

SB 174 — Protection of Marine Turtles

by Senators Geller and Crist

This bill creates new penalties and fines in ch. 370, F.S., for any person, firm, or corporation involved in knowingly taking, harvesting, or possessing any eggs of certain marine turtle species. The bill creates a \$100 per egg penalty for illegal possession of any eggs of marine turtles identified in the Marine Turtle Protection Act established in s. 370.12, F.S. The bill provides that any person, firm, or corporation in possession of more than 11 marine turtle eggs, or who knowingly commits, or who solicits or conspires to commit, a violation of the Marine Turtle Protection Act commits a third-degree felony and is subject to imprisonment for a term of not more than five years, or a fine of up to \$5,000, or both. Repeat offenders can be sentenced under the habitual felony offender provisions of s. 775.084, F.S. The bill revises the offense severity ranking chart of the Criminal Punishment Code created in s. 921.0022, F.S., for sentencing purposes.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 40-0; House 112-1

HB 221 — Citrus/Hernando Waterways Restoration Council

by Rep. Dean and others (SB 430 by Senators Argenziano and Fasano)

This bill creates the Citrus/Hernando Waterways Restoration Council within the Withlacoochee and Coastal Rivers Basin Boards of the Southwest Florida Water Management District. The council shall be coordinated by representatives of the following agencies: the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection, and the Southwest Florida Water Management District.

Members of the council shall consist of 12 voting members with six appointed by the President of the Senate and six appointed by the Speaker of the House of Representatives. The council shall consist of representatives as follows:

- A waterfront property owner from each county.
- An attorney from each county.
- A member of the Board of Directors of the Chamber of Commerce from each county.
- An environmental engineer from each county.

- An engineer from each county.
- A person from each county with training in biology or another scientific discipline.

The council members from each county are to form two separate county task forces from the council to review and make recommendations on specific waterways. The Hernando County Task Force shall develop plans for the restoration of the Weeki Wachee River and Springs. The Citrus County Task Force shall develop plans for the restoration of the Tsala-Apopka Chain of Lakes.

There shall be a technical advisory group to the council and the two county task forces which shall consist of one representative each from the Southwest Florida Water Management District, the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Coastal Rivers Basin Board, the Withlacoochee River Basin Board, and the United States Army Corps of Engineers, each of whom shall be appointed by his or her respective agency, and each of whom, with the exception of the representatives from the Withlacoochee River Basin Board and Coastal Rivers Basin Board, shall have had training in biology or another scientific discipline.

The Southwest Florida Water Management District shall act as lead entity for the purpose of providing staff and administrative support to assist the council in carrying out the provisions of this act.

Members of the council shall receive no compensation for their services, but are entitled to be reimbursed for per diem and travel expenses incurred during execution of their official duties, as provided in s. 112.061, F.S. State and federal agencies shall be responsible for the per diem and travel expenses of their respective appointees to the council, and the Southwest Florida Water Management District shall be responsible for per diem and travel expenses of other appointees to the council.

The bill specifies council powers and duties; provides for the Citrus/Hernando Waterways Restoration Program; and provides that the Fish and Wildlife Conservation Commission, with assistance from the Southwest Florida Water Management District, and in consultation with the Department of Environmental Protection, shall develop tasks to be undertaken for the enhancement of fish and wildlife habitat.

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

Vote: Senate 38-0; House 114-0

CS/CS/SB 554 — Interdistrict Transfer and Water Use

by Comprehensive Planning Committee; Natural Resources Committee; and Senators Constantine and Crist

This bill provides that the term “interdistrict transfer and use” does not include a withdrawal and use within the same county. In the case of withdrawal of groundwater from a point within one water management district for use outside of the boundaries of that district but within the same county, certain provisions of s. 373.2295, F.S., apply. Those provisions include:

- Consideration of the future land use elements of the comprehensive plan within which the withdrawal areas and the proposed use are located.
- Allowing the applicant to appeal certain decisions to the Land and Water Adjudicatory Commission. Such decisions may include a decision that the proposed use or withdrawal does not conform with existing zoning ordinances or the proposed use if granted for use beyond the boundaries of a local government from which or through which groundwater is withdrawn, and the local government denies a permit.

Any interagency agreement between water management districts entered into before the effective date of this act authorizing the issuance of permits for the interdistrict withdrawal and use of water within a county are validated and shall continue in effect until otherwise rescinded.

