

1 A bill to be entitled
 2 An act relating to Hillsborough County; amending chapter
 3 84-446, Laws of Florida, as amended; revising legislative
 4 intent and purpose relating to the membership of the
 5 Hillsborough County Environmental Protection Commission;
 6 revising definitions; providing for termination of current
 7 membership; providing for appointment of new and alternate
 8 members; providing terms of office; providing for the
 9 filling of vacancies; amending chapter 97-351, Laws of
 10 Florida; revising the membership of the governing body of
 11 the Hillsborough County City-County Planning Commission;
 12 amending chapter 82-306, Laws of Florida, as amended;
 13 revising the membership of the Tampa Sports Authority;
 14 providing an effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Sections 2, 3, and 4 of chapter 84-446, Laws of
 19 Florida, as amended by chapter 87-495, Laws of Florida, are
 20 amended to read:

21 Section 2. Declaration of legislative intent.--The
 22 Legislature finds and declares that the reasonable control and
 23 regulation of activities which are causing or may reasonably be
 24 expected to cause pollution or contamination of air, water,
 25 soil, and property, or cause excessive and unnecessary noise may
 26 be necessary for the protection and preservation of the public
 27 health, safety, and welfare. It is the intent and purpose of
 28 this act to designate five members of the board of county

29 | commissioners and additional members from each of the
30 | municipalities within the county as the environmental protection
31 | commission of Hillsborough County to provide and maintain for
32 | the citizens and visitors of said county standards which will
33 | insure the purity of all waters and soils consistent with public
34 | health and public enjoyment thereof, the propagation and
35 | protection of wildlife, birds, game, fish, and other aquatic
36 | life, atmospheric purity and freedom of the air from
37 | contaminants or synergistic agents injurious to human, plant, or
38 | animal life, and freedom from excessive and unnecessary noise
39 | which unreasonably interferes with the comfortable enjoyment of
40 | life or property or the conduct of business.

41 | Section 3. Definitions.--As used in this act and ~~said~~
42 | rules adopted by the commission ~~and regulations~~, the following
43 | words and phrases shall have the following meanings, unless some
44 | other meaning is plainly indicated:

45 | (1) "County" means Hillsborough County, Florida.

46 | (2) "Air contaminants" means a particulate matter as
47 | defined herein, gas, or odor, including, ~~but not limited to,~~
48 | smoke, charred paper, dust, soot, grime, carbon, or any other
49 | particulate matter, or irritating, malodorous, or noxious acids,
50 | fumes, or gases, or any combination thereof, but does ~~shall~~ not
51 | include uncombined water vapor.

52 | (3) "Air pollution" means the presence in the outdoor
53 | atmosphere of one or more air contaminants or combination
54 | thereof in such quantities and of such duration as to be
55 | injurious to human, plant, or animal life, or property, or which

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56 | unreasonably interfere with the comfortable enjoyment of life or
57 | property or the conduct of business.

58 | (4) "Dusts" means minute solid particles released into the
59 | air by natural forces or by mechanical processes, including, ~~but~~
60 | ~~not limited to~~, crushing, grinding, milling, drilling,
61 | demolishing, shoveling, conveying, covering, bagging, and
62 | sweeping.

63 | (5) "Emission" means the act of passing into the
64 | atmosphere an air contaminant or gas stream which contains or
65 | may contain an air contaminant, or the material so passed to the
66 | atmosphere.

67 | (6) "Gas" means a formless fluid which occupies space and
68 | which can be changed to a liquid or solid state only by
69 | increasing pressure with decreased or controlled temperature, or
70 | by decreased temperature with increased or controlled pressure.

71 | (7) "Mist" means a suspension of any finely divided liquid
72 | in any gas.

73 | (8) "Nuisance" includes the use of any property,
74 | facilities, equipment, processes, products, or compounds, or the
75 | commission of any acts, that cause or materially contribute to:

76 | (a) The emission into the outdoor air of dust, fumes, gas,
77 | mist, odor, smoke, vapor, or noise, or any combination thereof,
78 | of such character and in such quantity or level as to be
79 | detectable by a considerable number of persons or the public, so
80 | as to interfere with such person or the public health, repose,
81 | or safety by causing severe annoyance or discomfort, tending to
82 | lessen normal food and water intake, producing irritation of the
83 | upper respiratory tract, producing symptoms of nausea, or being

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84 offensive or objectionable to or causing injury or damage to
85 real property, personal property, or human, animal, or plant
86 life of any kind; or which interferes with the normal conduct of
87 business or is detrimental or harmful to the health, comfort,
88 living conditions, welfare, and safety of the inhabitants of the
89 county.

