Senate Committee on Natural Resources

ENVIRONMENTAL PROTECTION

CS/SB 244 — Drycleaning Solvent Cleanup

by Natural Resources Committee

This bill addresses some of the concerns expressed regarding the dry-cleaning solvent contaminated site cleanup program. The bill provides for late fees for registration renewals, and provides intent regarding voluntary cleanup of dry-cleaning solvent contaminated sites.

A drycleaning facility or wholesale supply facility may be ineligible for the program if it was operated in a grossly negligent manner. In determining whether the owner or operator of the drycleaning facility or wholesale supply facility has operated in a grossly negligent manner, the facility owner or operator must have:

- Willfully discharged drycleaning solvents on the soils or into the waters of the state after November 19, 1980, with the knowledge, intent, and purpose that the discharge would result in harm to the environment, public health, or result in a violation of the law;

- Willfully concealed a discharge with the knowledge, intent, and purpose that the concealment would result in harm to the environment, public health, or result in a violation of the law; or

- Willfully violated a local, state, or federal law or rule concerning the operation of a drycleaning facility or a wholesale supply facility with knowledge, intent, and purpose that the act would result in harm to the environment, public health, or result in a violation of the law.

The provisions regarding the payment of deductibles are clarified. The bill also moves the deadline for applying for eligibility in the program from December 31, 2005 to December 31, 1998. The bill clarifies that the owner, operator, and *either* the real property owner or agent of the real property owner may apply jointly for the Drycleaning Contamination Cleanup Program.

A person whose property becomes contaminated due to geophysical or hydrologic reasons from the operation of a nearby drycleaning or wholesale supply facility and whose property has never been occupied by a business that utilized or stored drycleaning solvents or similar constituents is

afforded immunity from certain administrative and judicial actions under certain specified conditions.

The DEP must adopt, by rule, the rehabilitation program tasks that comprise a site rehabilitation program, and the level at which a rehabilitation program task and a site rehabilitation program may be deemed completed. In establishing the rule, the DEP shall incorporate, to the maximum extent feasible, risk-based corrective-action principles to achieve protection of human health and safety and the environment in a cost-effective manner. The rule shall also include protocols for the use of natural attenuation and the issuance of "no further action" letters. The cleanup criteria to be adopted by rule is specified.

The third-party liability insurance provisions for drycleaning facilities are clarified.

Persons who conduct voluntary cleanup are afforded immunity from liability to compel cleanup under certain conditions. This immunity shall continue to apply to any real property owner who transfers, conveys, leases, or sells property on which a drycleaning facility is located so long as the voluntary cleanup activities continue.

Upon completion of site rehabilitation, additional site rehabilitation is not required unless it can be demonstrated that:

1. Fraud was committed regarding completion of site rehabilitation;

2. New information confirms the existence of areas of previously unknown contamination which exceeds the site-specific rehabilitation levels, or which otherwise pose the threat of real and substantial harm to public health, safety, or the environment;

3. The remediation efforts failed to achieve the site rehabilitation criteria;

4. The level of risk is increased beyond the acceptable risk due to substantial changes in exposure conditions, such as a change in land use from nonresidential to residential use; or

5. A new discharge occurs at the drycleaning site subsequent to a determination of eligibility for participation in the drycleaning program.

In an effort to secure federal liability protection for persons willing to undertake remediation responsibility at a drycleaning site, the DEP shall attempt to negotiate a memorandum of agreement or similar document with the U.S. Environmental Protection Agency (EPA), whereby the EPA agrees to forego enforcement of federal corrective action authority at drycleaning sites

that have received a site determination from the DEP or that are in the process of implementing a voluntary cleanup agreement.

Dry drop-off facilities are subject to the 2-percent gross receipts tax on drycleaning. The owner or operator of a dry drop-off facility is required to register with the Department of Revenue and pay a registration fee of $30.

Gross receipts arising from charges for services taxable pursuant to this section to persons who also impose charges to others for those same services are exempt from the gross receipts tax.

Provides that the $5 per-gallon tax on perchloroethylene is not subject to the sales and use tax levied pursuant to ch. 212, F.S.

The Department of Revenue is authorized to provide information relative to ss. 376.70 and 376.75, F.S., to the DEP in the conduct of its official business and to the facility owner, facility operator, and real property owners.

This bill also provides for tax credits for rehabilitating sites contaminated by drycleaning solvents or brownfield sites. Credits can be taken against the intangible personal property tax or corporate income tax. Credits are capped at $250,000 per site per year, and total credits authorized in a single year are capped at $2,000,000. The tax credits available pursuant to this bill may be transferred after a merger or acquisition to the surviving or acquiring entity and used in the same manner with the same limitations.

The DEP must approve applications from owners or operators for cleanup of eligible drycleaning or brownfield sites, or real-property owners who voluntarily undertake cleanup of ineligible drycleaning solvent contaminated sites, and receipt of any tax credit is contingent upon this approval.

In order to encourage completion of site rehabilitation at contaminated sites being voluntarily cleaned up and eligible for a tax credit, the taxpayer may claim an additional 10 percent of the total cleanup costs, not to exceed $50,000, in the final year of cleanup as evidenced by the DEP issuing a “No Further Action” order for that site.

The sum of $4 million appropriated from the General Revenue Fund Specific Appropriation 1727 for Brownfield Redevelopment in the Conference Report on HB 4201 is reduced by $1 million and the $1 million is to cover the cost of the tax credit provisions authorized in this bill.

If approved by the Governor, these provisions take effect July 1, 1998.
Vote: Senate 40-0; House 96-0

CS/SB 812 — Clean Air

by Natural Resources Committee and Senators Dyer, Latvala, Williams, Brown-Waite, Diaz-Balart and Forman

This bill establishes an Accidental Release Prevention and Risk Management Planning Program that will enable Florida to seek delegation from the EPA for the administration of this program which is established in Section 112(r) of the federal Clean Air Act. Chapter 252, part IV, F.S., is created to establish adequate state authorities to implement, fund, and enforce the requirements of the Accidental Release Prevention Program of Section 112(r) of the federal Clean Air Act and federal implementing regulations for specified sources. The legislative intent is to seek delegation of the 112(r) program from the EPA for specified sources and for duplication and redundancy to be avoided to the maximum extent practicable with no expansion or addition of the regulatory program.

