Senate Committee on Natural Resources

ENVIRONMENTAL PROTECTION

CS/HB 1425 — Governmental Operations

by Environmental Protection Committee, Rep. Garcia and others (SB 436 by Senator Hargrett)

Solid Waste Services Competition

A local government that provides specific solid waste collection services in direct competition with a private company must comply with certain provisions. A private company with which a local government is in competition May bring an action against the local government if certain violations occur. A local government that provides solid waste collection services outside its jurisdiction in direct competition with private companies is subject to the same prohibitions against predatory pricing applicable to private companies. A local government shall provide 3 years' notice to a private company before it engages in the actual provision of the service that displaces the company.

Annexations

A party that has a contract that was in effect for at least 6 months prior to the initiation of an annexation to provide solid waste collection services in an unincorporated area May continue to provide such services to an annexed area for 5 years or the remainder of the contract term, whichever is shorter. The provisions of this section do not apply to contracts to provide solid waste collection services to single-family residential properties in those enclaves described in s. 171.046, F.S.

In accordance with s. 10, Art. I of the State Constitution, the plan for merger or incorporation must honor existing solid waste contracts in the affected geographic area subject to merger or incorporation; however, the plan for merger or incorporation May provide that existing contracts for solid waste collection services shall be honored only for 5 years or the remainder of the contract term, whichever is shorter.

Section 171.093, F.S., is created to provide an orderly transition of special district service responsibilities in an annexed area from an independent special district which levies ad valorem taxes to a municipality following the municipality's annexation of property located within the jurisdictional boundaries of an independent special district, if the municipality elects to assume such responsibilities.

Post Closure Permits

Currently, the fee for a hazardous waste closure permit May not exceed $32,500. This bill renames that permit as a "postclosure" permit or "clean closure plan approval."

In addition to having to have a permit to construct, modify, operate, or close a hazardous waste disposal, storage, or treatment facility, each person who intends to construct, modify, operate, or close a hazardous waste disposal, storage, or treatment facility must obtain a postclosure permit or a clean closure plan approval from the Department of Environmental Protection.

Regulation of Recovered Materials

The registration program costs for recovered materials dealers are limited to those costs associated with the activities specified in s. 403.7046(3)(b), F.S. A local government May not require a certified recovered materials dealer to enter into a nonexclusive franchise agreement in order to enter into a contract with any commercial establishment located within the local government's jurisdiction.

Counties and municipalities are authorized to grant a solid waste fee waiver to nonprofit organizations that are engaged in the collection of donated goods for charitable purposes and that have a recycling or reuse rate of 50 percent or better.

Community Development Districts

All actions taken prior to July 1, 2000, by a community development district existing on June 29, 1984, if taken pursuant to the authority contained in ch. 1980-407, L.O.F., or ch. 190, F.S., are deemed to have adequate statutory authority. The validity of any outstanding indebtedness of a community development district established prior to June 29, 1984, is not affected. Those district May continue to comply with all terms and requirements of trust indentures or loan agreements relating to such outstanding indebtedness.

Air Permits -- Citrus Juice Processing Facilities

These provisions were contained in SB 1896. These provisions provide an innovative approach to permitting for air emissions for the citrus processing industry. If approved by the EPA, the citrus industry would not need to obtain air operation permits. Instead, the air emission requirements would be provided by statute which would essentially become a statutory permit.

A program for the creation and transfer of emissions allowances is established. Defines "allowance" as a credit equal to emission of 1 ton per year of certain pollutants subject to limitations. Allows a facility operating better than the overall performance standard to sell credits to a lesser performing facility. This would allow a plant to be in compliance by using both control technologies and emissions allowances. Allowances May only be applied on a pollutant-specific basis only. Prohibits cross-pollutant trading.

The Department of Environmental Protection is required to report to the Legislature by March, 2004 concerning implementation of the provisions of this bill and to make recommendations for any improvements.

The Department of Environmental Protection is required to submit this law to the U.S. Environmental Protection Agency (EPA) by October 1, 2000, as a revision of Florida's State Implementation Plan and as a revision of Florida's approved state Title V program. Provides for regulation of facilities in the event that the EPA fails to approve this law within 2 years after submittal.

The Department of Environmental Protection, in undertaking rulemaking to establish best available control technology, lowest achievable emissions rate, or case-by-case maximum available control technology shall not adopt the lowest regulatory cost alternative if such adoption would prevent the agency from implementing federal requirements.

The Department of Environmental Protection May explore alternatives to traditional methods of regulatory permitting if there is no material increase in pollution emissions. Specifies that any pilot projects using alternative methods May operate for no more than 3 years unless the Legislature enacts a law to continue that pilot. Requires the department to submit a report to the President of the Senate and the Speaker of the House of Representatives before implementation of any alternative regulatory permitting.

With regard to air operation permits for major sources of air pollution, an applicant May request the Department of Environmental Protection to issue a separate Acid Rain permit.