90 (b) The discharge into any of the waters of the county of
91 any organic or inorganic matter or deleterious substances or
92 chemical compounds or thermal energy, or any effluent containing
93 the foregoing, in such quantities, proportions, or accumulations
94 as to be detectable at any point beyond the property limits of
95 the premises occupied or used by the person responsible for the
96 source thereof, so as to interfere with the health, repose, or
97 safety of any considerable number of persons or the public by
98 causing severe annoyance or discomfort, tending to lessen normal
99 food and water intake, producing symptoms of nausea, or being
100 offensive or objectionable to or causing injury or damage to
101 real property, personal property, or human, plant, or animal
102 life of any kind; or which interferes with the normal conduct of
103 business or is detrimental or harmful to the health, comfort,
104 living conditions, welfare, and safety of the inhabitants of the
105 county.

106 (c) The placement in or upon any soils of the county or
107 the maintenance of any accumulation in or upon any soils of the
108 county of any organic or inorganic matter, garbage, rubbish,
109 refuse, or other solid or semi-solid material of a deleterious
110 nature in such quantities, proportions, or accumulations as to
111 be detectable beyond the property limits of the premises, so as

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112 to interfere with the health, repose, or safety of any
113 considerable number of persons or the public by causing severe
114 annoyance or discomfort, or being offensive or objectionable to
115 or causing injury or damage to real property, personal property,
116 or human, animal, or plant life of any kind; or which interferes
117 with the normal conduct of business or is detrimental or harmful
118 to the health, comfort, living conditions, welfare, and safety
119 of the inhabitants of the county.

120 (d) Any violation of the provisions of the act which
121 becomes detrimental to health or threatens danger to the safety
122 of persons or property, or gives offense to, is injurious to, or
123 endangers the public health and welfare, or prevents the
124 reasonable and comfortable use and enjoyment of property by any
125 considerable number of the public.

126 (9) "Odor" means that property of a substance which
127 materially offends the sense of smell.

128 (10) "Particulate matter" means any material which, at
129 standard conditions, is emitted into the atmosphere in a finely
130 divided form as liquid or solid or both, but shall not include
131 uncombined water vapor.

132 (11) "Person" includes any natural person, individual,
133 public or private corporation, firm, association, joint venture,
134 partnership, municipality, governmental agency, political
135 subdivision, public officer, or any other entity whatsoever, or
136 any combination of such, jointly or severally.

137 (12) "Smoke" means the solid particles produced by
138 incomplete combustion of organic substances, including, ~~but not~~

139 ~~limited to~~, particles, fly ash, cinders, tarry matter, soot, and
 140 carbon.

141 (13) "Vapor" means any mixed material in a gaseous state
 142 which is formed from a substance, usually a liquid, by increased
 143 temperature.

144 (14) "Waste discharge" means any outfall, ditch, pipe,
 145 soakage pit, drainage well, drainfield, or any other method or
 146 device by which treated or untreated sewage, industrial wastes,
 147 or other wastes can enter the surface waters, tidal salt waters,
 148 or ground waters, so as to cause water pollution as herein
 149 defined.

150 (15) "Water pollution" means any contamination,
 151 destruction, or other alteration, or any activity which
 152 contributes to such contamination, destruction, or other
 153 alteration, of any physical, chemical, or biological feature or
 154 property of any waters of the county, including change in
 155 temperature, taste, color, turbidity, or odor of the waters; or
 156 such discharge of any liquid, gaseous, solid, radioactive, or
 157 other substance into any waters of the county as will create or
 158 may reasonably be expected to create a nuisance or render such
 159 waters harmful, detrimental, or injurious to public health,
 160 safety, or welfare, or to domestic, commercial, industrial,
 161 agricultural, recreational, or other legitimate beneficial uses,
 162 or to livestock, wild animals, birds, fish, or other aquatic
 163 life.

164 (16) "Open burning" means any fire wherein the products of
 165 combustion are emitted into the open air, and are not directed
 166 thereto through a stack or chimney.

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167 (17) "Rules ~~and regulations~~" means rules ~~and regulations~~
 168 adopted pursuant to this act.

169 (18) "Board" means the Board of County Commissioners of
 170 Hillsborough County.

