

LEGISLATION 2008

The legislative season is here again, and it requires a high level of diligence and awareness if the citizens of Florida hope to retain the good laws that we currently have and ward off the new bad legislation that polluters are constantly seeking and that many of our elected officials are all too happy to support.

While this is not a comprehensive list of bills that we suggest you keep an eye on, it is some of the ones that we consider to be most important for our waters and our ability to have a voice in policy decisions that are being made in Florida.

This will be going on our website very soon and then we will be updating it as often as possible. Please contact us with any information of insights that you think would be helpful to others.

BILL SUMMARIES 2008

Good or Potentially good bills

- **SB 1634—Wastewater Management (“Save our Beaches”)**
 - No Related Bill
 - This Bill amends section 514.023 of the Florida Statutes.
 - Added Provisions
 - When a health advisory prohibits swimming in beach waters on the basis of the bacteriological sampling, the Wastewater Compliance Evaluation Section of DEP shall identify the source/sources of the sewage contaminants.
 - 5 days after discovering the wastewater facility in violation, the DEP will notify each county and municipality within a 5 mile radius of facility.

THIS BILL NEEDS STRENGTHENING!!! BUT IT’S A START IN THE RIGHT DIRECTION.

- **HB 31—Springs Protection Bill**
 - **Related Bill: SB2078—Currently Identical**
 - House Committee Referrals
 - Committee on Conservation & State Lands
 - Environment & Natural Resources Council
 - Policy & Budget Council
 - This Bill initiates a governmental study of Florida’s Springs.
 - The Bill creates a Florida Springs Stewardship Task Force. The appointees will either be from various parts of the government or appointed by various parts of the government. There will be a member

from the development community and one from the environmental community

- Primary goals
 - Collect and inventory data identifying zones of influence for each of Florida's 33 known first magnitude springs
 - Identify a list of the existing Best Management Practices for land uses around these springs
 - Identify all existing and reasonable funding sources to implement Best Management Practices and other water pollution controls
 - Get input from public about protection, restoration, and preservation of springs
 - Propose a program of increased outreach that encourages the implementation of the Best Management Practices for agricultural and non-agricultural land uses
 - Attempt to create some provision for cost-share assistance to aid the implementation
- Legal Analysis
 - Initial study. Not a whole lot of legal bite. This is more of the carrot approach, than the stick. To have any real impact on our springs it would have to be strengthened SIGNIFICANTLY.

BAD BILLS

- **House Bill 1267—Protecting Urban and Residential Environments & water**
 - **Related Bill: SB 2352—Currently Identical**
 - Referred Committees
 - Committee on Agribusiness
 - On Agenda 3/19/08
 - Environmental & Natural Resources Council
 - Policy & Budget Council
 - Amending Section 403.9335
 - Unless exempt, no later than October 1, 2008, all county and municipal governments must, at a MINIMUM, adopt the “Florida Friendly Fertilizer Use on Urban Landscapes Model Ordinance”
 - This ordinance can be found in the “Florida Consumer Fertilizer Task Force Final Report to the 2008 Florida Legislatures”
 - Counties and Municipalities may adopt additional provisions if
 - It contains an impaired water body
 - Has TMDL for an impaired water body, OR
 - As a part of BMP, a more restrictive ordinance has been adopted.

- IF A LOCAL GOVERNMENT WANTS ANYTHING MORE PROTECTIVE OF LOCAL WATERS THEN:
 - 403.9335(3) states that any county or municipal that has adopted its own fertilizer use ordinance before July 1, 2008 is exempt from this requirement.

THIS IS A BAD BILL AND IT NEEDS TO DIE!!