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

Vote: Senate 39-0; House 119-0

HB 623 — Northwest Florida Water Management District

by Rep. Evers and others (SB 1748 by Senator Lawson)

This bill delays the repeal of the interim dredge-and-fill and stormwater permitting provisions for the Northwest Florida Water Management District until July 1, 2005.

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

Vote: Senate 40-0; House 116-0

CS/SB 626 — Everglades Forever Act

by Natural Resources Committee and Senators Lawson, Lynn, Haridopolos, Peaden, Cowin, Posey, Lee, and Clary

The committee substitute amends the Everglades Forever Act, established in s. 373.4592, F.S., to provide that the use of a Long-Term Plan, as adopted by the governing board of the South Florida Water Management District in March 2003, is the best way to ensure that the stormwater treatment areas in the Everglades Construction Project, and other projects in the Everglades

Stormwater Program for urban and other tributary basins not included in the Everglades Construction Project, will meet state water quality standards, including a numeric phosphorus criterion and moderating provisions, if any, as contained in the rule to be adopted by the Environmental Regulation Commission (ERC) by December 31, 2003. All waters discharged into the Everglades Protection Area must meet state water quality standards no later than December 31, 2006, as provided in current law.

The committee substitute provides that the implementation of the Long-Term Plan, and any revisions to that Plan, must allow the achievement of the numeric phosphorus criterion to be adopted by the ERC in a manner that is consistent with the Everglades Forever Act. The Plan must identify and implement incremental optimization measures to further reduce phosphorus levels in discharges. Any moderating provisions incorporated into the state water quality standard rule must provide for the use of best available phosphorus reduction technology to provide net improvements in reducing phosphorus loads in impacted areas of the Everglades Protection Area.

Implementation of the Long-Term Plan is authorized for an initial 13-year phase, beginning this year. State water quality standards, including the numeric phosphorus criterion, must be met to the maximum extent practicable which is a standard applied by the U.S. Environmental Protection Agency under the Clean Water Act. Monitoring stations must be established to ensure that this goal is being met.

The committee substitute provides that implementation of the 10-year second phase of the Long-Term Plan must be approved and authorized by the Legislature. The agricultural privilege tax in the Everglades Agricultural Area, scheduled to be reduced from \$35 to \$10 per acre starting with tax notices mailed in 2014, will be assessed at \$25 per acre for an additional three-year period. This additional assessment will serve as the implementation of the "Polluters Pay" provision in s. 7, Art. II of the State Constitution.

The committee substitute establishes the Legislature's intent that the State of Florida continue to honor its longstanding commitment to meet water quality standards, including standards for water discharged onto the federal lands in the Everglades National Park and the Loxahatchee Wildlife Refuge. The committee substitute provides that the Long-Term Plan must be integrated and consistent with the Comprehensive Everglades Restoration Plan (CERP) to avoid duplicative and unnecessary cost. Nothing in the Long-Term Plan can modify any cost share responsibility or any state responsibility for projects authorized as part of the Water Resources Development Acts of 1996 and 2000.

Finally, the committee substitute provides that the 1/10th of a mill ad valorem assessment in the Okeechobee Basin can be used to design, construct, and implement projects in the initial phase of the Long-Term Plan, such as stormwater treatment in the C-11 Basin in western Broward County, and can be used for the enhancement, operation, and maintenance of the stormwater treatment areas in the Everglades Construction Project.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 96-18

SB 634 — Big Bend Historic Saltwater Paddling Trail

by Senators Argenziano and Dockery

This bill extends the Big Bend Historic Saltwater Paddling Trail from the Suwannee River to Yankeetown.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 117-0

CS/SB 956 — Drycleaning Solvent Cleanup Liability

by Natural Resources Committee and Senators Jones, Peaden, Clary, Diaz de la Portilla, and Dockery

The bill provides immunity from property damage claims for drycleaning site owners that are voluntarily conducting site rehabilitation. Insurance companies that would have provided property damage coverage for these sites are also given protection from these claims. Finally, legislative findings that this immunity is necessary and in the public interest are provided.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 119-0

CS/SB 1050 — Fish and Wildlife Conservation Commission

by Appropriations Committee and Senator Smith

The committee substitute provides that it is a major violation for unlicensed persons, required to be licensed, to sell or purchase saltwater products, or to harvest or attempt to harvest any saltwater product with intent to sell. This committee substitute creates additional misdemeanor penalties and fines, felony penalties, civil penalty assessments, mandatory jail sentences, and suspension or revocation of all hunting and fishing license privileges for persons committing multiple violations under s. 370.021, F.S. Felony penalties with mandatory jail sentences and civil penalty assessments are created for persons who sell or purchase, or who attempt to sell or purchase, any saltwater products after all fishing license privileges have been suspended or permanently revoked.

