

**CS/SB 162 — Bob Martinez Center/DEP**

by Governmental Oversight and Productivity Committee and Senator Fasano

This committee substitute designates the site at 2600 Blair Stone Road in Tallahassee, which houses offices and a laboratory facility for the Department of Environmental Protection as the “Bob Martinez Center.”

If approved by the Governor, these provisions take effect July 1, 2006.

*Vote: Senate 40-0; House 118-0*

**SB 496 — Citrus/Hernando Waterways Restoration Council**

by Senators Argenziano and Fasano

This bill adds two additional members to the Citrus/Hernando Waterways Restoration Council. Currently, there must be a waterfront property owner from each county. This bill would require two waterfront property owners from each county, one of whom must be a property owner from the east side of the county and one of whom must be a property owner from the west side of the county.

The bill also broadens the jurisdiction of the two separate county task forces from the council. Currently, the Hernando County Task Force must develop plans for the restoration of the Weeki Wachee River and Springs. This bill would require this task force to develop plans for the restoration of all waterways in Hernando County. Also, the Citrus County Task Force is currently required to develop plans for the restoration of the Tsala-Apopka Chain of Lakes. This bill provides that this task force is to develop plans for the restoration of all waterways in Citrus County.

The task forces consisting of governmental representatives are expanded to include a representative of the public works department of each county.

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

*Vote: Senate 38-0; House 117-0*

**CS/SB 876 — William W. “Bill” Hinkley Center**

by Environmental Preservation Committee and Senator Smith

This committee substitute designates the Florida Center for Solid and Hazardous Waste Management in Gainesville as the “William W. ‘Bill’ Hinkley Center for Solid and Hazardous

Waste Management.” The Department of Environmental Protection and the University of Florida Foundation, will erect suitable markers to reflect the designation.

If approved by the Governor, these provisions take effect July 1, 2006.

*Vote: Senate 39-0; House 120-0*

### **CS/CS/SB 1090 — Water Well Contractors**

by General Government Appropriations Committee; Environmental Preservation Committee; and Senator Baker

This committee substitute authorizes a licensed water well contractor to facilitate the performance of additional work that is incidental to the construction, repair, or abandonment of a water well. The incidental work is limited to the electrical connection of a pump, connecting a well to a residential dwelling, constructing a pump house or pump vault of 100 square feet or less, constructing a nonstructural well slab of 100 square feet or less, constructing fencing, and landscaping. This does not authorize a licensed water well contractor to perform any services or work for which a license under ch. 489, F.S., is required.

If a water well contractor has received his or her first license within 180 days before the end of the biennium renewal of licenses, the continuing education requirements are waived for the first renewal cycle. The Department of Environmental Protection shall establish, by rule, an administrative fee to cover the costs of administering the continuing education requirements.

Notwithstanding the renewal requirements, any active water well contractor license issued to a servicemember or his or her spouse, may not become inactive while the servicemember is serving on military order which takes him or her over 35 miles from his or her residence and shall be considered an active license for up to 180 days after the servicemember returns to his or her Florida residence. Any additional costs or late fees above the normal license fees may not be charged under certain circumstances.

The water management district may impose, through an order, an administrative fine not to exceed \$5,000 against an unlicensed person when it determines that the unlicensed person has engaged in the practice of water well contracting, for which a license is required.

If approved by the Governor, these provisions take effect July 1, 2006.

*Vote: Senate 37-0; House 120-0*

### **CS/CS/SB 1958 — Airboats**

by Community Affairs Committee; Environmental Preservation Committee; and Senators Aronberg, Baker, and Posey

This committee substitute provides that the exhaust of every internal combustion engine used on any airboat operated on the waters of this state shall be provided with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine. The use of cutouts or flex pipe as the sole source of muffling is generally prohibited. Any person who violates this provision commits a noncriminal infraction. An airboat operator cited for an infraction of this provision may not operate the airboat until a muffler is installed.

An airboat may not operate on the waters of the state unless it is equipped with a mast or flagpole bearing a flag at a height of at least 10 feet above the lowest portion of the vessel. The flag must be square or rectangular, at least 10 inches in size, international orange in color, and displayed so that the visibility of the flag is not obscured in any direction. Any person who violates this provisions commits a noncriminal infraction.

The provisions of this committee substitute do not apply to any person participating in an event for which a permit is required, or of which notice must be given.

The committee substitute further provides that effective July 1, 2006, any ordinance or local law adopted pursuant to s. 327.60, F.S., or any other state law, may not discriminate against airboats except by a two-thirds vote of the governing body enacting such ordinance.