Repealed Sections

Section 403.7165, F.S., relating to a Demonstration Center for Resource Recovery from Solid Organic Materials, is repealed.

Section 403.7199, F.S., relating to the Florida Packaging Council, is repealed.

If approved by the Governor, these provisions take effect on July 1, 2000.
Vote: Senate 37-1; House 117-0

HB 2403 — Land Acquisition

by Environmental Protection Committee, Rep. Dockery and others (CS/CS/SB 1710 by Fiscal Resources Committee; Natural Resources Committee; and Senator Latvala)

This bill corrects several problems inadvertently created when the 1999 Legislature enacted the Florida Forever Act. The bill clarifies the authority of the Board of Trustees of the Internal Improvement Trust Fund (Trustees) relating to the ownership and management of conservation and recreation lands, provides for payments in lieu of taxes from the Conservation and Recreation Lands and Water Management Lands Trust Funds to counties having a population of 150,000 or less and to local governments within eligible counties, and revises reporting requirements for the Florida Forever Advisory Council (FFAC) to include recommendations for revising the allocation formula for Florida Forever funding based on the agencies' timely expenditures. Any funds that have not been expended or encumbered after 3 fiscal years from the date of deposit shall be distributed by the Legislature at its next regular session for use in the Florida Forever program.

This bill authorizes the Acquisition and Restoration Council (ARC) to use the Trustees' rules, until it has adopted its own, to complete CARL acquisitions and begin the Florida Forever program and provides Florida Forever selection procedures. The bill also provides for the Trustees to hold title to all less than fee simple acquisitions made by the Green Swamp Land Authority, clarifies that the Florida Communities Trust (FCT) must spend at least 30 percent of its funds in urban areas, and allows the small Florida Forever programs to use amounts not exceeding 10 percent of their funding for capital project expenditures. Also, the bill provides $2.5 million in previously-approved FCT funding to the City of Apalachicola for a sprayfield.

In addition, the bill requires water management districts (WMDs) to report to the Trustees their recommendations for goals and performance measures to implement the Florida Forever program, authorizes the South Florida WMD to acquire the Pal-Mar and Southern Corkscrew Regional Ecosystem Watershed Project by eminent domain, and creates the Land Management Uniform Accounting Council within the Department of Environmental Protection to design uniform accounting procedures for land managing agencies to record their costs. The bill closes a loophole that could have allowed the construction of unpermitted hunt camps in the Everglades and revises several dates which required actions to be taken in implementing the Florida Forever Act at unrealistic times. Finally, the bill creates the Miami River Improvement Act, designed to ensure coordination among local and regional agencies working to improve the Miami River and adjacent areas.

If approved by the Governor, these provisions take effect upon becoming law (except for section 2).
Vote: Senate 39-0; House 119-0

MARINE RESOURCE PROTECTION

CS/SB 186 — Environmental Reorganization
by Natural Resources Committee

This bill makes numerous, mostly technical, changes to conform the statutes with the Legislature's 1999 legislation to create the Fish and Wildlife Conservation Commission. The 1999 legislation, ch. 1999-245, L.O.F., failed to complete the task of renaming and transferring functions due to the reorganization, and this bill provides the final necessary changes.

In addition, the bill provides $2 million annually in documentary stamp tax proceeds to be used for manatee and marine mammal rescue and rehabilitation, for veterinary training in the care, treatment, and rehabilitation of marine mammals, and for program administration.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 119-0

CS/CS/SB 386 — Fish and Wildlife Conservation Commission
by Fiscal Resource Committee and Natural Resources Committee

Boating provisions

Certain definitions relating to boating and boating safety are revised. The Fish and Wildlife Conservation Commission is required to prepare and, upon request, supply to police department, sheriffs, and other agencies or individuals forms for boating accident reports. Every accident report required to be made in writing must be made on the appropriate form approved by the commission.

Reckless operation of a vessel is defined.

The provisions relating to divers-down flags are revised. Specifies that the flag must be of a certain size and must be red with a diagonal strip that begins at the top staff-side of the flag and extends diagonally to the lower opposite corner. Specifies that the flag must be displayed from a vessel from the highest point of the vessel or such other location which

provides that the visibility of the divers-down flag is not obstructed in any direction. Provides penalties for divers-down flag violations.

Provides that it is unlawful for the owner of any leased, hired, or rented personal watercraft, or any person having charge over or control of a leased, hired, or rented personal watercraft, to authorize or knowingly permit the watercraft to be operated by any person who has not received instruction in the safe handling of personal watercraft.

Requires that any commission-approved boater education or boater safety course, course-equivalency examination developed or approved by the commission, or temporary certificate examination must include a component regarding diving vessels, awareness of divers in the water and divers-down flags.

Waterways in Florida must be marked under the United States Aids to Navigation System, 33 C.F.R. part 62. Provides that until December 31, 2003, certain channel markers and obstruction markers May continue to be used on waters of the state that are not navigable waters of the United States.

