

Committee on Environment and Natural Resources

CS/HB 73 — Environmental Regulation

by State Affairs Committee; and Rep. Overdorf and others (CS/SB 326 by Environment and Natural Resources Committee; and Senators Perry and Gibson)

The bill requires contracts between local governments and residential recycling collectors or recovered materials processing facilities for the collection, transport, or processing of residential recyclable material to address contamination. Such contracts must provide a definition of “contaminated recyclable material” that is appropriate for the local community, and must address topics regarding contamination that are listed in the bill. These requirements also apply to each request for proposal or other solicitation for collecting or processing residential recyclable material. After a contract is executed, a residential recycling collector or recovered materials processing facility is not required to collect, transport, or process contaminated recyclable material, except pursuant to a contract consistent with the bill. The bill applies to contracts that are executed or renewed after October 1, 2020.

The bill prohibits a local government from requiring a person claiming certain environmental permitting exceptions to provide further verification from the Department of Environmental Protection. The bill revises the exemption in current law from permits for the replacement or repair of existing docks or piers. Instead of requiring that the replaced or repaired dock or pier be in the same location and of the same configuration and dimensions as the dock or pier being replaced or repaired, the bill requires that it must be within 5 feet of the same location and no larger than the existing dock or pier. No additional aquatic resources may be adversely and permanently impacted by such replacement or repair.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 119-0

Committee on Environment and Natural Resources

CS/CS/SB 178 — Public Financing of Construction Projects

by Appropriations Committee; Infrastructure and Security Committee; and Senators Rodriguez and Berman

The bill requires a public entity that commissions or manages a construction project within the coastal building zone, using funds appropriated from the state, to conduct a sea level impact projection (SLIP) study prior to commencing construction. The Department of Environmental Protection (DEP) must establish, by rule, standards for the SLIP studies. The standards must include certain requirements specified in the bill for how the studies will be conducted and the information they must contain. The bill's requirement to conduct a SLIP study prior to commencing construction is effective one year after DEP's rule is finalized, and this requirement only applies to projects that commence after the rule is finalized.

SLIP studies must be conducted, submitted to DEP, and published on DEP's website for 30 days before construction can commence. DEP must publish and maintain a copy of all SLIP studies on its website for 10 years after receipt. The bill requires DEP to adopt rules as necessary to administer the section and authorizes DEP to enforce the requirements of the section.

The bill authorizes DEP to bring a civil action to seek injunctive relief to cease construction, enforce the section or rules adopted pursuant thereto, or seek recovery of state funds expended on a coastal structure, if construction commences without complying with the section. The bill states that the section may not be construed to create a cause of action for damages or otherwise authorize the imposition of penalties by a public entity for failure to implement what is contained in a SLIP study.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-0; House 115-0

Committee on Environment and Natural Resources

CS/HB 327 — Illegal Taking, Possession, and Sale of Bears

by Agriculture and Natural Resources Subcommittee and Rep. D. Smith and others (CS/CS/SB 688 by Criminal Justice Committee; Environment and Natural Resources Committee; and Senator Wright)

The bill increases the penalty for taking or possessing a freshly killed bear during the closed season. Under the bill, a person who commits such offenses commits a Level Three violation (a first-degree misdemeanor for the first offense) and forfeits any other Fish and Wildlife Conservation Commission (FWC) license or permit for three years from the violation date. A person who commits a subsequent offense of taking a bear or possessing a freshly killed bear is permanently ineligible for issuance of any FWC license or permit. A person who possesses for sale or sells an illegally-taken bear commits a Level Four violation (a third-degree felony).

The bill provides an exception to the prohibited acts if a person is acting under the authority of FWC Rules.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Environment and Natural Resources

SB 384 — Harris Chain of Lakes

by Senator Baxley

The bill repeals s. 373.467, F.S., eliminating the Harris Chain of Lakes Restoration Council.

The bill amends s. 373.468, F.S., eliminating the Harris Chain of Lakes Restoration Council's responsibilities in initiating the Harris Chain of Lakes restoration program and in reviewing other restoration proposals.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 110-4

Committee on Environment and Natural Resources

CS/HB 549 — Public Records/Site-specific Location Information of Endangered and Threatened Species

by Agriculture and Natural Resources Subcommittee and Rep. Overdorf (CS/CS/SB 812 by Governmental Oversight and Accountability Committee; Environment and Natural Resources Committee; and Senator Hutson)

The bill creates a new public records exemption to exempt site-specific location information for endangered and threatened species from public inspection and copying requirements. The exemption does not apply to location information for animals held in captivity.

The bill contains legislative findings, including that “the release of such location information would jeopardize the continued existence of endangered or threatened species by increasing the risk of exposure to wildlife poachers or by threatening the integrity of the site due to increased use or traffic. This exemption protects private property owners from potential trespass and related liability issues when endangered or threatened species are found on their properties and encourages such property owners, as well as researchers, to provide agencies with information they might not otherwise provide if such location information were made public.”

The exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-1; House 117-0

Committee on Environment and Natural Resources

CS/HB 659 — Drones

by Agriculture and Natural Resources Appropriations Subcommittee and Rep. Fischer (CS/SB 822 by Governmental Oversight and Accountability Committee and Senator Albritton)

The bill creates an additional exception from the prohibition in existing law against law enforcement agencies using drones to gather evidence or information. The bill authorizes the use of drones by a non-law enforcement employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing or mitigating wildfire threats.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 114-0

Committee on Environment and Natural Resources

CS/CS/CS/SB 680 — Shark Fins

by Rules Committee; Commerce and Tourism Committee; Environment and Natural Resources Committee; and Senators Hutson, Gruters, Stewart, Berman, and Book

The bill is named the “Kristin Jacobs Ocean Conservation Act.”

The bill prohibits the import, export, and sale of shark fins in the State of Florida with certain exceptions including:

- The sale of shark fins by any commercial fisherman who harvested sharks from a vessel holding a valid federal shark fishing permit on January 1, 2020;
- The export and sale of shark fins by any wholesale dealer holding a valid federal Atlantic shark dealer permit on January 1, 2020; and
- The export and sale of domestically sourced shark fins by any shark fin processor that obtains fins from a wholesale dealer holding a valid federal Atlantic shark dealer permit on January 1, 2020.

The bill requires the Fish and Wildlife Conservation Commission (FWC) to evaluate the potential economic impact to the commercial shark fishing industry associated with prohibition of the import, export, and sale of shark fins in Florida, and report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2021. In conducting the study, FWC shall include:

- Recommendations on how to lessen or offset impacts on the commercial shark fishing industry to the extent practicable if any negative economic impacts are identified;
- The potential impact on shark populations associated with the prohibition of the import, export, and sale of shark fins in Florida; and
- Any other information FWC believes is relevant to the management of shark fisheries.

The bill states that, upon receipt of the report, the Legislature may impose a ban on the domestic production of shark fins.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 40-0; House 119-1

Committee on Environment and Natural Resources

CS/SB 702 — Petroleum Cleanup

by Environment and Natural Resources Committee and Senator Albritton

The bill makes the following changes to the Petroleum Cleanup Participation Program:

- Requires that limited contamination assessment reports be sufficient to support the proposed course of action and to estimate the cost of the proposed course of action.
- Authorizes a demonstration of cost savings, as described in the bill, to replace or supplement the existing cost-share requirement.
- Provides definitions for Risk Management Option Levels I and II.
- Deletes the authorization that the costs for the report and copayment may be reduced or eliminated if the responsible owners and all operators demonstrate that they cannot financially comply with the copayment and report requirements.
- Deletes the 120-day time limitation for negotiations.

The bill makes the following changes to the Advanced Cleanup Program:

- Requires the applicant's contractor, upon acceptance of an application, to submit a scope of work to the Department of Environmental Protection (DEP) for the limited contamination assessment. Once the scope of work is agreed upon, DEP must issue purchase orders for the assessment of up to \$35,000 per purchase order.
- Requires that the property owner or responsible party must commit to continue to participate in the advanced cleanup program upon completion of the limited contamination assessment and finalization of the proposed course of action.
- Requires that proposed course of actions in the application be "conceptual."
- Deletes the prohibition on refunding costs incurred relating to conducting the limited contamination assessment report from the Inland Protection Trust Fund (IPTF).
- Deletes the requirement that the limited contamination assessment report be included in the application for the advanced cleanup program.

The bill authorizes DEP to use the IPTF to address damage or potential damage to storage tank systems caused by ethanol or biodiesel. DEP must pay up to \$10 million each fiscal year from the IPTF for the costs of labor and equipment to repair or replace petroleum storage systems that may have been damaged or for preventative measures reducing the potential for such damage. The bill establishes procedures by which petroleum storage system owners or operators may submit applications for purchase orders for authorized scopes of work and for payment of costs incurred between July 1, 2015 and June 30, 2019. DEP is authorized to pay up to \$200,000 annually per applicant for a single facility or \$500,000 annually per applicant in aggregate. The bill requires that, after July 1, 2019, DEP must only register new petroleum equipment meeting applicable standards for compatibility.

The bill requires DEP to disburse money to the Fish and Wildlife Conservation Commission for enforcement of the IPTF statute and the Water Quality Assurance Act.