- **SB 2060—Agriculture**
 - **Subject: Wastewater provisions and other liability provisions**
 - **Related Bill: HB 761—Currently Similar**
 - House Committee Referrals
 - Committee on Agribusiness
 - Environment & Natural Resources Council
 - Policy & Budget Council
 - Amendment to 163.3162—Duplication of Regulation
 - A county may not impose a tax, assessment, or fee for stormwater management on land classified as agricultural land, if the agricultural operation has an agricultural discharge permit or implements best-management practices developed by DEP.
 - Analysis
 - Primarily, this amendment limits regulation to the State for agricultural stormwater management.
 - Amendment to 373.1395—Limitation on liability of water management district (Tort Law)
 - Indemnifies Agricultural owners from liabilities where a Water Management District has obtained an easement across their land to obtain or secure a water resource for public outdoor recreational purposes.
 - As well, the Water Management District that obtains the easement owes no duty of care to keep the access area safe for entry or to give any warning to person entering the access area.
 - Amendment to 500.70—Food safety Compliance relating to tomatoes.
 - Protects from liability tomato farmers, packers, repackers, or handler, if they apply Good Agricultural Practices and BMPs according to the DEP Regs.

THIS IS A REALLY BAD BILL – PLEASE OPPOSE IT!

- **HB 547—Water Pollution Control.**
 - **Subject: Water Quality Pollutant Credit Trading (TMDL)**
 - House Committee Referrals
 - Committee on Environmental Protection

- Favorable Vote 2/20/08
 - Environment & Natural Resources Council
 - Favorable vote 03/05/08
 - Policy & Budget
 - Favorable vote 3/11/08
- **Related Bills: SB 1208—Currently Identical**
- This bill is part of the legislature’s efforts to advance the Pollutant Trading program for water quality standards.
- On the basic level, the revisions to the statute further provide the DEP with the power to create and implement a trading program that can effectively account for the environmental value of trading pollutants
 - The revisions requires DEP to implement this program, as a trial, in three basins: Lower St. Johns River Basin, Tampa Bay Basin, and Pensacola Bay Basin.
 - DEP Analysis: DEP wants only to apply the credit trading to the Lower St. Johns River Basin as a pilot project.
- Rulemaking for trading must be initiated by July 1, 2008 and must include
 - A process to be used to determine how credits are generated, quantified, and validated
 - A publicly accessible water quality credit trading registry
 - Limitations on the availability and use of water quality credits
 - Time and duration of credits and their transferability
 - Mechanisms for ensuring compliance with trading procedures.

THIS IS YET ANOTHER PLOY BY DEP TO AVOID THE CLEAN WATER ACT!

- **HB 147 Expedited Permitting Process for Economic Development Projects (“Mike McHugh Act”)**
 - Requires DEP to expedite processing of permits for certain economic development projects
 - Referred committees
 - Committee on Environmental Protection
 - 1/9/08—Favorable final action
 - Environment & Natural Resources Council
 - 3/5/08—Favorable final action
 - Policy & Budget Council
 - 3/11/08
 - Related Bills—SB 402 Target Industry Business/Expedited Permitting
 - Compare: Major content listed below is identical
 - Bill Contents
 - DEP shall adopt programs to expedite the processing of wetland resource and environmental resource permits for economic development projects that have been identified by a municipality or county as meeting the definition of a target industry business under 288.106.

- Target Industry
 - Future Growth: Strong expectation of future growth
 - Stability: relatively resistant to market fluctuation
 - High Wage: Above statewide averages
 - Market and Resource independent: Not dependent on Florida markets or resources
 - Industrial base diversification and strengthening: tend to expand toward diversifying the state's economic base
 - Economic benefits: industry should have strong economic benefits
 - Permit application pursuant to this section shall be approved or denied within 30 days.
 - Committee revision
 - 45 days
 - Procedural steps for Municipal identification of Target Industry Business
- **SB 2406 Aggregate Mining**
 - Overview: Prohibits local governments from enacting or enforcing ordinances, resolutions, regulations, rules, policies, or other actions that prohibit mining in certain lands zoned for mining. It provides an expedited permitting process for certain limerock environmental resource permitting and reclamation applications.
 - Committee Referrals
 - Environmental Preservation and Conservation Committee
 - Community Affairs Committee
 - General Government Appropriations Committee
 - No related Bills