If approved by the Governor, these provisions take effect October 1, 2006, except as otherwise expressly provided in this act.

*Vote: Senate 33-0; House 119-0*

### **HB 125 — Voter Registration/FWC**

by Rep. Evers and others (CS/CS/SB 208 by Transportation and Economic Development Appropriations Committee; Environmental Preservation Committee; and Senators Baker, Saunders, and Posey)

This bill requires each county Supervisor of Elections to supply voter registration applications to the Fish and Wildlife Commission (FWC) and their subagents who sell hunting, fishing, or trapping licenses and permits. The bill also requires each subagent to ask each individual if they would like a voter registration application and to make voter registration applications available.

The bill also provides that the subagents are prohibited from assisting people with the voter registration application or collecting completed applications.

The bill also provides that neither the FWCC nor their subagents shall be deemed a third-party organization or voter registration agency under state election laws.

The bill provides for a series of procedures to govern the transmission of voter registration applications between the FWCC, its subagents and supervisors of elections.

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

*Vote: Senate 31-8; House 110-6*

### **HB 265 — Hunting Lands**

by Rep. Brown and others (CS/SB 430 by Environmental Preservation Committee and Senators Argenziano, Baker, Haridopolos, Saunders, and Peadar)

This bill creates s. 372.0025, F.S., to require the Fish and Wildlife Conservation Commission (commission) to open all commission managed lands to hunting except for reasons of public safety, fish or wildlife management, homeland security, or as otherwise limited by law. The commission is required to exercise its constitutional and statutory authority in a manner that supports, promotes, and enhances hunting opportunities.

The commission is required to expeditiously find replacement hunting acreage to compensate for any existing hunting land closures. This land, to the greatest extent practicable, must be located in the same administrative region of the commission and shall be consistent with the hunting discipline that the commission allowed on the closed land. Any state agency or water management district that owns or manages lands is required to assist, coordinate, and cooperate with the commission to allow hunting on those lands if the commission determines that such lands are suitable for hunting purposes, and to cooperate with the commission to open new, additional hunting lands to replace lost hunting acreage. An exemption is provided for lands designated as units within the state park system. Annual reporting requirements on lands opened and closed for hunting are provided for the commission and for any state agency or water management district that owns or manages lands.

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

*Vote: Senate 40-0; House 118-0*

### **HB 471 — Fish and Wildlife**

by Rep. Troutman and others (CS/CS/SB 2202 by Criminal Justice Committee; Environmental Preservation Committee; and Senator Baker)

This bill establishes a framework for proposed penalties applied to recreational violations of state statutes and Fish and Wildlife Conservation Commission (commission) rules relative to saltwater fisheries, and all violations of statutes and commission rules relative to hunting and freshwater

fishing violations, by creating four levels for classifying violations. The bill attempts to provide consistency among similar freshwater fish, saltwater fish, and hunting/wildlife violations and creates a sliding scale of minimum mandatory fines and sentences, with increased penalties for repeat offenders. The minimum number of hours required for successful completion of a hunter safety course is deleted but requirements for passing the course are not revised. The bill creates a hunter mentoring program to provide a one-year deferral for the hunter safety course for persons hunting with a licensed adult hunter, and creates a \$5 annual crossbow season permit for residents and non-residents. Finally, the bill creates the Wildlife Violators Compact (Compact) to allow Florida to participate in a national effort to encourage compliance with fish and wildlife laws throughout the Compact's member states. The Compact provides for reciprocal recognition of license suspensions and provides that for certain violations, sportsmen who receive a citation in a member state receive the same treatment as residents of that state.

If approved by the Governor, these provisions take effect July 1, 2006.

*Vote: Senate 40-0; House 116-2*

### **HB 1039 — Miami-Dade County Lake Belt**

by Rep. Garcia and others (CS/CS/SB 1306 by General Government Appropriations Committee; Environmental Preservation Committee; and Senator Garcia)

This bill adds back into the Miami-Dade County Lake Belt Area (Lake Belt Area) certain areas that were previously excluded from the statutorily designated Lake Belt Area boundaries. It revises the geographic boundaries for mining areas within the Lake Belt Area that are subject to the mitigation fees. The bill increases the mitigation fee that is imposed for each ton of limerock and sand that is extracted from the Lake Belt Area, and revises the procedure for increasing the fee in the future. Currently the fee is 5 cents per ton. The fee increases to 12 cents per ton on January 1, 2007, 18 cents per ton on January 1, 2008, and 24 cents per ton on January 1, 2009.