Specifically excluded from this delegation is any stationary source whose only regulated substance subject to Section 112(4)(7) is liquefied petroleum gas.

The Department of Community Affairs (DCA) is empowered to seek delegation of the program from the EPA. The DCA is also authorized to adopt rules, make and execute certain contracts, coordinate its activities with its other emergency management responsibilities, establish a technical assistance and outreach program to assist owners and operators of specified stationary sources subject to Section 112(r) in complying with the reporting and fee requirements of this part, and make a quarterly report to the State Emergency Response Commission on income and expenses for the state's Accidental Release Prevention Program under this part.

Provides for an annual registration fee for any owners or operators of specified stationary sources which must submit a Risk Management Plan to the EPA. The program is intended to be self-sustaining.

The DCA is granted certain enforcement authority and civil remedies. Provides for penalties for certain prohibited acts. Authorizes the DCA to inspect and audit the records of regulated entities.

In the interim prior to the 2000 Regular Session, the appropriate substantive committees of the Senate and the House of Representatives shall conduct a review of the Florida Accidental Release Prevention and Risk Management Planning Act. The DCA, the State Emergency Response Commission, local emergency planning committees, the Department of Environmental Protection,

the Department of Labor and Employment Security, county emergency management agencies, and all other agencies or private entities providing regulatory, inspection, or technical assistance shall provide information as needed. The committees are to address what, if any, statutory provisions should be modified in order to improve the program. Legislation should be promulgated to effectuate the committees' recommendations.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 119-0

SB 1058 — Ash Residue/Recycling and Reuse

by Senator Lee

This bill amends s. 403.7045(5), F.S., to delete an obsolete provision, clarifies the Department of Environmental Protection's authority relating to ash residue, and authorizes the department to allow recycling or reuse by an applicant who demonstrates that no significant threat to public health will result and that applicable department standards and criteria will not be violated. The department's Division of Waste Management will direct the district offices and bureaus on matters relating to the interpretation and applicability of this subsection. The department is authorized to adopt rules necessary for administering this subsection, but the department is not required to amend its existing rules.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 118-0

CS/SB 1176 — Phosphogypsum Management

by Natural Resources Committee and Senator Lee

This bill directs the Department of Environmental Protection (DEP) to adopt rules by July 1, 1999, to ensure that impoundment structures and water conveyance piping systems used in the phosphogypsum industry are designed and maintained to meet critical safety standards. The bill provides for the content of the rules, which must require that impoundment structures and related equipment be constructed using sound engineering practices and operated safely. The rules must require that a phosphogypsum stack system owner maintain a log detailing the owner's operating inspection schedule, results, and any corrective action taken based on the inspection results and must also require phosphogypsum stack owners to maintain an emergency contingency plan and demonstrate the ability to mobilize equipment and manpower to respond to emergency situations at phosphogypsum stack systems. A reasonable time period must be established, not exceeding 12 months, to implement the rules.

This bill also permits the DEP to participate in joint enforcement with Hillsborough County and deposit moneys received from enforcement actions into the county's pollution recovery fund.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 118-0

CS/SB 1202 — Brownfields Redevelopment

by Natural Resources Committee and Senator Latvala

This bill addresses several glitches that have been identified since the passage of the 1997 Brownfields Redevelopment Act in addition to other changes intended to enhance the usage and success of the program.

- Adds "closed military bases" to the list of areas like enterprise zones where, if a brownfield is proposed for designation within such areas, special public hearings are not required.

- Provides that certain petroleum and drycleaning contaminated sites cannot receive funding assistance for the discharge under ch. 376, F.S., and any assistance available under the bonus refund program in s. 288.107, F.S.

- Requires the Director of the Governor's Office of Tourism, Trade, and Economic Development to approve requests to waive the wage level requirements for target industries in brownfield areas unless it can be demonstrated that such action is not in the public interest.

- Provides legislative findings regarding the reuse and redevelopment of brownfield areas.

- Creates a Brownfield Areas Loan Guarantee Program.

- Creates the Brownfield Areas Loan Guarantee Council to review, approve, or deny certain partnership agreements with local governments, financial institutions, and others associated with the redevelopment of brownfields for limited guarantees of loans or loss reserves. Provides council membership and duties. The council may enter into an investment agreement with the Department of Environmental Protection and the State Board of Administration concerning the investment of the earnings accrued and collected upon the investment of the balance of funds maintained in the Nonmandatory land Reclamation Trust Fund. Limitations on the investment include not more than $5 million of the investment earnings earned on the investment of the minimum balance of the Nonmandatory Land Reclamation Trust Fund may be at risk at any time on loan guarantees or as loan loss reserves. Of the $5 million, 15 percent shall be reserved for investment agreements involving predominantly minority-owned

businesses. The investment earnings may not be used to guarantee any loan guaranty or loan loss reserve agreement for a period longer than 5 years.

- A lender seeking a limited state guaranty for a loan from the Brownfield Areas Loan Guaranty Council must first provide to the council a report demonstrating that the lender has reviewed the project for redevelopment of the brownfield area and determined its feasibility in accordance with its standard procedures. A lender may not file a claim for loss pursuant to the guaranty unless all reasonable and normal remedies available and customary for lending institutions for resolving problems of loan repayments are exhausted.

- Provides for an annual report to the Legislature. The provisions relating the Brownfield Areas Loan Guaranty Program shall be reviewed by the Legislature by October 1, 2003.

- Authorizes the Florida Development Finance Corporation to engage in activities benefiting brownfield areas.

- Requires the Board of Regents to establish a Center for Brownfield Rehabilitation Assistance in the Environmental Sciences and Policy Program in the College of Arts and Sciences at the University of South Florida.

- Provides an exemption for brownfield redevelopment amendments to the local comprehensive plans from the twice-a-year limitation on amendments to the comprehensive plan.

- Provides legislative intent regarding a Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund to assist in clearance of property title problems on brownfield sites resulting from contractor liens or tax certificates.

- Provides that certain municipalities and counties may apply to the Governor's Office of Tourism, Trade, and Economic Development for designation of a brownfield area as an Enterprise Zone.

The bill also contains the provisions of SB 146 which repealed the provision in ch. 86-159, L.O.F., which provided for the repeal of s. 376.313(4), F.S. Section 376.313(4), F.S., provides immunity from civil damages to owners or operators of petroleum storage systems who are in compliance with ch. 17-61, Florida Administrative Code, at the time of a discharge.

