden of proving that the exaction has a nexus to a legitimate public purpose and is proportionate. The property owner has the burden of proving the damages that result from a prohibited exaction. A court may award attorney fees and costs to the governmental entity. However, the court must award attorney fees and costs to the property owner if the exaction has no nexus to a legitimate public purpose.

Among other related changes, the bill:

- Clarifies the terms “property owner” and “real property” for purposes of private property rights protection and provides definitions for the terms “damages,” “governmental entity,” “prohibited exaction,” “property owner,” and “real property” for new provisions related to governmental exactions;
- Applies protection from contrary statutes and local regulations under the Private Property Rights Protection Act, which authorizes compensation to persons whose property is inordinately burdened by government conduct, to settlement agreements reached between property owners and governmental entities regardless of when the settlement agreement is entered into if the agreement fully resolves all claims;
- Provides that the Private Property Rights Protection Act does not apply to actions taken by a county regarding the adoption of a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program, unless the map incorrectly applies an aspect of the map to the property in such a way, but not limited to, incorrectly assessing the elevation of the property;
- Waives sovereign immunity for causes of action brought under new provisions created for governmental exactions created by the bill; and

- Clarifies that provisions related to governmental exactions, may not be construed in pari materia with provisions of the Private Property Rights Protection Act or the Florida Land Use and Environmental Dispute Resolution Act.

If approved by the Governor, these provisions take effect October 1, 2015.

Vote: Senate 36-1; House 113-1

Committee on Environmental Preservation and Conservation

CS/HB 787 — Recycled and Recovered Materials

by Agriculture and Natural Resources Subcommittee and Rep. Peters (CS/SB 912 by Environmental Preservation and Conservation Committee and Senator Bean)

The bill provides relief from liability for a person that sells, transfers, or arranges for the transfer of recycled and recovered materials to a facility owned or operated by another person for the purpose of reclamation, recycling, manufacturing, or reuse of the materials. The bill defines "recycled and recovered materials" and provides the applicable dates for a cause of action.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 40-0; House 113-4

Committee on Environmental Preservation and Conservation

CS/HB 7021 — Fish and Wildlife Conservation Commission

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Reps. Sullivan, Trumbull, and others (CS/CS/SB 680 by Appropriations Committee; 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:

- Removes specific labeling requirements for personal floatation devices and allows the use of personal floatation devices labeled in accordance with the U.S. Coast Guard approval label;
- Authorizes the FWC to reimburse and compensate a citizen support organization for providing fiscal and administrative services to the commission;
- Revises the effective dates for tarpon tags from July 1 through June 30 to the calendar year;
- Removes a requirement for tax collectors to submit forms relating to the number of unissued Convention on the International Trade of Endangered Species (CITES) tags every year;
- Removes reporting requirements for tarpon landings;
- Corrects the scientific name for tarpon from *megalops atlantica* to the correct name, *Megalops atlanticus*;
- Removes statutory qualifying requirements to receive a Restricted Species Endorsement on a Saltwater Products License;
- Removes rulemaking authority to implement an alligator management and trapping program;
- Ensures all uncured alligator hides are identified as originally intended;
- Removes reporting and shipping details for dealers and buyers of alligator hides;
- Clarifies that a person may not take or possess an alligator or alligator eggs without an alligator license, rather than a “trapping license”;
- Renames the “Alligator Management and Trapping Program” to the “Alligator Management Program”;
- Removes statutory rulemaking authority to limit the number of participants engaged in the taking of alligators or their eggs from the wild;
- Provides exemptions to fee requirements related to hunting alligators;
- Removes statutory requirements to transfer funds from the alligator management program to the General Inspection Trust Fund to be administered by the Department of Agriculture and Consumer Services and makes such transfers contingent upon an annual appropriation for alligator marketing and education activities;
- Removes rulemaking authority to establish appropriate qualifications for permitting alligator collectors;
- Removes a requirement to use certain funds for alligator husbandry research;
- Removes a requirement to attach CITES tags to the hide of any alligator taken from the wild;

- Removes a requirement to limit the number of CITES tags to the estimated safe yield of alligators in the state;
- Removes definitions of “alligator,” “process or processing,” and “alligator hatchling”;
- Removes a provision relating to alligator study requirements;
- Removes provisions relating to penalties for unlawfully selling certain alligator products;
- Removes a provision relating to penalties for using the words “alligator” and “gator” in certain situations; and
- Changes penalties for feeding wildlife and freshwater fish.

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

HB 7081 — Ratification of Rules/Minimum Flows and Levels for the Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs

by Rulemaking Oversight and Repeal Subcommittee and Reps. Beshears and Porter (SB 7062 by Environmental Preservation and Conservation Committee)

The bill ratifies Rule 62-42.300, F.A.C., establishing minimum flows and levels for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs. It requires the DEP to publish a notice of enactment in the Florida Administrative Register or the Florida Administrative Code, or both, as appropriate.

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

Vote: Senate 40-0; House 114-0

Committee on Environmental Preservation and Conservation

HB 7083 — Ratification of Rules/Construction and Demolition Debris Disposal and Recycling

by Rulemaking Oversight and Repeal Subcommittee and Rep. Beshears (SB 7060 by Environmental Preservation and Conservation Committee)

The bill ratifies Rule 62-701.730, F.A.C., relating to construction and demolition debris disposal facilities regulated by the Department of Environmental Protection, Division of Waste Management.

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

Vote: Senate 40-0; House 112-2