If approved by the Governor, these provisions take effect July 1, 2020.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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Vote: Senate 40-0; House 117-0

Committee on Environment and Natural Resources

CS/HB 1047 — Construction Materials Mining Activities

by Government Operations and Technology Appropriations Subcommittee and Rep. Avila and others (SB 1618 by Senator Diaz)

The bill creates a pilot program in the Division of the State Fire Marshal (Division) within the Department of Financial Services for the monitoring and reporting of each blast resulting from the use of explosives for construction materials mining activities in Miami-Dade County. The bill requires the State Fire Marshal to post the report on the Division's website and to adopt rules to implement and enforce the act.

The bill requires the State Fire Marshal to hire or contract with seismologists to monitor and report, at minimum, the ground vibration, frequency, intensity, air blast, and time and date of the blast. The bill prohibits the seismologists from certain conflicts of interest or dishonest practices.

The bill requires a person who engages in construction materials mining activities to provide written notice to the State Fire Marshal of the use of an explosive for such activities in Miami-Dade County before the detonation of the explosive.

The bill appropriates, for Fiscal Year 2020-2021, a recurring sum of \$600,000 and a nonrecurring sum of \$440,000 from the General Revenue Fund, and a nonrecurring sum of \$1,000,000 from the Insurance Regulatory Trust Fund to the Division for the purpose of implementing the pilot program created under the bill.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 38-0; House 118-0

Committee on Environment and Natural Resources

CS/CS/HB 1061 — Aquatic Preserves

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee;
and Rep. Massullo (SB 1042 by Senator Albritton)

The bill designates the coastal region of Citrus, Hernando, and Pasco counties as an aquatic preserve system under the Florida Aquatic Preserve Act of 1975 and names it the “Nature Coast Aquatic Preserve.” The bill also designates the region as an Outstanding Florida Water.

The bill includes legislative intent that the area “be preserved in an essentially natural condition so that its biological and aesthetic values may endure for the enjoyment of future generations.”

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 117-1

Committee on Environment and Natural Resources

CS/CS/HB 1091 — Environmental Accountability

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Fine and others (CS/CS/SB 1450 by Appropriations Committee; Environment and Natural Resources Committee; and Senator Gruters)

The bill makes numerous changes to the penalties for violating Florida's environmental laws. The bill increases required or maximum environmental penalties in various sections of the Florida Statutes. Most of these changes increase a penalty by 50 percent. The bill increases the amount in administrative penalties that the Department of Environmental Protection may impose under ch. 403, F.S., in a notice of violation from \$10,000 to \$50,000.

The bill changes the duration that several penalties may run, so that each day during any portion of which certain violations occur constitutes a separate offense. For administrative penalties imposed under ch. 403, F.S., the bill provides that each day the cause of an unauthorized discharge of domestic wastewater is not addressed constitutes a separate offense. For civil penalties imposed under ch. 403, F.S., the bill provides that, if a violation is an unauthorized discharge of domestic wastewater, each day the cause of the violation is not addressed constitutes a separate offense until the violation is resolved by order or judgement.

The bill requires a seller of real property to disclose to a prospective purchaser, before executing a contract for sale, any defects in the property's sanitary sewer lateral that are known to the seller. The bill also encourages municipalities and counties to voluntarily establish within their respective jurisdictions an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties to identify and reduce extraneous flow from leaking sanitary sewer laterals. The bill sets out certain requirements for such programs.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 115-0

Committee on Environment and Natural Resources

CS/CS/CS/SB 1414 — Fish and Wildlife Activities

by Rules Committee; Agriculture Committee; Environment and Natural Resources Committee;
and Senator Mayfield

The bill broadens the prohibition on the harassment of hunters, trappers, or fishers to include harassment on any public lands, public waters, or publicly or privately owned wildlife management and fish management areas.

The bill expands the number of free fishing days from 4 to 6.

The bill adds green iguanas and tegu lizards to the conditional nonnative snakes and lizards list and tightens the restrictions on the list from applying to possession of these species for sale or personal use to prohibiting any use except for educational, research, or eradication or control purposes.

The bill authorizes the Fish and Wildlife Conservation Commission (FWC) to grandfather certain persons holding a valid captive wildlife Class III exhibition or sale license to continue to exhibit, sell, or breed green iguanas or tegu lizards commercially as long as the license remains active and is not transferred or lapsed. The bill allows the sale of inventory of the species only outside of the state and prohibits import of the species into the state.

The bill requires FWC to adopt rules to establish reporting requirements, biosecurity measures to prevent the escape of the species, and grandfathering provisions for persons that are currently in possession of green iguanas or tegu lizards who do not qualify for the grandfathering provisions applicable to exhibition, sale, or breeding.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 118-0

Committee on Environment and Natural Resources

HB 6027 — Citrus/Hernando Waterways Restoration Council, Citrus County
by Rep. Massullo (SB 388 by Senator Hooper)

The bill repeals the Citrus/Hernando Waterways Restoration Council and the Citrus/Hernando Waterways restoration program by repealing Chapters 2003-287 and 2006-43, L.O.F.

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

Vote: Senate 40-0; House 118-0