If approved by the Governor, these provisions take effect July 1, 1998.
Vote: Senate 38-0; House 113-1

CS/SB 1204 — Brownfield Property Ownership Trust Fund

by Natural Resources Committee and Senator Latvala

This bill creates the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund to be administered by the Governor's Office of Tourism, Trade, and Economic Development. The purpose of the trust fund is to provide low-interest loans for the purchase of outstanding, unresolved contractor liens, tax certificates, or other liens or claims on brownfield sites designated by a local government under s. 376.80, F.S. The loans may be used for a negotiated settlement of legally recognized liens or claims at a value less than their face value taking into account the overall feasibility of redevelopment of the brownfield area.

The trust fund may be used for the deposit of all moneys appropriated by the Legislature to fund this revolving loan program. All moneys in the fund that are not needed on an immediate basis for loans must be invested under s. 215.49, F.S. The principal and interest of all loans repaid and investment earnings must be deposited into the fund.

The Governor's Office of Tourism, Trade, and Economic Development may make loans to local governments, community redevelopment agencies created under s. 163.356 or s. 163.357, F.S., or persons or nonprofit corporations responsible for brownfield site rehabilitation designated under s. 376.80, F.S. The terms of loans may not exceed 5 years. The interest rate on loans may be no greater than that paid on the last bonds sold under s. 14, Art. VII, State Constitution. A loan to any brownfield area may not be more than 25 percent of the total funds available for making loans during that fiscal year.

The Office of Tourism, Trade, and Economic Development is authorized to adopt rules to implement this program.

If approved by the Governor, these provisions take effect July 1, 1998, provided SB 1202 becomes law.
Vote: Senate 38-0; House 116-1

CS/SB 1458 — Coastal Redevelopment

by Community Affairs Committee and Senators Latvala, Burt and Bankhead

This bill expands the scope of the Community Redevelopment Act to include redevelopment of coastal resort or tourist areas which meet specified guidelines, provides the scope of activities included in community redevelopment of coastal resort and tourist areas, and redefines terms associated with those activities. The bill authorizes the Department of Environmental Protection (DEP) to administer, and provides criteria for establishing, a coastal resort area redevelopment pilot project in the coastal areas of the Atlantic Coast between the St. Johns River entrance and Ponce de Leon Inlet. The authorization for the pilot project will expire December 31, 2002, with prior legislative review.

The bill also provides that where a continuous line of rigid coastal armoring structure exists on either side of unarmored property, not exceeding 100 feet, and the adjacent lines of rigid coastal armoring structures are having an adverse effect on or threaten the unarmored property, the DEP may grant the necessary permits to close the gap. The bill further requires the DEP to grant the necessary permits to replace gaps of non-viable rigid coastal armoring where there exists a continuous line of viable rigid coastal armoring on either side of the gap.

The bill appropriates $2.5 million from the Grants and Donations Trust Fund for the purposes of Specific Appropriations 1230 and 1258, and $1 million from the Coastal Protection Trust Fund to the DEP to be used for research grants to study factors that control harmful algae blooms, including red tide.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 118-0

HB 3125 — Solid Waste Disposal

by Rep. Smith (SB 376 by Senator Kirkpatrick)

The bill specifies that the Sewage Treatment Revolving Loan Fund is to be a *self-perpetuating* loan program to accelerate construction of sewage treatment facilities by local governmental agencies and to assist local governmental agencies.

In addition to making loans, the Department of Environmental Protection (DEP) may administer the resulting portfolio of loans, including the authority to sell or pledge the loans, or any portion of the loans, with the approval of the Governor, the Treasurer, and the Comptroller, acting as the State Board of Administration.

The cost of administering the loan program shall be paid from federal funds, from reasonable service fees that may be paid from federal funds, from reasonable service fees that may be imposed upon loans, and from proceeds from the sale of loans as permitted by federal law so as to enhance program perpetuity. Proceeds from the sale of loans must be deposited into the Sewage Treatment Revolving Loan Fund. All moneys available in the fund, including investment earnings, are designated to carry out the purposes of the loan program.

Because the Legislature has experienced revenue shortfalls in recent years and has been unable to provide enough funds to fully match available federal funds to help capitalize the Sewage Treatment Revolving Loan Fund, it is necessary for innovative approaches to be considered to help capitalize the revolving loan fund. The bill authorizes the DEP to adopt approaches that will help ensure the continuing viability of the Sewage Treatment Revolving Loan Fund.

This bill also revises and clarifies the conditions under which the disposal of household waste is exempt from the DEP's permit requirements. Specifically, the bill identifies white goods, automotive materials such as batteries and tires, petroleum products, pesticides, solvents, or hazardous materials as materials which could create a public nuisance or threaten the public health or environment and, therefore, are not covered under the statutory exemption.

If approved by the Governor, these provisions take effect July 1, 1998.
Vote: Senate 33-0; House 118-0

CS/HB 3427 — Beach Management Funding

by Environmental Protection Committee, Reps. Jones, Bloom and others (CS/CS/SB 882 by Ways & Means Committee, Natural Resources Committee, Senator Sullivan and others)

This bill provides legislative findings regarding the value of the state's beaches to the economy and their role in the protection of upland property from storm damage. The Department of Environmental Protection (DEP) is authorized to implement regional components of the beach management plan and enter into agreements with other governmental entities to cost-share and coordinate beach management activities. The bill revises criteria for establishing funding priorities for beach restoration projects and provides cost savings for local sponsors that coordinate erosion control projects. The bill requires the DEP to delegate the review of coastal construction building codes to local governments that have adopted the recommendations of the Governor's Building Codes Study Commission, once they have been implemented.

The bill provides funding from documentary stamp tax revenues for beach restoration projects: $10 million in FY 1998-99, $20 million in FY 1999-2000, and $30 million in FY 2000-01 and thereafter. The bill also appropriates $449,918 and authorizes six positions to implement the act.

If approved by the Governor, these provisions take effect July 1, 1998.
Vote: Senate 37-0; House 114-0

CS/HB 3701 — Pollution Control/Hazardous Waste Facilities

by Environmental Protection Committee, Rep. Fuller and others (CS/SB 1390 by Natural Resources Committee and Senator Horne)

This bill creates s. 403.7211, F.S., to provide restrictions on the siting of facilities managing hazardous waste generated off-site. This section does not apply to manufacturers, power generators, or other industrial operations that have received or apply for a permit or a modification to a permit from the DEP for the treatment, storage, or disposal of hazardous waste generated only on-site or from other sites owned or acquired by the permittee. This section shall apply to all federal facilities that manage hazardous waste.