The commission is required to adopt rules establishing a uniform system of regulatory marker for waters of the state. Counties and municipalities May apply to the commission for permission to place regulatory markers in certain waters within their jurisdiction.

Subject to reasonable rules adopted by the commission, manufacturers of vessels and vessel motors that operate vessel and vessel motor test facilities May be authorized to test such vessels or motors on the waters of the state to ensure that they meet generally accepted boating safety standards.

The provisions relating to watercraft liveries are revised. A livery May not knowingly lease, hire, or rent a personal watercraft to any person who has not received instruction in the safe handling of personal watercraft. A livery May not lease, hire, or rent any personal watercraft unless the livery first obtains and carries in full force and effect a liability and property damage insurance policy.

Provides penalties for criminal and noncriminal infractions.

The membership of the Boating Advisory Council is increased to add a member who is actively involved and working full-time in the scuba diving industry who has experience in recreational boating.

The collection and distribution of boat registration fees is made more efficient so that the county portion of registration fees remains at the local level without having to be sent to Tallahassee and later returned to the counties.

An amount equal to $1.50 for each vessel registered is to be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4), F.S.

For purposes of the lien provisions in s. 713.78, F.S., vessel is redefined to mean every description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel." "Documented vessels" are registered under federal law.

Hunting and Fishing Licenses

The bill provides that a disabled resident May hunt or fish without paying for a license. A license May be issued to a resident without a fee who is certified to be totally and permanently disabled by the U.S. Department of Veterans Affairs or its predecessor, or by any branch of the U.S. Armed Forces, or who holds a valid identification card issued by the Department of Veterans' Affairs. Any license issued under these provisions after January 1, 1997, expires after 5 years. Upon request, the license shall be reissued for a 5-year period and shall be reissued every 5 years thereafter. Any license issued to a resident who is determined to be totally disabled by the U.S. Social Security Administration after October 1, 1999, expires September 30, 2001. Upon proof of certification, the license shall be reissued for a 2-year period and shall be reissued every 2 years thereafter.

A combination license for a resident to take freshwater fish and saltwater fish is provided at a cost of $24, which is the same as if the individual licenses were purchased.

A combination license for a resident to hunt and take freshwater fish and saltwater fish is provided at a cost of $34.

A permanent hunting and freshwater fishing license for a resident 64 years of age or older is $12.

The commission is authorized to establish a fee for electronic license sales.

The commission May designate by rule nor more than 2 consecutive or nonconsecutive days in each year as free saltwater fishing days.

The bill eliminates three under-utilized licenses that are now basically obsolete: Resident Local Fur Dealer; Resident Fur Dealer Agent; Nonresident Fur Dealer Agent.

Provides that it is a third degree felony for a person to make, forge, counterfeit, or reproduce a freshwater fishing, hunting, or saltwater fishing license unless authorized by the commission. It is also unlawful and a third degree felony for a person to knowingly

have in his or her possession a forgery, counterfeit, or imitation license unless possession has been fully authorized by the commission.

Section 258.398, F.S., 1997 edition, relating to the designation of Lake Weir as an aquatic preserve, is repealed.

If approved by the Governor, these provisions take effect July 1, 2000, except where otherwise provided in the act.
Vote: Senate 36-1; House 119-0

SB 668 — Seawalls (RAB)
by Senator Bronson

Section 403.813(I), F.S., provides a permit exemption for the construction of private docks and seawalls in artificially created waterways where such construction will not violate existing water quality standards, impede navigation, or affect flood control. This bill provides that the exemption does not apply to the construction of vertical seawalls in estuaries or lagoons unless the proposed construction is within an existing man-made canal where the shoreline is currently occupied, in whole or in part, by vertical seawalls. In addition, in estuaries and lagoons, the construction of vertical seawalls is limited to the circumstances and purposes stated in s. 373.414(5)(b)1.-4., F.S., which specifies conditions that must be met for permit issuance by a water management district governing board. These changes provide the needed authorization for existing water management district and Department of Environmental Protection rules.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 114-0

SB 674 — Aquatic Plants (RAB)
by Senator Bronson

This bill amends s. 369.25, F.S., to authorize the Department of Environmental Protection to adopt rules requiring the revegetation of a site on sovereignty lands where excessive collection of vegetation has occurred.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 114-0

CS/CS/HB 1005 — Beach Management

by General Government Appropriations Committee; Environmental Protection Committee; Rep. Jones and others (CS/SB 2506 by Natural Resources Committee and Senator Bronson)

This bill amends ch. 161, F.S., to revise provisions relating to beach management and nourishment. It replaces references to "beach renourishment" with the term "beach nourishment," revises monitoring requirements relating to permits for beach nourishment, and requires that any biological and environmental monitoring conditions included in a permit for beach activities be based upon clearly defined scientific principles. The bill provides a declaration that the Legislature will make provision for inlet management projects that cost-effectively provide beach quality material for adjacent critically eroded beaches. The bill also requires that approved beach restoration and nourishment projects be in an area designated as critically eroded shoreline, or benefit an adjacent critically eroded shoreline; have a clearly identifiable beach management benefit consistent with the state's beach management plan; and be designed to reduce potential upland damage or mitigate adverse impacts caused by improved, modified, or altered inlets, coastal armoring, or existing upland development.