171 (19) "Commission" means the Environmental Protection
 172 Commission of Hillsborough County.

173 (20) "Hearing officer" means that person appointed by the
 174 commission in the manner prescribed herein.

175 (21) "Noise pollution" means the presence of noise in
 176 excessive or unnecessary amount or of such duration, wave
 177 frequency, or intensity as to be injurious to human or animal
 178 life or property; or which unreasonably interferes with the
 179 comfortable enjoyment of life or property, or other conduct of
 180 business.

181 (22) "To mitigate" or "mitigation" means activity designed
 182 and technologically demonstrated as practical to restore,
 183 create, or replace the environmental functions provided by an
 184 area before pollution occurred.

185 (23) "Municipality" means a municipality created pursuant
 186 to general or special law authorized pursuant to s. 2 or s. 6,
 187 Art. VIII of the State Constitution.

188 Section 4. Creation of Hillsborough County Environmental
 189 Protection Commission.--The Environmental Protection Commission
 190 is hereby created and established. The commission shall consist
 191 of nine members, including five members from the board,
 192 appointed by the board; two members from the City of Tampa City
 193 Council, appointed by that council; one member from the City
 194 Commission of Plant City, appointed by that commission; and one

195 member from the City of Temple Terrace City Council, appointed
 196 by that council. Each such governing body shall also appoint an
 197 alternate member to the commission who shall serve during the
 198 absence of any regular member. All members of the board on July
 199 1, 2009, are removed from the commission, and five shall then be
 200 reappointed for initial terms in accordance with this act. Each
 201 member shall serve without compensation, and the term of the
 202 office shall be for a period of 2 years except that initial
 203 appointments shall be made for a term to coincide with the time
 204 period remaining until the next organizational session of each
 205 respective governing body or the next date on which such
 206 appointments are customarily made, whichever is applicable. If a
 207 member of the commission for any reason discontinues service on
 208 the governing body that made the appointment, that body shall
 209 appoint another of its members to serve on the commission for
 210 the remaining term of the person who has left the governing body
 211 ~~the duly elected members of the Hillsborough County Board of~~
 212 ~~County Commissioners.~~

213 Section 2. Paragraph (a) of subsection (1) of section 3 of
 214 chapter 97-351, Laws of Florida, is amended to read:

215 Section 3. Governing body; meetings.--

216 (1) The commission shall be constituted as follows:

217 (a) Five ~~Four~~ members appointed by the Board of County
 218 Commissioners of Hillsborough County, with the term of the fifth
 219 member beginning September 30, 2009.

220 Section 3. Subsections (a) and (c) of section 3 of chapter
 221 82-306, Laws of Florida, as amended by chapter 96-520, Laws of
 222 Florida, are amended to read:

223 Section 3. MEMBERSHIP AND ORGANIZATION. The Authority
 224 shall consist of a board of 11 members.

225 (a) 1. Three ~~Four~~ of the members shall be residents of the
 226 City of Tampa, appointed by the mayor with the concurrence of
 227 the city council. The mayor shall designate the city-appointed
 228 member who will be eliminated on July 1, 2009. If the mayor has
 229 not designated such member before the first meeting of the
 230 authority after the effective date of this act, such member
 231 shall be designated by a drawing of straws by the city
 232 appointees present at such first meeting. If one or more city
 233 members are absent from such first meeting, a noncity member or
 234 members shall be designated by the executive director to draw
 235 such straws on behalf of any absent. The member or member
 236 represented by the designee drawing the shortest straw shall
 237 then be eliminated from the membership of the authority.

238 2. Four of the members shall be residents of Hillsborough
 239 County, except that any member appointed after June 30, 2009,
 240 shall be a resident of unincorporated Hillsborough County,
 241 appointed by the board of county commissioners.

242 3. One of the members shall be a resident of Hillsborough
 243 County, and appointed by the Governor.

244 (c) Three ~~Two~~ members shall be the following ex officio
 245 members who shall have the same full membership in every
 246 respect, including voting rights, as each of the other eight
 247 ~~nine~~ members: A member of the city council of the City of Tampa,
 248 to be designated by it; and two members ~~a member~~ of the board of
 249 county commissioners of Hillsborough County, to be designated by
 250 it, with the new position being filled as soon after July 1,

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251 2009, as practicable by a member of the board of county
252 commissioners, to be designated by it.

253 Section 4. This act shall take effect July 1, 2009.