The DEP shall not issue any permit under s. 403.722, F.S., for the construction, initial operation, or substantial modification of a facility for the disposal, storage, or treatment of hazardous waste generated off-site which is proposed to be located in any of the specified locations.

It shall be presumed that life-threatening concentrations of hazardous substances could accumulate in a catastrophic event in any area within a radius of 3 miles of a hazardous waste transfer, disposal, storage, or treatment facility. The bill provides that this presumption can be rebutted by certain demonstrations.

A concentration of hazardous substance is deemed to be life-threatening when the concentration could cause susceptible or sensitive individuals, excluding hypersensitive or hypersusceptible individuals, to experience irreversible or other serious, long-lasting effects or impaired ability to escape.

No person shall construct or operate a transfer facility for the management of hazardous waste unless the facility meets the siting requirements of s. 403.7211, F.S.

The bill would not prohibit the operation of existing transfer facilities that have commenced operation as of the effective date of the bill, if the transfer facility is not relocated or if there is no substantial modification in the structure or operation of the facility after the effective date of the bill.

Section 403.7211, F.S., which is created by this bill, would apply to any permit applications for the construction, initial operation, or substantial modification of a facility pending on the effective date of this act for which the DEP has not issued a final order and to any proposed transfer station which has not commenced operation as of the effective date of this act.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 113-0

WATER RESOURCE MANAGEMENT

CS/SBs 312 & 2298 — Water Resource Management/"Local Sources First"

by Natural Resources Committee, Senators Brown-Waite, Laurent and others

The bill provides legislative intent regarding the allocation of water resources and the use of water from sources nearest the area of need, and specifies the factors to be considered by the water management districts and the Department of Environmental Protection (DEP) in determining whether a proposed transport and use of water across county boundaries or outside the watershed is in the public interest. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the DEP and the water management districts (districts) to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources include all naturally occurring water sources and all alternative water sources including, but not limited to, desalination, conservation, reuse of non-potable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g), F.S. However, this directive would not apply to the transport and use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), F.S., nor shall it apply to the transport and use of reclaimed water for electrical power production. The Legislature further recognizes that under certain circumstances the need to transport water from distant sources may be necessary for environmental, technical, or economic reasons.

This bill provides that where a water supply authority exists pursuant to s. 373.1962 or s. 373.1963, F.S., under a voluntary interlocal agreement which is consistent with the requirements in s. 373.1963(1), F.S., and receives or maintains consumptive use permits under this voluntary agreement consistent with the water supply plan, if any, adopted by the governing board, then such authorities shall be exempt from consideration by the governing board or the DEP of the factors specified in paragraphs (a)-(g) of s. 373.223(3), F.S., and the submissions

required by s. 373.229(3), F.S. The exemptions shall only apply to water sources within the jurisdictional areas of such voluntary water supply interlocal agreements.

In order to obtain a consumptive use permit, the applicant must meet the following three criteria, also known as the "three-prong test":

- The proposed use of water is a reasonable-beneficial use as defined in s. 373.019(4), F.S.;
- The proposed use of water will not interfere with any presently existing legal use of water; and
- The proposed use of water is consistent with the public interest.

In addition to the "three-prong test," the bill provides that, except for the transport and use of water supplied by the Central and Southern Florida Flood Control Project, and anywhere in the state when the transport and use of water is supplied exclusively for bottled water, any permit applications pending as of April 1, 1998, with the Northwest Florida Water Management District, and self suppliers of water for which the proposed water source and area of use or application are located on contiguous private properties, when evaluating whether a potential transport and use of ground or surface water across county boundaries or outside the watershed from which it is taken is consistent with the public interest, the district or the DEP shall consider:

- The proximity of the proposed water source to the area of use or application.
- All impoundments, streams, groundwater sources, or watercourses that are geographically closer to the area of use or application than the proposed source, and that are technically and economically feasible for the proposed transport and use.
- All economically and technically feasible alternatives to the proposed source, including, but not limited to, desalination, conservation, reuse of non-potable reclaimed water and stormwater, and aquifer storage and recovery.
- The potential environmental impacts that may result from the transport and use of water from the proposed source, and the potential environmental impacts that may result from use of the other water sources identified in paragraphs (b) and (c) of s. 373.223(3), F.S.
- Whether existing and reasonably anticipated sources of water and conservation efforts are adequate to supply water for existing legal uses and reasonably anticipated future needs of the water supply planning region in which the proposed water source is located.

- Consultations with local governments affected by the proposed transport and use.

- The value of the existing capital investment in water-related infrastructure made by the applicant.

Where districtwide water supply assessments and regional water supply plans have been prepared pursuant to ss. 373.036 and 373.0361, F.S., the governing board or the department shall use the applicable plans and assessments as the basis for its consideration of the applicable factors in s. 373.223(3), F.S.

The bill provides that in addition to the information currently required for water-use permit applications, all permit applications filed with the district or the DEP which propose the transport and use of water across county boundaries or outside the watershed from which it is taken, shall include information pertaining to factors to be considered, pursuant to s. 373.223(3), F.S., unless exempt under s. 373.1962(9), F.S.

If approved by the Governor, these provisions take effect October 1, 1998.
Vote: Senate 39-0; House 113-3

CS/SB 1506 — Marine Resources

by Natural Resources Committee and Senator Latvala

This bill revises several provisions regulating marine fisheries and creates new penalties for violations of marine fisheries laws and rules. The bill prohibits the harvesting of shellfish within 25 feet of lawfully marked shellfish lease boundaries, designates black drum and jack crevalle as food fish, and exempts a totally and permanently disabled person from the income requirements for a restricted species endorsement on a saltwater products license if the person has held a saltwater products license in at least three of the 5 license years prior to the disability. A minimum age of 16 is established for the issuance of a marine life fishing endorsement on a saltwater products license and, except for the reissuance of such endorsements to those active in FY 1997-98, the fishery is closed until July 1, 2002. A similar moratorium is established for the blue crab fishery until July 1, 2002, and the current moratorium on the issuance of new stone crab trap numbers is extended until July 1, 2000. The bill also prohibits, for the stone crab or blue crab fisheries, the use of more than five traps, harvesting in commercial quantities, or the sale of either species without the appropriate endorsement.