To upgrade a water treatment plant that treats water coming from Northwest Wellfield in Miami-Dade County, a water treatment plan upgrade fee is imposed within the same Lake Belt Area subject to the mitigation fee and upon the same kind of mined limerock and sand subject to the mitigation fee. The water treatment plant upgrade fee for each ton of limerock and sand sold shall be 15 cents per ton beginning on January 1, 2007, and the collection of this fee shall cease once the total amount of proceeds collected from this fee reaches the amount of the actual moneys necessary to design and construct the water treatment plant upgrade, as determined in an open, public solicitation process.

The bill expands the uses for the mitigation funds to include reimbursement to the South Florida Water Management District and Miami-Dade County for the purchase of certain lands. Also, the bill increases the frequency of reporting by an interagency committee to the Legislature from every 10 years to every 5 years. The bill names the Site 1 Impoundment Project of the Comprehensive Everglades Restoration Plan the "Fran Reich Preserve."

If approved by the Governor, these provisions take effect January 1, 2007.

*Vote: Senate 40-0; House 117-0*

### **HB 1155 — Contaminated Drycleaning Facilities**

by Rep. Evers (SB 2174 by Senator Peaden)

The bill provides that a drycleaning facility at which contamination by drycleaning solvents exists and which was damaged by an accident before January 1, 1975, is eligible for the drycleaning solvent cleanup program, regardless of whether an application for eligibility was filed on or before December 31, 1998. The term “accident” is defined as an unplanned and unanticipated occurrence beyond the control of the owner or operator of a drycleaning facility which resulted in physical damage to the facility when the actions of responders to the occurrence could reasonably be determined to have caused or exacerbated contamination by drycleaning solvents at the facility.

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

*Vote: Senate 39-0; House 115-0*

### **HB 1249 — Funding for oyster management and restoration programs**

by Rep. Kendrick and others (CS/CS/SB 1208 by Government Efficiency Appropriations Committee; Environmental Preservation Committee; and Senator Lawson)

This bill repeals the 50-cents per bag surcharge on oysters harvested from the waters of the Apalachicola Bay which is paid by the wholesale dealer first receiving, using or selling the harvested oysters, and which is distributed for oyster management and restoration programs in the bay. The surcharge is replaced with a \$300,000 annual transfer of the excise tax on documents to be paid into the State Treasury to the credit of the General Inspection Trust Fund in the Department of Agriculture and Consumer Services. The funds are to be used by the department for oyster management restoration programs in Apalachicola Bay and in other areas of the state where oysters are harvested.

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

*Vote: Senate 40-0; House 116-0*

### **HB 1347 — Land Acquisition**

by Rep. Williams and others (CS/CS/SB 1226 by General Government Appropriations Committee; Environmental Preservation Committee; and Senators Dockery, Clary, Smith, and Lawson)

This bill creates s. 259.1052, F.S., entitled the “Babcock Ranch Florida Forever Acquisition” to provide for the acquisition of the Babcock Crescent B Ranch (Ranch), in order to protect and

preserve for future generations the scientific, scenic, historic, and natural values of the Ranch, protect and preserve the archaeological, geological and cultural resources of the Ranch, provide for species recovery; and to provide for public recreation. The Fish and Wildlife Conservation Commission (FWC) and the Department of Agriculture and Consumer Services (DACS) are designated as the lead managing agencies. The Department of Environmental Protection (DEP) is authorized to distribute \$310 million from the Florida Forever Trust Fund as payment in full for the state's portion of the Ranch, and Lee County is recognized as the state's partner in the acquisition of the Ranch.

The bill authorizes the creation of one citizen support organization (CSO) to be organized and operated for the direct and indirect benefit of the Ranch. The CSO, which must be incorporated as a non-profit corporation under the provisions of ch. 617, F.S., also must be determined by the FWC and DACS to be consistent with the goals of the state in acquiring the Ranch, and approved in writing by both agencies to be operating for the benefit of the ranch and in the best interests of the state. The FWC and DACS are authorized to adopt rules establishing conditions under which the CSO shall comply in order to use fixed property or facilities of the ranch. The bill establishes legislative findings that it is in the public interest to provide incentives for partnerships with private organizations to produce additional revenue to enhance the use and potential of the ranch. The Legislature is authorized to annually appropriate funds from the Land Acquisition Trust Fund to be used as state matching funds for capital improvement facilities development at the ranch or at designated locations. The total minimum project amount is \$100,000 with a match of \$60,000 in private funds and \$40,000 in state funds.

