

1 A bill to be entitled
2 An act relating to environmental regulation; amending
3 ss. 125.022 and 166.033, F.S.; providing requirements
4 for the review of development permit applications by
5 counties and municipalities; amending s. 253.0345,
6 F.S.; revising provisions for the duration of leases
7 and consents of use issued by the Board of Trustees of
8 the Internal Improvement Trust Fund for special
9 events; exempting such leases and consents of use from
10 certain fees; creating s. 253.0346, F.S.; defining the
11 term "first-come, first-served basis"; providing
12 requirements for the calculation of lease fees for
13 certain marinas; providing conditions for the discount
14 and waiver of lease fees and surcharges for certain
15 marinas, boatyards, and marine retailers; providing
16 applicability; amending s. 373.118, F.S.; revising
17 provisions for general permits to provide for the
18 expansion of certain marinas and limit the number of
19 mooring fields authorized under such permits; amending
20 s. 373.233, F.S.; clarifying conditions for competing
21 consumptive use of water applications; amending s.
22 373.308, F.S.; providing that issuance of well permits
23 is the sole responsibility of water management
24 districts; prohibiting government entities from
25 imposing requirements and fees and establishing
26 programs for installation and abandonment of
27 groundwater wells; amending s. 373.323, F.S.;
28 providing that licenses issued by water management

29 | districts are the only water well construction
30 | licenses required for construction, repair, or
31 | abandonment of water wells; authorizing licensed water
32 | well contractors to install equipment for all water
33 | systems; amending s. 373.403, F.S.; defining the term
34 | "mean annual flood line"; amending s. 373.406, F.S.;
35 | exempting specified ponds, ditches, and wetlands from
36 | surface water management and storage requirements;
37 | exempting certain water control districts from
38 | wetlands or water quality regulations; amending s.
39 | 373.709, F.S.; requiring water management districts to
40 | coordinate and cooperate with the Department of
41 | Agriculture and Consumer Services for regional water
42 | supply planning; providing criteria and requirements
43 | for determining agricultural water supply demand
44 | projections; amending s. 376.313, F.S.; holding
45 | harmless a person who discharges pollution pursuant to
46 | ch. 403, F.S.; amending s. 403.021, F.S.; providing
47 | requirements and conditions for water quality testing,
48 | sampling, collection, and analysis by the department;
49 | amending s. 403.0872, F.S.; extending the payment
50 | deadline of permit fees for major sources of air
51 | pollution and conforming the date for related notice
52 | by the department; revising provisions for the
53 | calculation of such annual fees; amending s. 403.813,
54 | F.S.; revising conditions under which certain permits
55 | are not required for seawall restoration projects;
56 | amending s. 403.814, F.S.; requiring the Department of

57 Environmental Protection to establish general permits
58 for special events; providing permit requirements;
59 amending s. 570.076, F.S.; conforming a cross-
60 reference; amending s. 570.085, F.S.; requiring the
61 Department of Agriculture and Consumer Services to
62 establish an agricultural water supply planning
63 program; providing program requirements; providing an
64 effective date.

65
66 Be It Enacted by the Legislature of the State of Florida:

67
68 Section 1. Section 125.022, Florida Statutes, is amended
69 to read:

70 125.022 Development permits.—

71 (1) When reviewing an application for a development
72 permit, a county may not request additional information from the
73 applicant more than three times, unless the applicant waives the
74 limitation in writing. The first request must be reviewed and
75 approved in writing by the permit processor's supervisor or
76 department director or manager. The second request must be
77 approved by a department or division director or manager.
78 Subsequent requests must be approved in writing by the county
79 administrator. If the applicant believes the request for
80 additional information is not authorized by ordinance, rule,
81 statute, or other legal authority, the county, at the
82 applicant's request, shall proceed to process the application.

83 (2) When a county denies an application for a development
84 permit, the county shall give written notice to the applicant.

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85 The notice must include a citation to the applicable portions of
86 an ordinance, rule, statute, or other legal authority for the
87 denial of the permit.

88 (3) As used in this section, the term "development permit"
89 has the same meaning as in s. 163.3164.

90 (4) For any development permit application filed with the
91 county after July 1, 2012, a county may not require as a
92 condition of processing or issuing a development permit that an
93 applicant obtain a permit or approval from any state or federal
94 agency unless the agency has issued a final agency action that
95 denies the federal or state permit before the county action on
96 the local development permit.