The bill also revises the distribution of recreational saltwater fishing license revenues to increase the Marine Fishery Commission's (MFC's) funding, deletes the repeal of the MFC which had been scheduled for October 1, 1999, authorizes the sharing of marine fisheries harvest information with other states, and provides for a surcharge on the transfer of crawfish trap certificates upon the initial transfer of the certificate outside the original holder's immediate family. Also, the leasing of crawfish trap tags and certificates is prohibited, beginning July 1, 2003.

The bill establishes a major penalty for the possession of a gill or entangling net or any seine net larger than 500 square feet in mesh area on any airboat or on any other vessel less than 22 feet in length and on any vessel less than 25 feet if primary power of the vessel is mounted forward of the vessel center point. The MFC is directed to initiate by July 1, 1998, rule making to adjust by rule the use of gear on vessels longer than 22 feet where the primary power of the vessel is mounted forward of the vessel center point in order to prevent the illegal use of gill and entangling nets in state waters and to provide reasonable opportunities for the use of legal net gear in adjacent federal waters, and is directed to adopt rules to prohibit the possession and sale of mullet taken in illegal gill or entangling nets.

The bill clarifies that both civil and criminal penalties shall be assessed for violation of crawfish regulations, including those relating to traps, by a commercial harvester and provides significant new penalties for violation of record-keeping requirements and the buying of saltwater products from unlicensed persons. Finally, certified aquaculture activities are exempted from permitting requirements of water management districts and the Department of Environmental Protection under specified circumstances.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 116-0

CS/CS/HB 3265 — Boating Safety

by General Government Appropriations Committee, Law Enforcement & Public Safety Committee, Reps. Ziebarth, Fischer and others (CS/CS/SBs 1794 & 2200 by Transportation Committee, Natural Resources Committee, Senators Burt, Clary, and Forman)

This bill revises several provisions relating to the operation of vessels, safety regulations and equipment, lighting requirements, and mandatory education for violators of boating regulations.

The bill provides a legislative declaration that the operation of a vessel is a privilege and establishes a $500 fine for refusal to submit to a lawfully-ordered chemical or physical breath or urine test to determine alcohol levels in blood or breath or the presence of chemical substances. A procedure is provided to request a hearing before a county court judge, which tolls the 30-day

period for payment of the fine. Failure to pay the $500 fine will result in the loss of one's vessel operation privilege; operation of a vessel by a person whose privilege is suspended for nonpayment of the fine is a first-degree misdemeanor. The Department of Highway Safety and Motor Vehicles will maintain records of vessel operation privilege suspensions, effective January 1, 1999.

The bill also prohibits the operation of a vessel by a person under the age of 21 who has a breath-alcohol level of 0.02 or higher; violation is a noncriminal infraction requiring the performance of 50 hours of public service and loss of one's vessel operation privilege until the service has been performed, and being detained for such a violation does not constitute an arrest. If a person under the age of 21 refuses to take a lawfully-ordered breath test, the penalty is 50 hours of public service and loss of one's vessel operation privilege until the service has been performed. Operation of a vessel while one's operating privilege is suspended is a first-degree misdemeanor. The bill provides that these penalties shall be imposed in addition to any other penalty for boating under the influence or for refusal to submit to testing.

If approved by the Governor, these provisions take effect upon becoming law, except as otherwise provided.
Vote: Senate 39-0; House 116-0

CS/HB 3369 — Inland Navigation Districts

by Community Affairs Committee and Rep. Gay (CS/SB 1256 by Natural Resources Committee and Senator Harris)

This bill authorizes inland navigation districts to enter into cooperative agreements with the Federal Government and participate with the U.S. Army Corps of Engineers in waterway maintenance projects and anchorage management programs. It authorizes districts to enter into ecosystem management agreements with the Department of Environmental Protection and provides matching funds exceptions to financial assistance provisions. The bill provides a supplemental process for the issuance of joint coastal permits and environmental resource permits.

The bill also repeals s.8 of ch. 90-264, L.O.F., which provided for the repeal of the West Coast Inland Navigation District on October 1, 2000, with prior review by the Legislature. This has the effect of continuing the district indefinitely.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 113-0

CS/CS/HB 3421 — Water Control Districts

by General Government Appropriations Committee, Water & Resource Management Committee, Reps. Putnam and Feeney (CS/SB 1596 by Natural Resources Committee and Senator Rossin)

This bill amends s. 298.005, F.S., deleting the definition of "water control district" and amending the definition of "water control plan." It amends s. 298.11, F.S., entitling landowners to one additional vote for any fraction of an acre greater than one-half acre, and allowing owners and proxy holders of district acreage who are present at a duly noticed landowner's meeting to constitute a quorum for the purposes of election.

The bill amends s. 298.12, F.S., removing the requirement that the Governor appoint the supervisor in a like manner as prescribed in s. 298.11, F.S. It allows the Governor to continue to appoint a supervisor upon failure of the landowners to elect a supervisor, but removes the written notice requirement. The bill eliminates the surety bond requirement for district engineers in s. 298.16, F.S.

The bill also amends s. 298.22, F.S., to provide criteria for awarding contracts for construction of district facilities. It also provides that land or property, within or without the district not acquired or condemned by the court, as identified in the engineer's report may be condemned or acquired by purchase or grant for the district's use.

The bill revises requirements for the development and amendment of water control plans in s. 298.225, F.S. A water control plan is no longer required to have the following: copies of any agreements between the water control district and other governmental entities, the engineer's report prepared for plan adoption or revision, or the water control district's budget and revenue sources for the current year. However, information from a district's facilities plan prepared pursuant to s. 189.415, F.S., may satisfy water control plan requirements. The bill requires the Board of Supervisors to submit a proposed plan or amendment to the water management district for review. Within 90 days after receipt, the water management district must review the proposed plan or amendment for consistency with applicable water plans and policies and recommend any changes, requesting any additional information as necessary.

Section 298.301(2)-(9), F.S., does not apply to the plan adoption process where the preparation of a water control plan or amendment does not require revising the current plan or increasing assessments or taxes beyond the maximum amount previously authorized by general law, special law, or judicial proceeding. Also, ss. 298.225 and 298.301(1)-(9), F.S., do not apply to minor, insubstantial amendments to district plans authorized by special law.