The bill creates s. 259.1053, F.S., to establish the "Babcock Ranch Preserve" (Preserve) on the date the state takes title to its portion of the Babcock Crescent B Ranch. The Preserve is created, in part, to provide for the multiple use and sustained yield of the renewable surface resources within the Preserve.

The bill authorizes the creation of the Babcock Ranch, Inc. (BRI or corporation), a non-profit corporation, to operate and manage the Preserve as a working ranch when the state is ready to take over management. Nothing in the act can be construed as preventing the ability of BRI to implement agricultural practices authorized by the agricultural land use designations established in the comprehensive plans of either Lee or Charlotte counties. The corporation must be registered, incorporated, organized and operated in compliance with ch. 617, F.S., and shall act as an instrumentality of the state for purposes of sovereign immunity but shall otherwise not be an agency of the state, or a unit or entity of state government. The corporation is organized on a non-stock basis, and meetings and records of the corporation are public.

The BRI and its officers and employees will participate in the management of the Preserve only in an advisory capacity until the management agreement to be executed by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and Babcock Ranch Management, LLC, a limited liability corporation registered to do business in this state, either expires or terminates. This management agreement, attached as Exhibit E to the Agreement for Sale and

Purchase executed by the Board of Trustees, DACS, the FWC, and Lee County as purchaser, and MSKP, III, Inc., a Florida corporation, as seller, provides for the management and conservation of the Ranch as a working ranch and silviculture operation, with cattle ranching, timber harvesting and management, a native plant nursery, apiary operations, sod farming, and related operations, eco-tourism activities, horticultural debris disposal, no harvesting of cypress trees, and tenant farming (to be phased out over time). The management agreement provides for Babcock Ranch Management, LLC, to manage the Ranch for a 5-year period, with a 5-year option.

To clarify the responsibilities of the lead managing agencies and the BRI, the agencies are directed to establish a range of resource protection values for the Preserve. The corporation shall establish operational parameters for the Ranch within the range of protection values, and shall also develop operational values for conducting the business of the Ranch. The agencies will develop land management parameters within those operational values. Also, the Division of State Lands at the DEP is directed to perform staff duties and functions for the BRI until such time as the corporation organizes to elect officers, file articles of incorporation, and exercise its powers and duties.

The BRI will be governed by a 9-member board of directors appointed by the Board of Trustees, the executive director of the FWC, the Commissioner of Agriculture, the Babcock Florida Company, and Lee and Charlotte counties, in the following manner:

- The Board of Trustees shall appoint four members of which one shall have expertise in domesticated livestock management, production, and marketing; one shall have expertise in the management of game and non-game wildlife fish populations; one shall have expertise in the sustainable management of forest lands for commodity purposes, and one shall have expertise in financial management, budget and program analysis, and small business operations.
- The executive director of the FWC shall appoint one person with expertise in hunting, fishing, non-game species management, or wildlife habitat management, restoration, and conservation.
- The Commissioner of Agriculture shall appoint one member with expertise in agricultural operations or forestry management.
- The Babcock Florida Company, or its successors or assigns, shall appoint one member with expertise in the activities and management of the Babcock Crescent B Ranch on the date of acquisition by the state.
- The Charlotte County Board of County Commissioners shall appoint one county resident who is active in an organization concerned with the activities of the Babcock Crescent B Ranch.

- The Lee County Board of County Commissioners shall appoint one county resident who has experience in land conservation and management.

All members of the board must be appointed within 90 days following the acquisition of the Ranch, and no member may be an employee of any governmental entity. With the exception of the Babcock Florida Company appointee, no appointee may be an officer, director, or shareholder in any entity that contracts with or receives funds from the BRI or its subsidiaries.

The BRI must review and approve any conservation land management plan developed for the management of the lands in the Preserve prior to the plan being submitted to the Board of Trustees for approval and implementation. Conservation land management plan requirements are revised to allow the land management plan for the Ranch to be in place no later than 2 years after the date the state takes title to its portion of the Babcock Crescent B Ranch.

The board of directors of the corporation is authorized to establish and manage an operating fund to address the corporation's unique cash-flow needs, and to facilitate the management and operation of the Ranch. Annual audits are required and reports must be submitted to the Legislature and the Auditor General within specified timeframes. Comprehensive and detailed reports of corporate operations must also be submitted to the Legislature, the Board of Trustees, and the lead managing agencies not later than January 15 of each year.