97 (5) Issuance of a development permit by a county does not
98 in any way create any rights on the part of the applicant to
99 obtain a permit from a state or federal agency and does not
100 create any liability on the part of the county for issuance of
101 the permit if the applicant fails to obtain requisite approvals
102 or fulfill the obligations imposed by a state or federal agency
103 or undertakes actions that result in a violation of state or
104 federal law. A county may attach such a disclaimer to the
105 issuance of a development permit and may include a permit
106 condition that all other applicable state or federal permits be
107 obtained before commencement of the development.

108 (6) This section does not prohibit a county from providing
109 information to an applicant regarding what other state or
110 federal permits may apply.

111 Section 2. Section 166.033, Florida Statutes, is amended
112 to read:

113 166.033 Development permits.—

114 (1) When reviewing an application for a development
115 permit, a municipality may not request additional information
116 from the applicant more than three times, unless the applicant
117 waives the limitation in writing. The first request must be
118 reviewed and approved in writing by the permit processor's
119 supervisor or department director or manager. The second request
120 must be approved by a department or division director or
121 manager. Subsequent requests must be approved in writing by the
122 municipal administrator or equivalent chief administrative
123 officer. If the applicant believes the request for additional
124 information is not authorized by ordinance, rule, statute, or
125 other legal authority, the municipality, at the applicant's
126 request, shall proceed to process the application.

127 (2) When a municipality denies an application for a
128 development permit, the municipality shall give written notice
129 to the applicant. The notice must include a citation to the
130 applicable portions of an ordinance, rule, statute, or other
131 legal authority for the denial of the permit.

132 (3) As used in this section, the term "development permit"
133 has the same meaning as in s. 163.3164.

134 (4) For any development permit application filed with the
135 municipality after July 1, 2012, a municipality may not require
136 as a condition of processing or issuing a development permit
137 that an applicant obtain a permit or approval from any state or
138 federal agency unless the agency has issued a final agency
139 action that denies the federal or state permit before the
140 municipal action on the local development permit.

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141 (5) Issuance of a development permit by a municipality
142 does not in any way create any right on the part of an applicant
143 to obtain a permit from a state or federal agency and does not
144 create any liability on the part of the municipality for
145 issuance of the permit if the applicant fails to obtain
146 requisite approvals or fulfill the obligations imposed by a
147 state or federal agency or undertakes actions that result in a
148 violation of state or federal law. A municipality may attach
149 such a disclaimer to the issuance of development permits and may
150 include a permit condition that all other applicable state or
151 federal permits be obtained before commencement of the
152 development.

153 (6) This section does not prohibit a municipality from
154 providing information to an applicant regarding what other state
155 or federal permits may apply.

156 Section 3. Section 253.0345, Florida Statutes, is amended
157 to read:

158 253.0345 Special events; submerged land leases.—

159 (1) The trustees may ~~are authorized to~~ issue leases or
160 consents of use ~~or leases~~ to riparian landowners, special and
161 event promoters, and boat show owners to allow the installation
162 of temporary structures, including docks, moorings, pilings, and
163 access walkways, on sovereign submerged lands solely for the
164 purpose of facilitating boat shows and displays in, or adjacent
165 to, established marinas or government-owned ~~government-owned~~
166 upland property. Riparian owners of adjacent uplands who are not
167 seeking a lease or consent of use shall be notified by certified
168 mail of any request for such a lease or consent of use before

169 ~~prior to~~ approval by the trustees. The trustees shall balance
 170 the interests of any objecting riparian owners with the economic
 171 interests of the public and the state as a factor in determining
 172 whether ~~if~~ a lease or consent of use should be executed over the
 173 objection of adjacent riparian owners. This section does ~~shall~~
 174 not apply to structures for viewing motorboat racing, high-speed
 175 motorboat contests, or high-speed displays in waters where
 176 manatees are known to frequent.

177 (2) A lease or consent of use for a ~~Any~~ special event
 178 under provided for in subsection (1) shall include an exemption
 179 from lease fees and shall be for a period not to exceed 30 days
 180 and a duration not to exceed 10 consecutive years. The lease or
 181 consent of use may also contain appropriate requirements for
 182 removal of the temporary structures, including the posting of
 183 sufficient surety to guarantee appropriate funds for removal of
 184 the structures should the promoter or riparian owner fail to do
 185 so within the time specified in the agreement.