In addition, the bill revises s. 298.26, F.S., to prohibit the use of a district engineer's annual report as a plan for draining and reclaiming lands as part of a water control plan. It amends s. 298.301, F.S., providing for the determination of benefits and damages that will accrue to each subdivision of land (according to ownership) from carrying out and putting into effect the proposed plan or amendment. The bill allows districts existing solely by judicial decree to add or delete lands from these districts by decree of the circuit court of the county where the majority of the land within the district is located. It revises notice and report requirements. The bill provides that a water control plan and assessments are final unless an action for relief is brought in a court of competent jurisdiction within 30 days after the plan's approval and confirmation.

The bill corrects a statutory reference in s. 298.329, F.S. Also, where water control plans are applicable to one or more units but less than the entire district, the bill amends s. 298.353, F.S., requiring notice to landowners only within the affected unit or municipalities within whose boundaries the unit lands are located. It provides that bonds may be payable from assessments on more than one unit.

The bill repeals s. 298.337, F.S., requiring the water control districts to assess a parcel of land less than 1 acre as a full acre.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 115-0

CS/HB 3673 — Aquaculture

by Agriculture Committee and Rep. Bronson (CS/SB 1924 by Natural Resources Committee, Senators Bronson and Hargrett)

This bill amends s. 253.72, F.S., to prohibit the harvesting of shellfish within a distance of 25 feet surrounding lawfully marked lease boundaries or within setback and access corridors in specifically designated high-density aquaculture lease areas and use zones. The bill also amends s. 370.06, F.S., requiring a person to hold a special activity license to harvest saltwater species using gear or equipment not generally authorized. It authorizes the department to adopt, by rule, application requirements and terms, conditions, and restrictions for incorporation into each special activity license. The bill also authorizes the department to issue special activity licenses for the harvest of certain shellfish. In addition, the bill authorizes the department to issue special activity licenses to permit the capture and possession of saltwater species protected by law and used as stock for artificial cultivation and propagation. Special activity licenses issued pursuant to this section may not exceed a term of 20 years.

This bill revises s. 370.027, F.S., exempting marine aquaculture products produced by an individual certified under s. 597.004, F.S., from the Marine Fisheries Commission's rule-making

authority. This bill amends s. 370.081, F.S., deleting rabbitfishes from the list of marine animals not to be imported into the state. It amends s. 370.10, F.S., providing the department may authorize any properly accredited person to harvest or possess indigenous or nonindigenous saltwater species for experimental, scientific, education, or exhibition purposes.

The bill amends s. 370.16, F.S., requiring the Division of Marine Resources to protect shellfish aquaculture products produced on leased or granted reefs of lessees or grantees from the state. It amends s. 370.26, F.S., defining a "marine aquaculture facility" and revising the definition of "marine aquaculture product." Also, the bill authorizes a marine aquaculture producer possessing a valid saltwater products license with a restricted species endorsement to apply income from the sales of marine aquaculture products to licensed wholesale dealers when renewing an existing restricted species endorsement, but not when acquiring a new restricted species endorsement. It also requires the holder of an aquaculture certificate to purchase and possess a saltwater products license when possessing, transporting, or selling saltwater products not provided for in s. 597.004, F.S. In addition, it delegates regulatory authority for aquaculture facilities subject to temporary general permitting criteria to the water management districts.

Also, this bill amends s. 372.0225, F.S., reducing the responsibilities of the Division of Fisheries of the Game and Fresh Water Fish Commission relating to the regulation of aquaculture facilities. It amends s. 372.65, F.S., exempting any individual or business issued an aquaculture permit under s. 597.004, F.S., from a freshwater fish dealer's license with respect to aquaculture products authorized under such certificate.

This bill deletes obsolete language relating to the department's state-sanctioned sale of alligator hides in s. 372.6672, F.S. It amends s. 372.6673, F.S., providing $1 per egg from an egg collection permit may be transferred to the General Inspection Trust Fund to be used by the department for marketing and education services relating to Florida's alligator products. It also amends s. 372.6674, F.S., providing that $5 per validated alligator hide may be transferred to the General Inspection Trust Fund for the same purpose.

This bill amends s. 373.046, F.S., clarifying jurisdiction over aquaculture activities. It amends s. 403.814, F.S., clarifying that an aquaculture general permit shall be established for the cultivation of aquatic species, except alligators. The bill also amends s. 597.005, F.S., requiring the Aquaculture Review Council to provide a list of prioritized research needs critical to the aquaculture industry's development by August 1 of each year.

In addition, it amends s. 373.406, F.S., exempting aquaculture activities under s. 597.004, F.S. This bill amends s. 403.885, F.S., exempting certified aquaculture activities under s. 597.004, F.S., which have individual production units whose annual production and water discharge are less than the parameters established the National Pollutant Discharge Elimination

System (NPDES) program from wastewater management regulations. It amends s. 597.002, F.S., establishing the Department of Agriculture and Consumer Services (DACS) as the primary agency responsible for regulating aquaculture, notwithstanding any other law to the contrary. It provides the only exceptions are areas required by federal law, rule, or cooperative agreement to be regulated by another agency. Also, the bill amends s. 597.003, F.S., authorizing DACS to issue or deny any license or permit authorized or delegated to the department that furthers the intent of the Legislature to place the regulation of aquaculture in the department. It amends s. 597.004, F.S., providing certification procedures relating to aquaculture. The bill prohibits the Department of Environmental Protection from instituting proceedings against any person certified under s. 597.004, F.S., to recover costs or damages associated with groundwater or surface water contamination, providing the property owner or leaseholder meets listed requirements.

This bill amends s. 372.57, F.S., deleting a $10 fee for a 10-day saltwater fishing license. It also amends s. 372.57, F.S., deleting a lifetime sportsman's license for those 64 years of age or older, revising the age category for a lifetime sportsman's license, and reducing a 5-year hunting license fee. The bill revises ss. 372.672 and 372.674, F.S., authorizing the use of the Florida Panther Research and Management Trust Fund to be used for environmental education programs.

This bill amends ss. 372.921 and 372.922, F.S., requiring those engaged in the exhibition or personal possession of wildlife, upon conviction or finding of guilt of a criminal or noncriminal violation of ch. 372 or ch. 828, F.S., or a rule of the commission if such violation is disposed of under s. 921.187, F.S., to reimburse the commission for any expenses incurred relative to the animal's capture, transport, boarding and veterinary care, or other costs incurred due to seizure or custody of wildlife.