The committee substitute raises the threshold from \$500 to \$2,000 for reporting damage to vessels or other property in the case of collision, accident, or other casualties involving a vessel in, upon, or entering into the water, and repeals provisions relating to licensing requirements for live bait shrimp licenses and equipment required to maintain live shrimp on board shrimp fishing

vessels. Finally, this committee substitute provides consistency among penalties for blue crab, stone crab, and lobster trap theft and removal of contents, and provides a definition and “willful” standard for the molestation of traps among all three fisheries.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 40-0; House 116-0

HB 1123 — Site Rehabilitation of Contaminated Sites

by Rep. Clarke and others (SB 2726 by Senator Argenziano)

This bill provides that risk-based corrective-action (RBCA) principles apply to all contaminated sites resulting from a discharge of pollutants or hazardous substances, to the extent the sites are not subject to RBCA cleanup criteria established for the petroleum, brownfields, and drycleaning rehabilitation programs. This concept is often referred to as “Global RBCA.” The bill provides for rulemaking authority for the Department of Environmental Protection (DEP) and cleanup criteria consistent with that found in the petroleum, brownfields, and drycleaning site rehabilitation programs.

The bill also clarifies and revises provisions relating to the intangible tax credit for contaminated site rehabilitation, corporate income tax credit for contaminated site rehabilitation, and the partial tax credit for rehabilitation of drycleaning solvent contaminated sites and brownfield sites in designated brownfield areas. The bill clarifies who may transfer a tax credit and allows a 5-year expiration period to begin anew following the transfer. The voluntary cleanup tax credit application period is converted from a tax year to a calendar year. The tax credit application deadline is changed from December 31 to January 15 of the year following the calendar year for which site rehabilitation costs are being claimed. An applicant must submit a complete application. The filing of placeholder applications is prohibited. Tax credit applications are processed on a first-come, first-served basis. The application must be filed with the DEP’s Division of Waste Management.

The bill also allows the DEP to issue a hazardous waste corrective action permit to conform to the delegation authority DEP received from the U.S. Environmental Protection Agency to administer the federal Hazardous and Solid Waste Amendments Program (HSWA).

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

Vote: Senate 36-0; House 113-4

CS/SB 2042 — George Kirkpatrick State Reserve

by Natural Resources Committee and Senators Smith, Lynn, and Cowin

The committee substitute establishes the George Kirkpatrick State Reserve in Marion and Putnam counties, to include all state-owned lands within the floodplain of the Oklawaha River,

and any lands acquired by the state from the Eureka Dam in Marion County to Buckman Lock in Putnam County. The committee substitute provides that the State Reserve will be under the supervision of the Office of Greenways and Trails at the Department of Environmental Protection. The Office must develop multipurpose recreational opportunities at the State Reserve, and is responsible for the care, upkeep, maintenance, and beautification of the State Reserve, including any dams, locks, or other structures transferred by the federal government to the state.

The committee substitute provides that any action that will substantially alter the area encompassing the State Reserve as the area existed on January 1, 2003, must be approved by general law, except that the Office of Greenways and Trails is free to perform necessary maintenance and improvements as required for the operation of the dams, locks, or other structures within the State Reserve. The Fish and Wildlife Conservation Commission is authorized to allow public hunting within the State Reserve, and the Division of State Lands at the Department of Environmental Protection is authorized to acquire any additional property adjacent or contiguous to the State Reserve from private owners or the federal government, if the acquisition will result in improved management and recreational opportunities. Any such acquisitions must be titled in the name of the Board of Trustees of the Internal Improvement Trust Fund.

If approved by the Governor, these provisions take effect January 1, 2004.

Vote: Senate 39-0; House 92-26

CS/SB 2260 — Water Policy

by Natural Resources Committee and Senator Dockery

The committee substitute deletes requirements that Basins existing within the Southwest Florida Water Management District (SWFWMD) may not be abolished or combined without the approval of the Legislature.

The committee substitute repeals provisions that require the state, through the Department of Environmental Protection (DEP), to provide funds to assist with the implementation of Surface Water Improvement and Management (SWIM) plans, and provides that the list for priority water bodies of regional or statewide significance will be reviewed and updated every 5 years instead of every 3 years. The criteria used to develop the lists is amended to include water bodies on DEP's list of impaired waters, water bodies for which total daily maximum loads have been established, the management of the water body through federal, state, or local water quality programs or plans, and public input. The committee substitute directs the South Florida Water Management District to add the Lake Worth Lagoon as a priority area which must be considered by the District when preparing the priority water body list.

