

CS/HB 9 — Pollution Control

by Natural Resources & Environmental Protection Committee and Rep. Ball and others (CS/SB 834 by Comprehensive Planning, Local & Military Affairs Committee and Senator Bronson)

The Department of Environmental Protection (DEP) is currently authorized to enter into a memorandum of agreement with the Florida Ports Council, the Florida Inland Navigation District and the West Coast Inland Navigation District for a supplemental permitting process for the issuance of a joint coastal permit for certain maintenance dredging, spoil disposal, beach nourishment, and environmental protection of activities of navigation channels, port harbors, turning basins, harbor berths, and inland waterways. This bill specifically gives the DEP the authority to adopt rules relating to such memoranda of agreement.

This bill requires an applicant for a permit for a solid waste management facility to notify the local government with jurisdiction over the facility before or on the same day of the filing of the permit application with the DEP. The bill also requires the applicant to publish newspaper notice of the filing of the application in a newspaper of general circulation in the area where the facility will be located. Further, the department shall not issue the requested permit until the applicant has provided the department with proof that the notices have been given. Issuance of a permit does not relieve an applicant from compliance with local zoning or land use ordinances, or with any other law, rules, or ordinances.

The DEP may use funds from the Solid Waste Management Trust Fund for grants to certain Florida-based businesses for demonstration projects with one or more counties for countywide comprehensive electronics recycling. The funding may also be used for grants to counties to develop methods to collect and transport electronics to be recycled provided such methods are comprehensive in nature.

The DEP is required to conduct a comprehensive review of the waste reduction and recycling goals set out in ch. 403, part IV, F.S., and other legislative requirements in view of reduced available funding for these purposes. The department shall issue its report, recommendation, and proposed legislative changes to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2001.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 39-0; House 120-0

SB 536 — Demineralization Concentrate

by Senator Bronson

This bill revises the provisions in s. 443.0882, F.S., regarding the discharge of demineralization concentrate to remove or reword confusing language and to update the statutes according to the latest Department of Environmental Protection rules and industry developments.

In order to promote the state objective of alternative water supply development, the concentrate resulting from demineralization must be classified as a potable water byproduct, regardless of flow quantity, and must be appropriately treated and discharged or reused.

Blending of demineralization concentrate with reclaimed water is allowed in accordance with the department's reuse rules.

For small water utility businesses, the discharge of demineralization concentrate is presumed to be allowable and permissible if certain specified conditions are met.

A mixing zone for the discharge of demineralization concentrate may be allowed in an Outstanding Florida Water under certain conditions.

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

Vote: Senate 37-0; House 114-0

CS/SB 1030 — Water Resources

by Natural Resources Committee and Senator Bronson

This bill makes certain technical and clarifying amendments to conform Florida's Safe Drinking Water Act to the federal Safe Drinking Water Act. It redefines the terms "public water system," "noncommunity water system," "nontransient noncommunity water system," and "transient noncommunity water system." The Department of Environmental Protection is authorized to issue permits for altering or extending a public water system based on the size of the system under certain circumstances. Suppliers of water are required to submit periodic operating reports and testing data, which may include certain raw water data. The bill also provides for licensure of water distribution system operators and establishes continuing education requirements for water well contractors. Certain outdated provisions of the Florida Water Pollution Control and Sewage Treatment Plant Grant Act are repealed.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 36-0; House 118-1

CS/CS/SB 1204 — Fish and Wildlife Conservation Commission

by Finance & Taxation Committee; Agriculture & Consumer Services Committee; and Senator Bronson

This bill exempts any resident who is certified to be totally and permanently disabled by the Railroad Retirement Board from the income requirement for a restricted species endorsement on a saltwater products license (SPL), if the resident has held a SPL for at least three of the last five license years prior to the occurrence of the disability. Also, existing provisions authorizing a depredation endorsement on a SPL allowing an aquaculturist to harvest, but not sell, nuisance stone crabs and blue crabs are revised to authorize the issuance of a permit rather than an endorsement.

