

BILLS IMPLEMENTING GENERAL APPROPRIATIONS

CS/SB 818 — Fuel Tax Collection Trust Fund/Distributions

by General Government Appropriations Committee and Senator Clary

The bill modifies the transfer of funds from the Fuel Tax Collection Trust Fund within the Department of Highway Safety and Motor Vehicles by decreasing the transfer of funds to the Inland Protection Trust Fund and increasing the distribution to the Florida Coastal Protection Trust Fund. The Inland Protection Trust Fund and the Coastal Protection Trust Fund are within the Department of Environmental Protection.

This bill amends s. 206.9945, F.S., and transfers the current commercial motor vehicle tax revenues distributed to the Inland Protection Trust Fund to the Florida Coastal Protection Trust Fund. This change will increase the amount of the commercial motor vehicle tax revenue to the Florida Coastal Protection Trust Fund by an estimated \$2.7 million on a recurring basis. The same amount will be decreased from the Inland Protection Trust Fund.

This transfer of revenue allows the Florida Coastal Protection Trust Fund to continue supporting law enforcement activities and to renew support for the derelict vessel removal program at the Fish and Wildlife Conservation Commission. The transfer also allows the continued support of emergency response activities at the Department of Environmental Protection.

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

Vote: Senate 38-0; House 116-0

HB 7163 — Environmental Regulation/NFWFMD

by Environmental Regulation Committee and Rep. Needelman and others (CS/CS/SB 2062 by Environmental Preservation Committee; General Government Appropriations Committee; and Senators Clary, Lawson, and Argenziano)

This bill authorizes the implementation of a phased Environmental Resource Permitting Program within the Northwest Florida Water Management District (district). The Department of Environmental Protection (department) and the district are required to jointly develop rules to regulate the construction, operation, alteration, maintenance, abandonment, and removal of stormwater management systems. The department must begin the rulemaking process no later than 60 days from July 1, 2006, and must implement the rules no sooner than January 1, 2007. The department and the district also are required to jointly develop rules for the management and storage of surface waters. The department must begin the rulemaking process no later than 60

days from July 1, 2006, and must implement the rules no sooner than January 1, 2008. The district is authorized to implement both rules without adoption.

The new rules to regulate stormwater management systems are intended to update existing rules and to apply the least restrictive measures and criteria adopted in other water management district rules. The new rules to manage and store surface waters are intended to improve the management and storage of surface waters with minimal impact on property interests while considering the rural nature, current development trends, and abundant natural resources of the district as they relate to permitting thresholds and requirements.

The bill directs the department and the district to pursue streamlining of the federal and state wetland permitting programs for purposes of providing efficient government services through consolidation of the permitting process. The department and the district must implement, to the maximum extent practicable, other permit streamlining measures such as electronic permitting, certification programs for activities with minimal individual or cumulative impacts, and informal wetland determinations.

Rules adopted and implemented by the department and the district must incorporate the following:

- Permit exemptions for agriculture, silviculture, floriculture, or horticulture; the right of persons to capture, discharge, and use water for permitted purposes; and the permit exemptions contained in s. 403.813(2), F.S.
- Exemptions from the notice and permitting requirements of ch. 373, part IV, F.S., for the construction or private use of a single-family dwelling unit, duplex, triplex, or quadruplex that is not part of a larger common plan of development or sale proposed by a permit applicant, and does not involve wetlands or other surface waters.
- Exemptions and general permits established in ch. 373, part IV, F.S., which have been enacted by department or water management district rules, including the general permits authorized in s. 403.814, F.S., for projects with minimal environmental adverse effects.
- The general permit for minor activities for single family residences as provided in ch. 63-341.475(1)(f), Florida Administrative Code.
- Exemptions for the repair, stabilization, or paving of county-maintained roads existing on or before January 1, 2002, and the repair or replacement of bridges that are part of the roadway, using the exemption criteria established in s. 403.813(2)(t), F.S., notwithstanding statutory requirements that the exemption be repealed upon adoption of a statewide general permit.
- Exemptions for the alteration of a wholly-owned, artificial surface water created entirely from uplands that does not connect to surface waters of the state, except for those created for mitigation purposes.

The bill directs the department and the district to enter into an interagency operating agreement to implement an environmental resource permitting program and to provide the district with the responsibility to regulate silviculture and agriculture. The operating agreement must encourage local delegation of permitting responsibilities after considering certain provisions, including provisions under which a locally delegated program may have stricter environmental standards than the state standards. Existing statutory requirements for rules governing the management and storage of surface waters will not apply to the rule being adopted by the department and implemented by the district.

The operation and maintenance of stormwater management systems in existence prior to January 1, 2007, shall continue to be governed by the provisions of s. 373.4145, F.S., (1994), so long as permit conditions and terms continue to be met. Activities approved in a permit issued under s. 373.4145, F.S., (1994), and the review of activities proposed in permit applications received and completed prior to January 1, 2007, shall continue to be governed as provided in s. 373.4145, F.S. (1994). Any modification of the plans, terms, and conditions of a permit issued under s. 373.4145, F.S. (1994), which lessens the environmental impact, is also governed by the requirements of s. 373.4145, F.S. (1994), so long as such modification does not extend the time limit for construction beyond two additional years.

The bill directs the department to enter into negotiations on or before October 1, 2006, with any local government within the district that requests to be delegated permitting responsibilities. The department is directed to report to the Legislature on the progress of those negotiations by March 1, 2007. Protections from duplicative regulatory requirements, as established in the Agriculture Lands and Practices Act and the Florida Right to Farm Act, are affirmed. Finally, the bill appropriates \$2.74 million from the General Revenue Fund for implementation of the environmental resource permitting program within the district, and provides that, in any year in which the Legislature fails to fund or fully staff the program, rules and statutes governing development activity in the district shall revert to those in effect on April 1, 2006, until such time as funding and staff levels are restored.

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

Vote: Senate 40-0; House 118-0

TRUST FUND BILL

HB 5043 — Trust Funds

by Fiscal Council and Rep. Negron and others (CS/SB 826 by General Government Appropriations Committee and Senator Clary)

The bill terminates the Florida Preservation 2000 Trust Fund and the Quarter Horse Racing Promotion Trust Fund in the Department of Agriculture and Consumer Services.

The bill renames the Administrative Trust Fund. It becomes the Operating Trust Fund in the Department of Lottery and the Division of Administrative Hearings.

The bill renames the Contracts and Grants Trust Fund. It becomes the Federal Grants Trust Fund in the Department of Agriculture and Consumer Services.

The bill transfers accounts within the Department of Management Services Grants and Donations Trust Fund to the Operating Trust Fund.

The bill modifies the allocation of funds for the Rape Crisis Program Trust Fund in the Department of Health.

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

Vote: Senate 39-0; House 115-0