

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2364

SPONSOR: Senator Peaden

SUBJECT: Shooting Range Cleanup Trust Fund

DATE: March 2, 2004 REVISED: 3/2/04 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kiger</u>	<u>NR</u>	<u>Fav</u>
2.	_____	_____	<u>AP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill is linked to CS/CS/SB 1156 and creates the Shooting Range Cleanup Trust Fund within the Department of Environmental Protection. The purpose of the trust fund is to facilitate the cleanup of outdoor shooting ranges pursuant to the provisions of s. 790.333, F.S.

This bill creates s. 376.90, Florida Statutes.

## II. Present Situation:

A bill has been proposed for the 2004 Legislative session to amend certain provisions of law governing weapons and firearms. That legislation, CS/CS/SB 1156, would:

- Provide limited immunity for all shooting and training ranges (“ranges”) identified to the Department of Environmental Protection by September 30, 2005, from any administrative, criminal, and civil claims brought by the state, a special district, or political subdivision and arising from the placement or accumulation of projectiles on the range or other property over which the range has the legal right to use.
- Enumerate legislative findings in support of the immunity from state claims for sport shooting and training ranges.
- Require all pending administrative or judicial claims subject to this CS to be withdrawn from the tribunal within 30 days after the CS becomes law; prohibits any governmental entity from benefiting financially from such action; provides for the governmental entity to pay attorney’s fees and costs of litigation and resulting damages.
- Create a civil cause of action for damages, attorney’s fees, and costs for any person injured as a result of a claim filed in violation of this law.

- Create a first degree misdemeanor offense if any official, employee, or other agent of a public entity willfully and knowingly brings a claim for the placement or accumulation of projectiles against any owner, operator, or user of a sport shooting and training range in violation of the provisions of the CS.
- Create certain duties within the Department of Environmental Protection with regard to contamination assessment and cleanup of ranges.
- Create a duty to use risk-based corrective action, using the most fiscally responsible approach in the cleanup process.
- Create a method by which the department may seek judicial intervention for the purpose of fulfilling its duties under limited circumstances.
- Require the department to notify ranges when the Act passes and to establish a range identification process.

Ranges identified to the department by September 30, 2005, may not be required to pay for the cost of the initial cleanup.

CS/CS/SB 1156 would restrict governmental entities other than the state from initiating any activity related to environmental issues, except under certain restricted circumstances.

CS/CS/SB 1156 further provides that funds from the Water Quality Assurance Trust Fund may be used for expenses associated with this Act.

### **III. Effect of Proposed Changes:**

This bill is linked to CS/CS/SB 1156 and creates the Shooting Range Cleanup Trust Fund within the Department of Environmental Protection. The purpose of the trust fund is to facilitate the cleanup of outdoor shooting ranges pursuant to the provisions of s. 790.333, F.S.

The trust fund is exempt from the service charge imposed by s. 215.20, F.S. Interest earned on moneys in the trust fund shall be invested and reinvested to the credit of the trust fund.

Any funds remaining in the trust fund upon its termination date shall be transferred to the Lifetime Fish and Wildlife Trust Fund of the Fish and Wildlife Conservation Commission. Notwithstanding the provisions of s. 372.105, F.S., relating to the Lifetime Fish and Wildlife Trust Fund, such funds shall be used solely to support shooting and hunting activities for youth through an agreement with the Wildlife Foundation of Florida, Inc.

Notwithstanding s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the fiscal year and shall be available for carrying out the purposes of the trust fund.

In accordance with s. 19(f)(2), Art. III of the State Constitution, the trust fund must, unless terminated sooner, be terminated on July 1, 2008. Before its scheduled termination, the trust fund must be reviewed as provided in s. 215.3206(1) and (2), F.S.

This act shall take effect on the effective date of CS/CS/SB 1156, or similar legislation providing for the cleanup of outdoor shooting ranges, but it shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

This bill complies with the requirements in s. 19(f)(1), Art. III of the State Constitution, that trust funds must be created by a separate bill and must pass by a three-fifths vote of each house of the Legislature.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.