The Department of Environmental Protection is authorized to enter into cooperative agreements with local governments, including counties and special districts, for inlet management activities and to cost-share those components of inlet projects that minimize the erosive effects of the inlet or cost-effectively provide for the placement of beach quality material on adjacent eroded beaches. The bill requires that a project, in order to receive state funds, must provide for adequate public access, protect natural resources, and provide protection for endangered and threatened species and revises the types of projects and services that May be funded.

If approved by the Governor, these provisions take effect July 1, 2000.
Vote: Senate 40-0; House 103-0

HB 2055 — Agency Review/Florida Keys (RAB)

by Water & Resource Management Committee, Rep. Alexander and others (SB 672 by Senator Bronson)

This bill amends s. 380.051, F.S., to authorize state and regional agencies to adopt rules to implement procedures for coordinated agency review for development projects in the Florida Keys Area of Critical State Concern.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 108-0

WATER RESOURCE MANAGEMENT

CS/CS/HB 221 — Everglades Restoration and Funding

by General Government Appropriations Committee; Environmental Protection Committee; Rep. Constantine and others (CS/CS/SB 1694 by Fiscal Resource Committee; Natural Resources Committee; and Senators Saunders, Forman, and Campbell)

This bill makes state funding available to assist the South Florida Water Management District (district) in meeting its financial responsibilities as local sponsor for the Comprehensive Review of the Central and Southern Florida Project for Flood Control and Other Purposes, more commonly known as the "Restudy."

This bill provides the following:

- For FY 2000-2001, $50 million in general revenue funds is appropriated to the Save Our Everglades Trust Fund.
- For FY 2000-2001, $30 million in excess cash generated from interest earnings on Preservation 2000 funds will be redistributed by the Department of Environmental Protection (DEP) to the Save Our Everglades Trust Fund.
- For a nine-year period beginning in FY 2001-2002, $75 million of state funds will be deposited into the Save Our Everglades Trust Fund annually.
- For a 10-year period beginning in FY 2000-2001, $25 million of the District's Florida Forever allocation will be deposited into the Save Our Everglades Trust Fund.

The DEP will distribute funds in the Save Our Everglades Trust Fund to the district in accordance with a legislative appropriation and s. 373.026(8)(b) and (c), F.S., which provides a process for approval of project components. Distribution of funds from the Save Our Everglades Trust Fund must be equally matched by the cumulative contributions from all local sponsors for FY 2009-2010 by providing funding or credits toward project components. The dollar value of in-kind work by local sponsors in furtherance of the comprehensive plan and existing interest in public lands needed for a project component are credits towards the local sponsors' contributions.

This bill confirms the Legislature's intent to establish a full and equal partnership between the state and federal governments for implementation of the comprehensive plan resulting from the Restudy. The bill requires that the comprehensive plan serve as the basis for ensuring that project components achieve purposes such as restoring and preserving the South Florida ecosystem, and the protection of water quality and reduction of fresh water loss in the Everglades.

Finally, the bill requires a detailed annual report of expenditures and progress made.

If approved by the Governor, these provisions take effect June 30, 2000.
Vote: Senate 39-0; House 120-0

CS/CS/HB 991 — Lake Okeechobee

by Environmental Protection Committee; Water & Resource Management Committee; Rep. Pruitt and others (CS/CS/SB 1494 by Agriculture & Consumer Services Committee; Natural Resources Committee; and Senator Laurent)

This bill provides for management of the Lake Okeechobee watershed through the phased implementation of phosphorus load reductions; construction of stormwater treatment areas, reservoir-assisted stormwater treatment areas, and other detention/treatment facilities within priority basins; comprehensive evaluation and monitoring of the water quality in the Lake Okeechobee Watershed; development of "best management practices" (BMPs) for non-point agricultural and non-agricultural sources within the watershed; identification of invasive exotic species and implementation of measures to protect the native flora and fauna; and an internal phosphorus load removal feasibility study and subsequent implementation of measures to reduce the internal phosphorus loads. It also provides for permitting of structures discharging to Lake Okeechobee, as well as for water quality treatment/detention facilities included in the Lake Okeechobee Watershed.

The bill creates an exemption from regulation under ch. 373, part IV, F.S., for environmental restoration or water quality improvement measures on agricultural lands if such measures have minimal or insignificant individual or cumulative adverse impacts on the water resources of the state. The same exemption is created for interim measures or BMPs adopted pursuant to s. 403.067, F.S., that are by rule designated as having minimal individual or cumulative adverse impacts on the water resources of the state.

