

Committee on Environmental Preservation and Conservation

HB 53 — Coral Reefs

by Rep. Jacobs and others (SB 232 by Senators Book and Farmer)

The bill (Chapter 2018-30) creates the Southeast Florida Coral Reef Ecosystem Conservation Area, which consists of the sovereignty submerged lands and state waters offshore of the following counties:

- Broward;
- Martin;
- Miami-Dade; and
- Palm Beach.

The area stretches from the St. Lucie Inlet in Martin County to the northern boundary of the Biscayne National Park in Miami-Dade County.

These provisions were approved by the Governor and take effect July 1, 2018.

Vote: Senate 35-0; House 107-0

Committee on Environmental Preservation and Conservation

SB 168 — Nonnative Animals

by Senator Steube

The bill requires the Fish and Wildlife Conservation Commission (FWC) to establish a pilot program to mitigate the impact of priority invasive species on public lands or waters of the state. The bill defines the term “priority invasive species” to include:

- Lizards of the genus *Tupinambis*, also known as tegu lizards;
- Species identified in s. 379.372(2)(a), F.S., relating to conditional or prohibited reptiles;
- *Pterois volitans*, also known as red lionfish; and
- *Pterois miles*, also known as the common lionfish or devil firefish.

The FWC is required to submit a report of findings and recommendations regarding its implementation of the pilot program to the Governor and the Legislature by January 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2018

Vote: Senate 37-0; House 117-0

Committee on Environmental Preservation and Conservation

SR 550 — Gulf of Mexico Range Complex

by Senators Broxson, Rouson, Farmer, Taddeo, Steube, Gainer, Montford, Powell, Negron, Baxley, Benacquisto, Book, Bracy, Bradley, Brandes, Campbell, Flores, Galvano, Gibson, Grimsley, Hukill, Lee, Mayfield, Passidomo, Perry, Rader, Rodriguez, Simmons, Simpson, Stewart, and Torres

SR 550 pronounces that:

- The State of Florida must maintain a unified front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line;
- Drilling east of the Military Mission Line would mean loss of range areas and possible relocation of aircraft and bases to other unrestricted range areas; and
- The Florida Senate supports an indefinite extension of the restriction, specified in the Gulf of Mexico Security Act (GOMESA), on oil and gas leasing in all areas east of the Military Mission Line established at 86°41' west longitude and an indefinite extension of the GOMESA's ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area.

Vote: Senate 24-0; House 0-0

Committee on Environmental Preservation and Conservation

CS/HB 703 — Water Management District Surplus Lands

by Government Accountability Committee and Rep. Burgess (CS/SB 806 by Rules Committee and Senator Baxley)

The bill revises the procedures a water management district (WMD) must follow when selling surplus lands. Specifically, the bill:

- Provides that the first publication of the notice of intention to sell must occur at least 30 days, but not more than 360 days, before any sale is approved by a WMD.
- Requires a WMD to publish the notice of intention to sell on its website.
- Authorizes, rather than requires, a WMD to first offer surplus lands valued at \$25,000 or less to adjacent property owners.
- Authorizes a WMD to sell surplus land valued at \$25,000 or less at any time to the general public for the highest price obtainable, if the parcel is not sold to an adjacent property owner.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 35-1; House 114-0

Committee on Environmental Preservation and Conservation

CS/CS/CS/HB 705 — Public Records/Water Management District Surplus Lands

by Government Accountability Committee; Oversight, Transparency, and Administration Subcommittee; Natural Resources and Public Lands Subcommittee; and Rep. Burgess (CS/SB 808 by Environmental Preservation and Conservation Committee and Senator Baxley)

The bill creates a public records exemption for certain records related to the sale of surplus lands by a water management district (WMD). Specifically, the bill provides that the following information is confidential and exempt from the disclosure requirements:

- A written valuation of land determined to be surplus by the governing board of a water management district (WMD);
- Related documents used to form, or which pertain to the valuation; and
- Written offers to purchase such surplus lands.

The bill provides that the exemption expires two weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered for approval by the WMD. Additionally, the bill authorizes a WMD to disclose the records before the exemption expires to potential purchasers to facilitate or expedite closure of the land sale:

- During the negotiations for the sale or exchange of the land;
- During the marketing effort or bidding process associated with the sale, disposal, or exchange of the land;
- When the passage of time has made the conclusions of value invalid; or
- When negotiations or marketing efforts concerning the land are concluded.

In accordance with the Open Government Sunset Review Act, the exemption automatically repeals on October 2, 2023, unless the Legislature reviews and saves the exemption from repeal before that date.

The bill provides a statement of public necessity as required by the Florida Constitution.