This bill amends s. 372.57, F.S., establishing a recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by the commission from private nongovernmental owners except such fee is not available in one described area of the state. The commission will set the permit fee, by rule, on a per-acre basis considering the economic needs of the landowner, game population levels, desired hunter density, and administrative costs. The commission will remit all revenue derived from permit sales, less the $25 administrative fee, to the respective landowners. The bill exempts spouse and dependent children of a permittee from the permit fee when engaged in outdoor recreation activities other than hunting in the company of the permittee.

A resident 65 years of age or older is not required to purchase a fishing or hunting license, but a resident 64 years of age or older can now purchase a permanent hunting and fishing license for $12 which will enable Florida to receive more federal funds based on the number of license sales.

If approved by the Governor, these provisions take effect July 1, 1998.
Vote: Senate 40-0; House 114-1

CS/HB 4027 — Regional Water Supply Authorities

by Water & Resource Management Committee, Rep. Littlefield and others (CS/SB 1442 by Natural Resources Committee and Senator Latvala)

This bill would assist in the implementation of the governance restructuring of the West Coast Regional Water Supply Authority (authority.)

Provides that the definition of "party" does not include a member government of a regional water supply authority or a governmental or quasi-judicial board or commission established by local ordinance or special or general law where the governing membership of such board or commission is shared with, in whole or in part, or appointed by a member government of a regional water supply authority in proceedings under s. 120.569, s. 120.57, or s. 120.68, F.S., to the extent that an interlocal agreement under ss. 163.01 and 373.1962, F.S., exists in which the member government has agreed that its substantial interests are not affected by the proceedings or that it is to be bound by alternative dispute resolution in lieu of participating in the proceedings. This exclusion applies only to those particular types of disputes or controversies, if any, identified in an interlocal agreement.

Authorizes the implementation of changes in governance recommended by the Authority. The interlocal agreement must comply with certain specified provisions. Among those provisions, in accordance with s. 4, Art. VIII, State Constitution, and notwithstanding s. 163.01, F.S., the interlocal agreement may include the following terms, which are considered approved by the parties without a vote of their electors, upon execution of the interlocal agreement by all member governments and upon satisfaction of all conditions precedent in the interlocal agreement:

1. All member governments shall relinquish to the authority their individual rights to develop potable water supply sources, except as otherwise provided in the interlocal agreement.

2. The authority shall be the sole and exclusive wholesale potable water supplier for all member governments.

3. The authority shall have the absolute and unequivocal obligation to meet the wholesale needs of the member governments for potable water.

4. A member government may not restrict or prohibit the use of land within a member's jurisdictional boundaries by the authority for water supply purposes through use of zoning land use, comprehensive planning, or other form of regulation.

5. A member government may not impose any tax, fee, or charge upon the authority in conjunction with the production or supply of water not otherwise provided for in the interlocal agreement.

6. The authority may use the powers provided in ch. 159, part II, F.S., for financing and refinancing water treatment, production, or transmission facilities, including, but not limited to, desalination facilities. All such water treatment, production, or transmission facilities are considered a "manufacturing plant" for purposes of s. 159.27(5), F.S., and serve a paramount public purpose by providing water to citizens of the state.

7. A member government and any governmental or quasi-judicial board or commission established by local ordinance or general or special law where the governing membership of such board or commission is shared, in whole or in part, or appointed by a member government agreeing to be bound by the interlocal agreement shall be limited to the procedures set forth therein regarding actions that directly or indirectly restrict or prohibit the use of lands or other activities related to the production or supply of water.

The interlocal agreement may include procedures for resolving their parties' differences regarding water management district proposed agency action in the water use permitting process within the authority. These procedures should minimize the potential for litigation and include alternative dispute resolution. Any governmental or quasi-judicial board or commission established by local ordinance or general or special law where the governing members of such board or commission is shared, in whole or in part, or appointed by a member government, may agree to be bound by the dispute resolution procedures set forth in the interlocal agreement.

The provisions of s. 373.1963, F.S., supersede any conflicting provisions contained in all other general or special laws or provisions thereof as they may apply directly or indirectly to the exclusivity of water supply or withdrawal of water, including provisions relating to the environmental effects, if any, in conjunction with the production and supply of potable water, and the provisions of s. 373.1963, F.S., are intended to be a complete revision of all laws related to a regional water supply authority created under ss. 373.1962 and 373.1963, F.S.

Provides that the parties which have entered into written interlocal agreements may arbitrate disputes between them concerning water-use permit applications and other matters, regardless of

whether or not the water management district with jurisdiction over the subject application is a party to the interlocal agreement or a participant in the arbitration.

Allows the authority to indemnify and assume the liabilities of its member governments for obligations arising from past acts or omissions at or with property acquired from a member government by the authority and arising from the acts or omissions of the authority in performing activities contemplated by an interlocal agreement. This indemnification may not be considered to increase or otherwise waive the limits of liability to third-party claimants as provided in this section.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 115-0

CS/HB 4071 — Environmental Mitigation

by Transportation Committee and Rep. Betancourt (CS/SB 986 by Natural Resources Committee and Senator Bronson)

This bill authorizes the Department of Transportation to include in its inventory the habitat impacts of any future transportation project identified in the adopted work program. The water management district may draw from the Ecosystem Management and Restoration Trust Fund funds needed to pay for activities associated with the development or implementation of the mitigation plan. Those activities include, but are not limited to, design, engineering, production, and staff support.

Prior to December 1 of each year, each water management district, in consultation with the DEP, the U.S. Army Corps of Engineers, other appropriate federal, state, and local governments, and permitted mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to ch. 373, part IV, F.S., and 33 U.S.C. s. 1344. In developing the plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the DEP and the water management districts, such as surface water improvement and management projects and lands identified for potential acquisition or restoration, to the extent such activities comply with the mitigation requirements adopted under ch. 373, part IV, F.S., and 33 U.S.C. s. 1344.

The bill further provides that preliminary approval of a mitigation plan by the water management district governing board does not constitute a decision that affects substantial interests as provided by the Administrative Procedures Act. This clarifies that affected parties objecting to a mitigation plan may only file for an administrative hearing after the plan receives final approval from the Secretary of the DEP.

Each mitigation plan shall include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option for each transportation project addressed in the plan, including an estimation and description of identifiable costs of the mitigation bank and nonmitigation bank option to the extent practicable.