The bill also clarifies how total maximum daily loads (TMDLs) will be calculated and allocated, extends the deadline for the Department of Environmental Protection's report to the Legislature on TMDL allocations until February 1, 2002 (1-year extension), and makes technical and clarifying changes to the process for implementing TMDL allocations.

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

CS/CS/CS/SB 1406 — State Regulation of Lands

by Fiscal Policy Committee; Comprehensive Planning, Local and Military Affairs Committee; Natural Resources Committee; and Senator Latvala

This bill addresses the administrative and economic changes which are needed to enhance the use and success of the brownfields redevelopment program in Florida.

The bill clarifies how the balance in the Water Quality Assurance Trust Fund and Inland Protection Trust Fund are calculated for purposes of triggering any new tier of tax levies.

The Department of Community Affairs is authorized to adopt rules for reporting requirements for certain chemicals used by businesses.

Enterprise Florida, Inc. is required to set aside 30 percent of the amount appropriated annually for the Quick-Response Training Program for businesses located in an enterprise zone or a brownfield area.

The bonus refund provisions for qualified target industry businesses are broadened to include certain businesses in a brownfield area.

Enterprise Florida, Inc. is to develop a comprehensive marketing plan for brownfield areas designated pursuant to s. 376.80.

Several terms are defined - “containment,” “natural attenuation,” and “risk reduction.”

If an institutional control is implemented at any contaminated site in a brownfield area, the property owner must provide information regarding the institutional control to the local government for mapping purposes. The Department of Environmental Protection shall prepare and maintain a registry of all contaminated sites located in brownfield areas which are subject to institutional and engineering controls in order to provide a mechanism for the public and local governments to monitor the status of these controls, monitor the department’s short-term and long-term protection of human health and the environment in relation to these sites, and evaluate economic revitalization efforts in these areas.

The time frames and conditions for certain dry-cleaning facilities to qualify for state-funded site rehabilitation are clarified.

The local government or persons responsible for rehabilitation and redevelopment of a brownfield area are required to establish an advisory committee or use an existing advisory committee that has expressed its intent to address redevelopment of the specific brownfield area.

The Department of Environmental Protection is required to update, revise and adopt a rule on brownfield cleanup criteria that must prescribe a phased risk-based corrective action (RBCA) process. Statutory guidance for rule making is provided.

The department is specifically authorized to use RBCA criteria for cleanups on lands owned by the state university system.

The liability protection provided to persons whose property becomes contaminated from a nearby brownfield area is clarified.

Projects located in a designated brownfield area are eligible for the expedited permitting process.

Community Development Districts are authorized to levy charges for remediation costs of contamination unless the covered costs benefit any person who is a landowner within the district.

Prohibits subsequent property owners from removing certain deed restrictions under the provisions of the Marketable Records Title Act.

Exemptions to local option sales surtaxes in urban infill and redevelopment areas are provided. The Department of Community Affairs is authorized to transfer certain unused balances in the Urban Infill and Redevelopment Assistance Grant Program.

An outdated provision restricting the employment of certain DEP employees in private sector petroleum cleanup program is repealed.

A provision in s. 211.3103, F.S., relating to the severance tax for phosphate is repealed. The repealed provision required that when real property or other property of value is accepted as a donation by a county from a producer, the amount of proceeds returned to such county under this section shall be reduced by the value of such donation.

Contingency provisions are made for FY 2000-2001 for unencumbered funds from the Quick Response Training Program, Brownfield Redevelopment Bonus Refunds and any appropriations in the General Appropriation Act for cleanup of state-owned lands to allow grants for assessment and remediation at brownfield sites.

If approved by the Governor, these provisions take effect July 1, 2000.
Vote: Senate 35-1; House 119-1

CS/CS/SB 1646 — Water Pollution Control

by Fiscal Resource Committee; Natural Resources Committee; and Senator Laurent

This bill expands the kinds of projects that May be funded under the Sewage Treatment Revolving loan fund (SRF), including septic tank replacement or upgrades, projects to address agricultural runoff and other nonpoint sources of pollution, certain restoration activities, and other activities eligible under the federal Clean Water Act. In addition, the bill allows a full range of financing options to take advantage of market conditions and expand the funding capabilities of the SRF.

The SRF is linked to a newly created Florida Water Pollution Control Financing Corporation for the purpose of leveraging the program to expand funding ability. Bonds, certificates, or other obligations of indebtedness would be issued by the Florida Water Pollution Control Financing Corporation instead of the Division of Bond Finance of the State Board of Administration.