If approved by the Governor, these provisions take effect on the same date that HB 703 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Vote: Senate 37-1; House 114-0

Committee on Environmental Preservation and Conservation

CS/SB 1132 — Vessel Safety Inspection Decal

by Appropriations Committee and Senator Hutson

The bill (Chapter 2018-27) authorizes the Fish and Wildlife Conservation Commission (FWC) to designate by rule the timeframe for the expiration of, and the specific design for, the vessel safety inspection decal. The bill specifies that a decal may not be valid for less than 1 calendar year or more than 5 years, and, at a minimum, must meet the display standards specified in s. 327.70(2)(a), F.S.

The bill provides that all decals issued by the FWC on or before December 31, 2018, are no longer valid after that date.

These provisions were approved by the Governor and take effect January 1, 2019.

Vote: Senate 38-0; House 115-2

Committee on Environmental Preservation and Conservation

CS/CS/HB 1149 — Environmental Regulation

by Government Accountability Committee; Natural Resources and Public Lands Subcommittee; and Rep. Payne and others (CS/CS/CS/SB 1308 by Appropriations Committee; Community Affairs Committee; Environmental Preservation and Conservation Committee; and Senator Perry)

CS/CS/HB 1149 provides that when a water management district (WMD) evaluates a consumptive use permit (CUP), impact offsets may be created if the applicant proposes to use reclaimed water for one or more of several water supply development purposes. The bill requires the Department of Environmental Protection (DEP) to develop criteria for the application of an impact offset or a substitution credit to a CUP or to a recovery or prevention strategy and requires the DEP and the WMDs to enter into a memorandum of agreement providing for a coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a CUP.

The bill requires a governing board or DEP to reissue the construction phase of an expired individual permit under Part IV of ch. 373 when certain conditions are met.

The bill provides criteria by which counties and municipalities must address the contamination of recyclable material in contracts for the collection, transportation, and processing of residential recyclable material, including that residential recycling collectors and materials recovery facilities may not be required to collect, transport, or process contaminated recyclable material. The criteria apply to contracts between a municipality or county and a residential recycling collector or materials recovery facility executed or renewed after July 1, 2018.

The bill revises the exemption from the requirement to obtain an environmental resource permit (ERP) for the replacement or repair of an existing dock or pier and prevents a local government from requiring that an individual claiming an exemption from an ERP provide further verification from the DEP for all of the activities and projects exempted from the ERP requirements.

The bill provides that the prohibition against a governmental entity creating or providing mitigation for a project does not apply to mitigation areas created by a local government which were awarded certain mitigation credits under a permit issued before December 31, 2011, when credits are not available at a permitted mitigation bank.

The bill makes minor changes to operational requirements of the C-51 reservoir project and authorizes the South Florida Water Management District to:

- Enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility; and
- Request DEP to waive repayment of all or a portion of the loan issued through the water storage facility revolving loan fund.

The bill creates within DEP the blue star collection system assessment and maintenance program for domestic sewer systems. Certification under the program requires a utility to demonstrate:

- A rate of reinvestment in its collection system and pump station maintenance program;
- Periodic structural condition assessments, and as-needed maintenance and replacements;
- A program designed to limit fats, roots, oils, and grease in its collection system;
- For public utilities, a local requirement that the private pump stations and lateral lines connecting to the public system be free of defects and direct stormwater connections; and
- A power outage contingency plan.

Public and private utilities certified under the program could receive the following incentives:

- Publication on the DEP's website;
- Participation in the Clean Water State Revolving Loan Fund Program;
- Reduced penalties for a sanitary sewer overflow;
- Ten-year operating permits; and
- A presumption of compliance with state water quality standards for pathogens.

The bill expands the Small Community Sewer Construction Assistance Grant Program to include private utilities and expands the uses of the grants.

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

Vote: Senate 27-10; House 86-21

Committee on Environmental Preservation and Conservation

CS/CS/HB 1173 — Lands Used for Governmental Purposes

by Government Accountability Committee; Local, Federal, and Veterans Affairs Subcommittee; and Rep. Raschein and others (CS/CS/SB 1622 by Military and Veterans Affairs, Space, and Domestic Security Committee; Environmental Preservation and Conservation Committee; and Senator Flores)

The bill revises the process by which the Department of Economic Opportunity (DEO) and the Division of State Lands (DSL) acquire nonconservation lands for the purpose of military base buffering.

The bill revises the procedures by which the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) may direct the Department of Environmental Protection (DEP) to acquire lands on an immediate basis by:

- Adding lands that will prevent or satisfy private property rights claims resulting from the limitations imposed by the designation of an area of critical state concern to the list of qualified lands; and
- Authorizing the use of reasonably prudent procedures to estimate the value of such lands, if the parcel of land is estimated to be worth \$500,000 or less and the director of the DSL finds that the cost of an outside appraisal is not justified.

The bill requires the DEP to make recommendations to the Board of Trustees with respect to the purchase of lands that are used to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern if the parcel is within an area of critical state concern and is on one of the approved acquisition lists established pursuant to ch. 259, F.S., relating to conservation and recreation lands.