Not less than two years before the corporation assumes management of the Preserve, the BRI is directed to develop a comprehensive business plan for the management of the ranch with input from the FWC and DACS, which can only be implemented by the corporation upon expiration of the management agreement referenced above. Any final decision of the corporation to adopt or amend the comprehensive business plan must be made in open meeting. The business plan must provide for the following:

- The management and operation of the Preserve as a working ranch.
- The protection and preservation of environmental, agricultural, and other values of the Preserve.
- The promotion of high-quality hunting experiences for the public with emphasis on deer, turkey, and other game species.
- Multiple use and sustained yield of the renewable surface resources within the Preserve.
- Public use of and access to the Preserve for recreational purposes.
- The use of renewable resources and management alternatives that benefit the local communities and small businesses around the Preserve.

Also, on or before the date the state takes title to its portion of the Babcock Crescent B Ranch, the current ranch manager must provide the FWC and DACS with the management plan and the

business plan in place for the operation of the Ranch as of the date the Agreement for Sale and Purchase was approved by the Board of Trustees.

The bill provides that except for the powers of the Commissioner of Agriculture as provided in the Act, and the powers of the FWC as provided in Art. IV, s. 9 of the State Constitution, the Preserve shall be managed by the corporation and its private employees. At the request of the board of directors, the FWC and DACS may provide state employees for purposes of implementing the provisions of the Act. Any services for state employees are limited to 30 days unless the BRI provides reimbursement from corporation funds only for services rendered by the state.

The corporation may only be dissolved by an act of the Legislature, and management responsibilities will revert to the FWC and DACS upon dissolution of the corporation. Also, any cash balances in the operating fund will revert to the state's General Revenue Fund or such other state fund as may be provided under the act dissolving the BRI.

The bill provides that \$310 million in nonrecurring funds is appropriated from the Florida Forever Trust Fund for the purchase of the Babcock Crescent B Ranch, and \$50,000 in nonrecurring funds is appropriated from the Conservation and Recreation Lands Trust Fund in the DEP to be administered by BRI, for the operation and management of the Preserve.

Other provisions in the bill provide that Save Our Everglades bonds are on a parity with Florida Forever bonds, provide for pro rata distribution of funds for payment of debt service under certain conditions, and revise provisions of the Florida Forever Trust Fund to allow the deposit of funds for the purchase of the Babcock Crescent B Ranch, and to allow the DEP to expend those funds.

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

*Vote: Senate 38-0; House 115-1*

## **HB 1533 — Petroleum Contamination**

by Rep. Sands and others (SB 2126 by Senator Baker)

This bill provides that until the secondary containment upgrade of underground storage tanks, as required by Rule 62-761, Florida Administrative Code, is complete at a site that currently qualifies for state cleanup funding, a subsequently discovered discharge at that site is presumed to be part of the original discharge that qualifies for state funding. However, this presumption does not apply under certain specified conditions.

Regardless of the discharge presumption provided for in this bill, a facility owner or operator is required to report all incidents or discharges in accordance with DEP rules and shall provide the DEP with a copy of all test results of storage tank and piping tightness.

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

*Vote: Senate 39-0; House 120-0*

## **HB 7131 — Brownfields Redevelopment**

by Environmental Regulation Committee and Rep. Needleman and others (CS/SB 1092 by Government Efficiency Appropriations Committee and Senators Constantine, Crist, and Lynn)

This bill amends various provisions of the Brownfield Redevelopment Act. The bill increases the percentage and amount of the tax credit that is available to entities that voluntarily cleanup contamination at drycleaning and brownfield sites, but it does not increase the overall annual cap of \$2 million that is in current law. The percentage is increased from 35 percent to 50 percent and the dollar amount that may be granted per year for an applicant is increased from \$250,000 to \$500,000.

The tax credit may be applied only to the corporate income tax since the Legislature has repealed the intangible tax in HB 209.

The tax credit incentive that is available for the final year of cleanup to encourage the taxpayer to finish the cleanup is increased from 10 percent to 25 percent of the total cleanup costs, not to exceed \$500,000.

An additional 25 percent tax credit is available for affordable housing built in a brownfield area, bringing the total tax credit percentage for affordable housing in a brownfield area to 75 percent.

Enterprise Florida, Inc. is required to aggressively market brownfields.

A local government may call a referendum to grant ad valorem tax exemptions for new or expanding businesses in a brownfield area.

The amount of the Brownfields Loan Guarantee is increased from 10 percent to 50 percent. However, if the loan guarantee is for affordable housing in a brownfield area, the guarantee amount is 75 percent.

The Brownfield Property Ownership Clearance Assistance Program and the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund are repealed. This program has not been used and the trust fund was never capitalized for that purpose.

If approved by the Governor, these provisions take effect July 1, 2006.

*Vote: Senate 40-0; House 115-0*