The department May provide financial assistance through any program authorized under s. 603 of the Federal Water Pollution Control Act (Clean Water Act), Pub. L. No. 92-500, as amended, including, but not limited to, making grants and loans, providing loan guarantees, purchasing loan insurance or other credit enhancements, and buying or refinancing local debt. This financial assistance must be administered in accordance with s. 403.1835, F.S., and applicable federal authorities. The DEP May administer the resulting portfolio of loans, including funds accrued through the activities of the Florida Water Pollution Control Financing Corporation. More specifically, the department:

- May make or request the corporation to make loans to local government agencies, which agencies may pledge any revenue available to them to repay any funds borrowed.

- May make or request the corporation to make loans, grants, and deposits to other entities eligible to participate in the financial assistance programs authorized in the Federal Water Pollution Control Act, or as a result of other federal action, which entities may pledge any revenue available to them to repay any funds borrowed.

- Shall administer financial assistance so that at least 15 percent of the funding made available each year is reserved for use by small communities during the year it is reserved.

- May make grants to financially disadvantaged small communities.

The requirements that the term of the loans not exceed 30 years and that the combined rate of interest and grant allocations on loans shall be no greater than the interest rate paid

on the last bonds sold pursuant to s. 14, Art. VII of the State Constitution are deleted. Prior to approval of financial assistance, the applicant must submit certain security and financial information.

Eligible projects are to be given priority according to the extent each project removes, mitigates, or prevents adverse effects on surface or ground water quality and public health. The relative costs of achieving environmental and public health benefits must be taken into consideration during the department's assignment of project priorities.

The department shall adopt a priority system by rule. In developing the priority system, the department shall give priority to projects that:

- Eliminate public health hazards;
- Enable compliance with laws requiring the elimination of discharges to specific water bodies;
- Assist in the implementation of total maximum daily loads (TMDLs) adopted under s. 403.067, F.S.;
- Enable compliance with other pollution control requirements, including but not limited to toxic control, wastewater residuals management, and reduction of nutrients and bacteria;
- Assist in the implementation of surface water improvement and management plans and pollutant load reductions goals developed under state water policy;
- Promote reclaimed water reuse;
- Eliminate failing onsite sewage treatment and disposal systems or those that are causing environmental damage; or
- Reduce pollutants to and otherwise promote the restoration of Florida's surface and ground waters.

The department may impose a penalty on delinquent loan payments in an amount not to exceed an interest rate of 18 percent per annum on the amount due in addition to charging the cost to handle and process the debt. If a loan recipient, other than a local government agency, defaults under the terms of a loan, the department may pursue any remedy available to it at law or in equity. The department may impose a penalty in an amount not to exceed an interest rate of 18 percent per annum on any amount due in addition to charging the cost to handle and process the debt.

The department may obligate moneys available in the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund for payment of amounts payable under any service contract entered into by the department with the Florida Water Pollution Control Financing Corporation subject to annual appropriation by the Legislature. Amounts on deposit in the trust fund in each fiscal year shall first be applied or allocated for the payment of amounts payable by the department under this subparagraph and appropriated each year by the Legislature before making or providing for other disbursement from the trust fund.

The State Board of Administration shall invest and reinvest moneys in the trust fund in accordance with ss. 215.44-215.53, F.S. Costs and fees of the State Board of Administration for providing those investment services shall be deducted from the earnings accruing to the trust fund.

Under the provisions of s. 19(f)(3), Art. III of the State Constitution, the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund is exempt from termination provisions of s. 19(f)(2), Art. III of the State Constitution.

Broad language relating the Legislature's revenue shortfalls and the authority for the department to evaluate innovative fund enhancing proposal is deleted.

The department may adopt rules regarding program administration; project eligibilities and priorities, including the development and management of project priority lists; financial assistance application requirements associated with planning, design, construction, and implementation activities, including environmental and engineering requirements; financial assistance agreement conditions, disbursement and repayment provisions; auditing provisions; program exceptions, the procedural relationship between the department and the Florida Water Pollution Control Financing Corporation.

The bill provides that any projects for reclaimed water reuse in Monroe County funded from the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund must take into account water balances and nutrient balances in order to prevent the runoff of pollutants into surface waters.

The Florida Water Pollution Control Financing Corporation is created. The corporation is a nonprofit public-benefit corporation for the purpose of financing the costs of water pollution control projects and activities described in s. 403.1835, F.S. The activities of the corporation are specifically limited to assisting the department in implementing financing activities to provide funding for the programs authorized in s. 403.1835. All other activities relating to the purposes for which the corporation raises funds are the responsibility of the department, including, but not limited to, development of program criteria, review of applications or financial assistance, decisions relating to the number

and amount of loans or other financial assistance to be provided, and enforcement of the terms of any financial assistance agreements provided through funds raised by the corporation.

The corporation is to be governed by a board of directors consisting of the Governor's Budget Director, the Comptroller or the Comptroller's designee, the Treasurer or the Treasurer's designee, and the Secretary of Environmental Protection or the secretary's designee, until January 7, 2003, at which time the board shall include the Chief Financial Officer or the Chief Financial Officer's designee in place of the Treasurer and Comptroller. The executive director of the State Board of Administration shall be the chief executive officer of the corporation and shall direct and supervise the administrative affairs of the corporation and shall control, direct, and supervise operation of the corporation. The corporation shall have such other officers as may be determined by the board of directors.