The bill authorizes a land authority to contribute tourist impact tax revenues to the county in which it is located for affordable housing and authorizes a land authority to pay certain costs related to affordable housing projects.

The bill adds a goal to the Florida Forever program relating to the mitigating the effects of natural disasters and flood developed areas and provides the criteria by which the goal is to be measured. The bill provides that the purpose of urban greenways and open space projects, within the Florida Communities Trust program, is to provide recreational opportunities, promote community interaction, and connect communities. And that such projects may also serve dual functions as flow ways or temporary water storage areas to mitigate natural disasters and floods in developed areas.

The bill provides legislative intent relating to the designation of the Apalachicola Bay Area as an area of critical state concern to include provision of affordable housing in close proximity to places of employment and to protect and improve the water quality, including construction and operation of wastewater management facilities.

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

Vote: Senate 37-0; House 113-0

Committee on Environmental Preservation and Conservation

CS/CS/HB 1211 — Airboat Regulation

by Commerce Committee; Careers and Competition Subcommittee; and Rep. Abruzzo and others (CS/CS/SB 1612 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Rader and Book)

The bill creates “Ellie’s Law” to prohibit, beginning July 1, 2019, a person from operating an airboat to carry passengers for hire on waters of the state unless he or she has all of the following onboard the airboat:

- A photographic identification card.
- Proof of completion of a boating safety education course, regardless of the established exemptions, except as otherwise provided.
- Proof of successful completion of a commission?approved airboat operator course that meets the minimum standards established by the Fish and Wildlife Conservation Commission (FWC) rule.
- Proof of successful course completion in cardiopulmonary resuscitation and first aid.

A person issued a captain’s license by the United States Coast Guard is not required to complete the boating safety education course. However, proof of such captain’s license is required to be onboard the airboat when carrying passengers for hire on waters of the state.

The bill provides that a person who violates these airboat operating provisions commits a second degree misdemeanor, punishable by up to 60 days imprisonment or a \$500 fine.

The bill requires the FWC to adopt rules to implement the airboat operating requirements no later than October 1, 2018.

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

Vote: Senate 34-1; House 114-0

Committee on Environmental Preservation and Conservation

HB 7033 — Trust Funds/Re-creation/Land Acquisition Trust Fund/DOS

by Transportation and Tourism Appropriations Subcommittee and Rep. Ingram (SB 1130 by Senator Powell)

The bill recreates, without modification, the Land Acquisition Trust Fund within the Department of State and repeals the scheduled termination of the trust fund.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 36-0; House 114-0

Committee on Environmental Preservation and Conservation

HB 7035 — Ratification of St. Johns River Water Management District Rules
by Natural Resources and Public Lands Subcommittee and Rep. McClain (SB 670 by Senators Baxley, Bradley, and Perry)

The bill (Chapter 2018-41) ratifies Florida Administrative Code Rule 40C-2.101, which adds regulatory measures for Silver Springs to the Consumptive Use Permit Applicant's Handbook. These measures are a component of the Silver Springs prevention strategy to ensure that flows and levels within Silver Springs do not fall below the recently adopted minimum flows and levels during the next 20 years.

These provisions were approved by the Governor and take effect upon becoming law.

Vote: Senate 36-0; House 113-0

Committee on Environmental Preservation and Conservation

HB 7043 — State Assumption of Federal Section 404 Dredge and Fill Permitting Authority

by Natural Resources and Public Lands Subcommittee; and Rep. Raschein and others (SB 1402 by Senators Simmons, Galvano, and Grimsley)

HB 7043 provides the Department of Environmental Protection (DEP) with the power and authority to assume the dredge and fill permitting program established in section 404 of the federal Clean Water Act with the intent that the DEP assume and implement the program in conjunction with the state's environmental resource permitting program established in ch. 373, F.S. Specifically, the bill:

- Authorizes the DEP to adopt by rule any federal requirements, criteria, or regulations necessary to obtain assumption of the program and provides that any such rules adopted may not become effective or otherwise enforceable until the U.S. Environmental Protection Agency has approved the state's assumption application;
- Provides that state laws which conflict with the federal requirements necessary to obtain assumption of the section 404 permitting program do not apply to state-administered section 404 permits;
- Provides that a state-administered section 404 permit is not required for activities exempted from regulation in certain federal law and rule provisions and that certain state statutory exemptions from permitting requirements do not apply to state-administered section 404 permits;
- Provides that the DEP must grant or deny an application for a state-administered section 404 permit within the time allowed for permit review under federal rules and that the DEP is specifically exempted from the time limitations provided in state statute for its decisions on applications for state-administered section 404 permits;
- Requires that all state-administered section 404 permits be issued for a period of no more than five years and makes other provisions for the reissuance of permits, including the adoption by rule of an expedited permitting process, and the timeframes within which the DEP must make permitting decisions; and
- Authorizes the DEP to delegate administration of the section 404 permitting program if such delegation is in accordance with federal law.

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

Vote: Senate 35-1; House 112-2