The committee substitute authorizes, rather than requires, the water management districts to prepare SWIM plans and programs for water bodies identified on the priority lists. For SWIM plans that are prepared, plan requirements are amended to include schedules for related management actions for restoring or protecting water bodies to Class III or better, and a list of available and potential funding sources or amounts. The water management districts are authorized to use legislative appropriations for SWIM activities for detailed planning, plan, and program implementation.

The committee substitute provides that counties that fall within the jurisdiction of two water management districts can receive a consumptive use permit from one water management district under an agreement executed by the affected water management districts. The boundary description of the St. Johns River Water Management District is amended to exclude a portion of Polk County that is being transferred to the jurisdiction of the SWFWMD, and the transfer of that portion of Polk County to the SWFWMD is authorized. Finally, the committee substitute extends the bonding authority of the Florida Water Pollution Control Financing Corporation which is repealed this year. The bond issue is subject to appropriation or an amount established in general law. However, bond revenues fund the revolving loan program that provides grants and loans to local governments for stormwater and wastewater projects.

If approved by the Governor, these provisions take effect upon becoming law except as otherwise provided.

Vote: Senate 39-0; House 113-0

CS/SB 2388 — Fish and Wildlife Conservation Commission

by Governmental Oversight and Productivity Committee and Senator Dockery

The committee substitute creates a definition for saltwater fish, and authorizes the Fish and Wildlife Conservation Commission (FWC) to purchase and distribute promotional materials regarding boating safety and other public safety or resource conservation programs. License requirements for persons operating vessels carrying four or fewer customers are reinstated after being inadvertently deleted during the 2002 Regular Session. The committee substitute provides that for violations of ch. 372, F.S., or rules of the FWC, courts must certify disposition of any case to the FWC within 10 days of final disposition.

The committee substitute also provides the following license or fee increases:

- The license fee to own or operate private game preserves and farms is increased from \$5 to \$50, the first increase since the license was created in 1929.
- The nonresident 10-day hunting license fee is increased from \$25 to \$45, the first increase since the license was created in 1989.

- The nonresident annual wild turkey permit is increased from \$5 to \$100, the first increase since the permit was created in 1985.
- The license fee to operate a private hunting preserve is increased from \$25 to \$70, the first increase since the license was created in 1959.
- The license or permit fee to keep, possess, or exhibit venomous or poisonous reptiles is increased from \$5 to \$100, the first fee increase since 1953.
- The fees for licenses to exhibit or sell wildlife are raised from \$5 to \$150 for not more than 25 Class I or Class II wildlife specimens; from \$25 to \$250 for more than 25 Class I or Class II wildlife specimens; and a new fee of \$50 is created for any number of Class III wildlife specimens, the first fee increase since the license to exhibit or sell wildlife was created in 1969.
- The fee for a permit to personally possess Class II wildlife, considered to be a real or potential threat to human safety, is increased from \$100 to \$140, the first increase since the permit was created in 1974.

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

Vote: Senate 40-0; House 105-11

SB 2586 — Fish and Wildlife Conservation Commission

by Senators Dockery and Argenziano

This bill creates an Office of Boating and Waterways within the Fish and Wildlife Conservation Commission (FWC) to manage and promote safe boating. The bill transfers a portion of the fuel tax collected at marinas from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund (MRCTF) as follows:

- In FY 2003-2004, \$2.5 million.
- In FY 2004-2005, \$5 million.
- In FY 2005-2006, \$8.5 million.
- In FY 2006-2007, \$10.9 million.
- In FY 2007-2008 and annually thereafter, \$13.4 million.

This bill authorizes the use of fuel tax funds deposited into the MRCTF for boating research, boat-related programs and activities, and for on-the-water law enforcement. Specifically, funds must be used to provide additional law enforcement in counties that have the highest incidence of manatee deaths and injuries; for the placement of uniform waterway markers on the waters of the state; for manatee avoidance technology; for boating education and safety programs; and for

grants and loans to local governments for the construction and maintenance of publicly owned boat ramps, piers, and docks.

This bill provides the FWC with the spending authority for the first year to hire 10 new sworn officers, and to fund the activities required under the bill. Finally, this bill eliminates requirements that the FWC solicit recommendations from the Save the Manatee Committee on the expenditure of funds from the Save the Manatee Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 27-12; House 116-3