The bill revises and modernizes outdated provisions determining the designation of the Legislative members of the Atlantic and Gulf States Marine Fisheries Compacts. The commissioners will be appointed on a rotating basis by the President of the Senate and the Speaker of the House of Representatives.

The bill clarifies that the Department of Environmental Protection issues permits for artificial reef construction and that the Fish and Wildlife Conservation Commission approves the placement of regulatory markers in state waters.

Agencies and water management districts managing lands for public hunting are encouraged to authorize the release and feeding of quail to benefit quail hunting, and a provision requiring the payment of the prior year's landowner payment, in addition to the permit fee, to landowners in the recreational user permit fee program is deleted.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 33-0; House 116-1

HB 1221 — Water Resources

by Rep. Cantens and others (CS/CS/SB 2120 by Judiciary Committee; Natural Resources Committee; and Senators Garcia and Bronson)

This bill contains a number of provisions primarily intended to increase the efficiency of Water Management District (WMD) operations. It also revises provisions governing WMD budgetary matters and reporting requirements. Major features include:

- Authorization for WMDs to obtain and enforce patents, copyrights, and trademarks.
- Authorization for WMDs to bar defaulting contractors from doing business with a district and to limit the liability of certain vendors.
- Authorization for WMDs to solicit funding and lease specified property.

- Revision of budgeting, auditing, capital improvement planning, and fiscal reporting requirements for WMDs. The changes delete duplicative reporting requirements, group like functions together, and appropriately sequence the timing of responsibilities.
- Requiring the Public Service Commission to allow entities constructing alternative water supply facilities to recover the full cost of such facilities through rate structures.
- Revision of the membership of the Manasota Basin Board within the Southwest Florida Water Management District to include three members each from Manatee and Sarasota Counties.
- Revision of provisions authorizing a WMD employee who adopts a special needs child to receive benefits (as do other state employees), to provide procedures for the transfer of funds.

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

Vote: Senate 39-0; House 116-0

CS/CS/SB 1376 — Phosphogypsum Stack Management

by Finance & Taxation Committee; Natural Resources Committee; and Senator Laurent

This bill increases, from \$30 million to \$50 million, funds reserved in the Nonmandatory Land Reclamation Trust Fund (Fund). In addition to reclamation, the reserved funds may be used by the Department of Environmental Protection (DEP) to abate eminent hazards associated with phosphogypsum stacks (stacks) and for closing abandoned stacks and carrying out postclosure care. The bill provides that an imminent hazard exists if the physical condition, maintenance, operation, or closure of a stack system creates an immediate and substantial danger to human health, safety, or welfare or to the environment.

If the DEP determines that an imminent hazard exists, the bill provides procedures for the DEP to gain access to the stack, including instituting legal action in its own name. If serious harm to the environment or private or public property might occur prior to completion of a formal proceeding initiated to gain access to abate the imminent hazard, the DEP may obtain an injunction, *ex parte*. The DEP is authorized to take any appropriate action to abate an eminent hazard, including using its own employees, contracting for services, or financing some other party to perform the work.

The bill requires the DEP to recover funds expended to abate an imminent hazard from the stack's owner or operator, including funds expended prior to the effective date of this act, plus an annual penalty until the debt is repaid. The DEP may impose a lien on the stack system and

property to recover its costs. The bill provides similar powers and procedures for closing an abandoned stack.

The bill repeals existing annual registration fees. The new fee is \$75,000 per stack for the first five years of registration. Unless used for the purposes of the act, all fees are to be returned following a certified stack closure.