The bill extends the time period that the DEP has to use the Department of Transportation's $12 million in wetlands mitigation funds to the year 2005 to allow the DEP enough time to supplant the funds that were not credited toward the mitigation of Department of Transportation projects.

Section 338.223, F.S., is amended to provide an exception from certain notice provisions for the purchase and acquisition of hardship and protective purchases of advance right-of-way by the Department of Transportation. Defines "hardship" and "protective purchase."

Section 86 of ch. 93-213, L.O.F., appropriated $3.2 million from the Pollution Recovery Trust Fund for NPDES program startup costs. These funds were to be repaid no later than July 1, 2000. This bill provides that those funds do not have to be repaid.

This bill also provides for the Dade County Lake Belt Mitigation Plan to mitigate for the loss of wetland resources lost to mining activities within the Dade County Lake Belt Area. Effective October 1, 1998, a fee of 5 cents on each ton of limerock and sand extracted is imposed on any person who engages in the business of extracting limerock or sand from within the Dade County Lake Belt Area. The fee will be assessed for each ton of limerock and sand sold, in raw, manufactured, or processed form, including, but not limited to, sized aggregate, cement, concrete, and concrete products from within the Lake Belt. The amount of the fee must be stated separately on the invoice provided to the purchaser. The proceeds of the fee must be paid to the Department of Revenue (DOR) on or before the 20th day of the month following the calendar month in which the sale occurs.

The fee must be reported to the DOR and payment of the fee must be accompanied by a form prescribed by the DOR. The proceeds of the fee, less administrative costs, must be transferred by the DOR to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund. As used in this section, the term "proceeds of the fee" means all funds collected and received by the DOR under this section, including interest and penalties on delinquent fees. The amount deducted for administrative costs must not exceed 3 percent of the total revenues collected and may equal only those administrative costs reasonably attributable to the fee.

The bill also provides that beginning January 1, 2000, and each January 1 thereafter, the per-ton mitigation fee shall be increased by 1.9 percentage points, plus a cost growth index. The growth index is specified.

The proceeds of this fee must be used to conduct mitigation activities that are appropriate to offset the impact on fish and wildlife habitat resulting from mining activities in the Lake Belt and must be used in a manner consistent with the recommendations contained in the reports submitted to the Legislature by the Dade County Lake Belt Plan Implementation Committee under s. 373.4149, F.S. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Trust Fund and the Internal Improvement Trust Fund, for lands that were acquired in areas appropriate for rock mining mitigation and to reimburse those governmental agencies that exchanged land under s. 373.4149, F.S., for rock mining mitigation.

Expenditures must be approved by an interagency committee consisting of representatives from the Dade County Department of Environmental Resource Management, the DEP, the South Florida Water Management District (SFWMD), the Florida Game and Freshwater Fish Commission (GFWFC), and, at the discretion of the committee, additional members who represent federal regulatory, environmental, and fish and wildlife agencies. A representative of the limerock mining industry shall serve as a nonvoting member.

By January 31, 2010, and every 10 years thereafter, the interagency committee shall submit to the Legislature a report recommending any needed adjustments to the mitigation fee to ensure that the revenue generated reflects the actual costs of the mitigation.

The bill also adds to the duties of the Dade County Lake Belt Implementation Committee and extends the existence of the committee to January 1, 2002. Certain specified parcels are excluded from the Dade County Lake Belt Area.

Section 373.421, F.S., is amended to provide that whenever the location of a wetland delineation, approved or performed by the DEP or the water management district is certified pursuant to ch. 471 or ch. 472, F.S., the delineation shall be accepted as a formal determination pursuant to s. 373.421(2), F.S., or shall be accepted as part of a permit.

The governing board of the South Florida Water Management District is empowered and authorized to acquire fee title or easement by eminent domain of real property for the limited purpose of implementing the Kissimmee River, Florida Project and the C-111 project. Through July 1, 2000, the South Florida Water Management District may disburse state or district funds to any agency or department of the Federal Government in any agreement or arrangement to take property or any interest therein by eminent domain, pursuant to federal law, unless such arrangement diminishes or deprives a person or entity of any right, privilege, or compensation that they would otherwise have if the property or interest was taken by eminent domain under Florida law.

Authorizes that suits may be brought against the Department of Transportation for the breach of an expressed provision or an implied covenant.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 34-3; House 111-4

LAND ACQUISITION AND MANAGEMENT

CS/HB 3771 — Greenways and Trails

by Environmental Protection Committee, Rep. Sembler and others (CS/SB 1396 by Natural Resources Committee, Senator Sullivan and others)

This bill revises the process by which private lands may be designated for use as part of the statewide system of greenways and trails, and provides incentives for private landowners who allow their lands to be designated as part of the system. The bill provides that mapping of lands does not constitute designation, that land use restrictions may not be placed on private lands as a result of the land's appearance on preliminary planning maps, and provides that a person violating rules establishing prohibited activities or restrictions on greenways activities may be fined up to $500 for a non-criminal infraction.

The bill delays by 1 fiscal year, to 1999-2000, the requirement that unencumbered balances of funds in the Preservation 2000 allocations to several agencies be redistributed to the Conservation and Recreation Lands Trust Fund and the Water Management Lands Trust Fund. Also, the bill allows the Division of State Lands to use appraisals provided by a public agency or nonprofit organization.

This bill requires the Board of Trustees of the Internal Improvement Trust Fund (Trustees) to convey lands identified as the New Town, located in Walton County, to the county at a price not to exceed the price paid by the Trustees for the lands plus any applicable interest, provided this conveyance does not cause any portion of the interest on P-2000 revenue bonds to lose their gross-income exclusion from federal income tax.

The bill directs the Department of Environmental Protection to erect a suitable memorial on the Cross Florida Greenways State Recreation Area to recognize Marjorie Harris Carr for her efforts to stop the Cross Florida Barge Canal and to create the Cross Florida Greenway State Recreation and Conservation area. The bill also creates a new user permit fee to hunt, fish, or recreate on private lands leased to the Game and Fresh Water Fish Commission and exempts specified land from the program. The fee will be established by the commission on a per-acre basis, based on specified factors. Less an administrative fee of up to $25 per permit, the fee is retained by the landowner.

If approved by the Governor, these provisions take effect July 1, 1998.
Vote: Senate 37-0; House 113-0