The corporation shall have all the powers of a corporate body under the laws of the state to the extent not inconsistent with or restricted by this section, including but not limited to the power to:

- Adopt, amend, and repeal bylaws not inconsistent with this section.
- Sue and be sued.
- Adopt and use a common seal.
- Acquire, purchase, hold, lease, and convey any real and personal property necessary for the corporation.
- Elect or appoint and employ such officers, agents, and employees as the corporation considers advisable to operate and manage the affairs of the corporation.
- Borrow money and issue notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness described in s. 403.1835, F.S.
- Operate, as specifically directed by the department, any program to provide financial assistance authorized under s. 403.1835(3), which may be funded from any funds received under a service contract with the department, from the proceeds of the bonds issued by the corporation, or from any other funding sources obtained by the corporation.
- Sell all or any portion of the loans issued under s. 403.1835, F.S., to accomplish the purposes of s. 403.1837, F.S.
- Make and execute any contracts, trust agreements, and other instruments and agreements necessary or convenient to accomplish the purposes of the corporation and s. 403.1837, F.S.
- Select, retain, and employ professionals, contractors, or agents, which may include the Division of Bond Finance of the State Board of Administration, as is necessary or convenient to enable or assist the corporation in carrying out its purposes.

- Do any act or thing necessary or convenient to carry out the purposes of the corporation.

The corporation shall evaluate all financial and market conditions necessary and prudent for the purpose of making sound, financially responsible, and cost-effective decisions in order to secure additional funds to fulfill the purposes of ss. 403.1837 and 403.1835, F.S.

The corporation may enter into one or more service contract with the department under which the corporation shall provide services to the department in connection with financing the function, projects, and activities provided for in s. 403.1835, F.S. The corporation may enter into one or more service contracts with the corporation and provide for payments under those contracts pursuant to s. 403.1835(9), F.S., subject to annual appropriation by the Legislature. The bill makes provisions for the service contracts. In compliance with s. 287.0641, F.S., the obligations of the department under the service contracts do not constitute a general obligation of the state or a pledge of the faith and credit or taxing power of the state, nor may the obligations be construed in any manner as an obligation of the State Board of Administration or entities for which it invests funds, or the department except as provided in s. 403.1837, F.S., as payable solely from amounts available under any service contract between the corporation and the department. The service contract must expressly include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon annual appropriation by the Legislature."

The corporation may issue and incur notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness payable from and secured by amounts payable to the corporation by the department under a service contract. The corporation may not issue bonds in excess of an amount authorized by general law or an appropriations act except to refund previously issued bonds. The corporation is authorized to issue bonds not to exceed:

- $50 million in FY 2000-2001
- $75 million in FY 2001-2002
- $100 million in FY 2002-2003

The corporation is exempt from taxation and assessments of any nature whatsoever upon its income and any property, assets, or revenues acquired, received, or used in the furtherance of the its purposes. The obligations of the corporation incurred under these provisions are exempt from all taxation; however the exemption does not apply to any tax imposed by ch. 220, F.S., on the interest, income, or profits on debt obligations owned by corporations.

The corporation shall validate any bonds issued, except refunding bonds which may be validated at the option of the corporation, by proceedings under ch. 75, F.S. The validation complaint must be filed only in the Circuit Court for Leon County. The notice required under s. 75.06, F.S., must be published in Leon County and the complaint and order of the circuit court shall be served only on the State Attorney for the Second Judicial Circuit. The validation of the first bonds may be appealed to the Supreme Court and the appeal shall be handled on an expedited basis.

The corporation and the department shall not take any action that will materially and adversely affect the rights of holders of any obligations issued under this section as long as the obligations are outstanding.

The corporation is not a special district for purposes of ch. 189, F.S., or a unit of local government for purposes of part III of ch. 218, F.S. Generally, the provisions of ch. 120 and ch. 215, F.S., do not apply. The exception is the limitation on interest rates provided by s. 215.84, F.S. Part I of ch. 287, F.S., except ss. 287.0582 and 287.0641, F.S., does not apply to the corporation, the service contracts, or debt obligations issued by the corporation.

The benefits or earnings of the corporation may not inure to the benefit of any private person, except persons receiving the grants and loans.

Upon dissolution of the corporation, title to all property owned by the corporation reverts to the department.

The corporation may contract with the State Board of Administration to serve as trustee with respect to debt obligations issued by the corporation and to hold, administer, and invest proceeds of those debt obligations and other funds of the corporation and perform other services required by the corporation. The State Board of Administration may perform these services and may contract with others to provide all or part of those services and to recover the costs and expenses of providing those services.