The bill requires reports and includes a \$16 million appropriation from the Fund.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 40-0; House 117-2

CS/SB 1468 — Land Acquisition and Management

by Governmental Oversight & Productivity Committee and Senator Latvala

This bill contains new goals and performance measures for the Florida Forever Program recommended by the Florida Forever Advisory Council (FFAC) as directed in the Florida Forever Act, s. 259.105, F.S., and repeals the old statutory goals and measures. It also includes a number of changes to land acquisition and management statutes recommended by the Department of Environmental Protection (DEP). Major features include:

- A definition of “conservation lands,” to conform to constitutional requirements for an extraordinary vote to dispose of surplus conservation lands.
- Revision of provisions governing the sale of surplus lands to have the Board of Trustees of the Internal Improvement Trust Fund (Trustees) decide which other governmental entity may acquire surplus lands if a local government does not wish to purchase the parcel. If surplus land is valued at less than \$1 million, only one appraisal is required. Notice requirements for surplus land sales do not apply to former Cross Florida Barge Canal Lands, which have their own statutory notice requirements.
- Murphy Act land sales need only one appraisal if the parcel is 10 acres or less in size and valued at \$250,000 or less.
- The Office of Coastal and Aquatic Managed Areas is provided rulemaking authority for uplands it manages
- The Legislative members of the FFAC are deleted, and obsolete provisions are repealed.

Other changes include:

- The existing Green Utility program for counties is expanded to include municipalities with a population of 200,000 or more.
- Florida Communities Trust funding previously set aside for grant projects in the Florida Keys may now be accessed by local governments in Monroe County, as well as Monroe County.
- Legislative intent is provided that any funds from the Preservation 2000 Trust Fund redirected to Everglades restoration be restored by the General Appropriations Act for FY 2002-2003.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 38-0; House 116-0

CS/SB 1524 — Comprehensive Everglades Restoration

by Natural Resources Committee and Senator Constantine

This bill creates the Comprehensive Everglades Restoration Plan Regulation Act (ACT), providing an expedited permitting program for project components of the Comprehensive Everglades Restoration Plan (CERP). With certain exceptions, the expedited permitting program under s. 373.1502(3), F.S., will apply to all CERP project components. Such permits are in lieu of any other state permitting requirements under ch. 373, F.S., or ch. 403, F.S. Permits for project components will be for five years and may encompass multiple project components. The permit application must provide reasonable assurance that:

- The project component will achieve design objectives.
- State water quality standards will be met to the maximum extent practicable; a project component may not cause or contribute to violation of state water quality standards.
- Discharges from the project component will not pose a serious danger to the public.
- Impacts to wetlands or listed species from a project component will be avoided, minimized, or mitigated.

The bill permits construction for a project component to be initiated upon submission of a permit and completion of the Department of Environmental Protection's (DEP's) approval of a project component under s. 373.1501, F.S. However, a permit must be issued prior to operation of the project component.

The bill also requires the South Florida Water Management District (SFWMD) to provide specified financial information regarding the project component and an implementation schedule

to the Joint Legislative Committee on Everglades Oversight when a project component is approved.

The bill provides acceptance of Phase II of the Miami-Dade County Lake Belt Plan, amends the boundary of the Miami-Dade County Lake Belt Area, and repeals the Miami-Dade County Lake Belt Plan Implementation Committee, as its assigned tasks have been completed.

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

Vote: Senate 39-0; House 120-0

HB 1635 — Environmental Control

by Rep. Goodlette (CS/CS/SB 1664 by Judiciary Committee; Natural Resources Committee; and Senator Laurent)

This bill provides a schedule of administrative penalties for violation of environmental control laws. It establishes a voluntary process for paying specified penalties as an alternative to a negotiated settlement, an administrative hearing, or the court system.

The bill limits the penalty for any particular violation to \$5,000 against any one violator, unless the violator has a history of noncompliance, the economic benefit of the violation to the violator exceeds \$5,000, or there are multi-day violations. The total administrative penalties may not exceed \$10,000 per assessment for all violations attributable to a specific person in the notice of violation. Increased penalties may be assessed for certain repeat violators, and penalties may be assessed per day per violation for controlling violators.

The bill authorizes the administrative law judge to consider evidence in mitigation, and reduce penalties in specified circumstances, provides procedures for the program, and authorizes mediation. The DEP bears the burden of proof, which is by a preponderance of the evidence.

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

Vote: Senate 39-0; House 115-0