The Auditor General may conduct a financial audit of the accounts and records of the corporation.

In FY 2000-2001, the Department of Environmental Protection is appropriated an amount not to exceed $10 million from the Wastewater Treatment and Stormwater Management Revolving Trust Fund for the purposes of transferring funds to the Florida Water Pollution Control Financing Corporation under service contract to carry out the activities authorized in ss. 403.1835 and 403.1837, F.S.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 40-0; House 116-0

HB 1957 — Save Our Everglades Trust Fund

by Rep. Constantine and others (SB 1696 by Senators Saunders, Forman, and Campbell)

This bill creates the Save Our Everglades Trust Fund within the Department of Environmental Protection to implement the comprehensive plan contained within the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement, April 1999." The fund is to serve as the repository for specified state, local, and federal project contributions. The fund is exempted from service charges imposed by s. 215.20(1), F.S. The bill provides that any balance remaining at the end of the fiscal year must remain in the trust fund in order to carry out the purposes of the fund. The fund will be terminated on July 1, 2004, unless terminated sooner, and prior to termination, will be subject to the trust fund review process.

If approved by the Governor, these provisions take effect July 1, 2000.
Vote: Senate 38-0; House 120-0

HB 2071 — Rulemaking Authority of Water Management Districts (RAB)

by Water & Resource Management Committee, Rep. Alexander and others (SB 670 by Senator Bronson)

This bill amends s. 373.118, F.S., to authorize water management district governing boards to delegate, by rule, its powers and duties pertaining to general permits to the executive director. The executive director may execute such delegated authority through designated staff. However, when delegating the authority to take final action on permit applications under part II or part IV of ch. 373, F.S., or petitions for variances or waivers of permitting requirements under part II or part IV, of ch. 373, F.S., the governing board must provide a process for referring any denial of such an application or petition to the governing board, which will take final action.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 107-0

CS/HB 2365 — Wetlands Mitigation

by Environmental Protection Committee and Rep. Alexander (CS/SB 2162 by Natural Resources Committee and Senator Forman)

This bill implements the findings and recommendations of the Office of Program Policy Analysis and Governmental Accountability's report regarding wetland mitigation. The bill provides that an environmental creation, preservation, enhancement, or restoration

project, for which money is donated or paid as mitigation, which is sponsored by the Department of Environmental Protection (DEP), a water management district, or a local government and which provides mitigation for five or more applicants for permits under part IV, ch. 373, F.S., or 35 or more acres of adverse impacts, is to be established and operated under a memorandum of agreement (MOA). Provides that the MOA does not have to be adopted by rule. Specifies what the MOA must address. Provides that an MOA may authorize more than one project or categories of projects. These provisions do not apply to contracts between the DEP, the water management districts, or local governments with a private entity to establish a mitigation bank. Provides other options for single-family lots or homeowners.

A mitigation service area may be larger or smaller than the regional watershed under certain conditions. The DEP and the water management districts are to report to the Executive Office of the Governor once a year all cash donations accepted for mitigation during the preceding calendar year. Specifies what the report must contain.

A uniform wetland mitigation assessment method is required to be developed by the DEP and the water management districts no later than October 1, 2001. The DEP is required to adopt the method by rule by January 31, 2002. The method will be binding on the DEP, the water management districts, local governments, and any other governmental agencies and shall be the sole means to determine the mitigation needed to offset adverse impacts and to award and deduct mitigation credits. The application of the uniform wetland mitigation assessment method is not subject to s. 70.001, F.S., the Bert J. Harris, Jr. Private Property Rights Protection Act.

The Office of Program Policy Analysis and Government Accountability is required to conduct a study on cumulative impact consideration and issue a report by July 1, 2001.

Under its Environmental Resource Permit program, the St. Johns River Water Management District shall delineate the Lake Jesup basin as a separate and distinct drainage basin and regional watershed.

The water management districts governing boards may delegate any of the powers, duties, and functions vested in the governing board to the executive director and other district staff. However, if the governing board delegates the authority to take final action on permit applications under part II or part IV of ch. 373, F.S., or petitions for variances or waivers of permitting requirements under part II or part IV of ch. 373, F.S., the governing board shall provide a process for referring any denial of such application or petition to the governing board to take final action.

The South Florida Water Management District is authorized to act in accordance with the Seminole Tribe Water Rights Compact. Pursuant to s. 285.165, F.S., the compact was

ratified and approved by the South Florida Water Management District governing board on May 15, 1987.

The manner in which the Governor is to make appointments to the Environmental Regulation Commission is revised. Currently, each water management district must be represented. This bill provides that the Governor shall provide reasonable representation from all sections of the state.

Any person filing a bid protest regarding a contract administered by a water management district must post an amount equal to 1 percent of the total volume of the contract or $5,000, whichever is less. In lieu of a bond, a cashier's check or money order may be posted. This provision puts the water management districts on a par with other state agencies.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 37-0; House 116-0