186 (3) ~~Nothing in~~ This section does not ~~shall be construed to~~
 187 allow any lease or consent of use that would result in harm to
 188 the natural resources of the area as a result of the structures
 189 or the activities of the special events agreed to.

190 Section 4. Section 253.0346, Florida Statutes, is created
 191 to read:

192 253.0346 Lease of sovereignty submerged lands for marinas,
 193 boatyards, and marine retailers.-

194 (1) For purposes of this section, the term "first-come,
 195 first-served basis" means the facility operates on state-owned
 196 submerged land for which:

197 (a) There is not a club membership, stock ownership,
 198 equity interest, or other qualifying requirement.

199 (b) Rental terms do not exceed 12 months and do not
 200 include automatic renewal rights or conditions.

201 (2) For marinas that are open to the public on a first-
 202 come, first-served basis and for which at least 90 percent of
 203 the slips are open to the public:

204 (a) The annual lease fee for a standard-term lease shall
 205 be 6 percent of the annual gross dockage income. In calculating
 206 gross dockage income, the department may not include pass-
 207 through charges.

208 (b) A discount of 30 percent on the annual lease fee shall
 209 apply if dockage rate sheet publications and dockage advertising
 210 clearly state that slips are open to the public on a first-come,
 211 first-served basis.

212 (3) For a facility designated by the department as a Clean
 213 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean
 214 Marina Program:

215 (a) A discount of 10 percent on the annual lease fee shall
 216 apply if the facility:

- 217 1. Actively maintains designation under the program.
- 218 2. Complies with the terms of the lease.
- 219 3. Does not change use during the term of the lease.

220 (b) Extended-term lease surcharges shall be waived if the
 221 facility:

- 222 1. Actively maintains designation under the program.
- 223 2. Complies with the terms of the lease.
- 224 3. Does not change use during the term of the lease.

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225 4. Is available to the public on a first-come, first-
226 served basis.

227 (c) If the facility is in arrears on lease fees or fails
228 to comply with paragraph (b), the facility is not eligible for
229 the discount or waiver under this subsection until arrears have
230 been paid and compliance with the program has been met.

231 (4) This section applies to new leases or amendments to
232 leases effective after July 1, 2013.

233 Section 5. Subsection (4) of section 373.118, Florida
234 Statutes, is amended to read:

235 373.118 General permits; delegation.-

236 (4) The department shall adopt by rule one or more general
237 permits for local governments to construct, operate, and
238 maintain public marina facilities, public mooring fields, public
239 boat ramps, including associated courtesy docks, and associated
240 parking facilities located in uplands. Such general permits
241 adopted by rule shall include provisions to ensure compliance
242 with part IV of this chapter, subsection (1), and the criteria
243 necessary to include the general permits in a state programmatic
244 general permit issued by the United States Army Corps of
245 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
246 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
247 authorized under such general permits is exempt from review as a
248 development of regional impact if the facility complies with the
249 comprehensive plan of the applicable local government. Such
250 facilities shall be consistent with the local government manatee
251 protection plan required pursuant to chapter 379 and shall
252 obtain Clean Marina Program status prior to opening for

253 operation and maintain that status for the life of the facility.
 254 The expansion of any marina, whether private or government-
 255 owned, for which the services of at least 90 percent of the
 256 slips are open to the public on a first-come, first-served
 257 basis, ~~Marinas and mooring fields~~ authorized under any such
 258 general permit may ~~shall~~ not exceed an additional area of 50,000
 259 square feet over wetlands and other surface waters. Mooring
 260 fields authorized under such general permit may not exceed 100
 261 vessels. All facilities permitted under this section shall be
 262 constructed, maintained, and operated in perpetuity for the
 263 exclusive use of the general public. The department shall
 264 initiate the rulemaking process within 60 days after the
 265 effective date of this act.

266 Section 6. Subsection (1) of section 373.233, Florida
 267 Statutes, is amended to read:

268 373.233 Competing applications.-

269 (1) If two or more applications that ~~which~~ otherwise
 270 comply with the provisions of this part are pending for a
 271 quantity of water that is inadequate for both or all, or which
 272 for any other reason are in conflict, and the governing board or
 273 department has issued an affirmative proposed agency action for
 274 each application, the governing board or the department has
 275 ~~shall have~~ the right to approve or modify the application which
 276 best serves the public interest.

277 Section 7. Subsection (1) of section 373.308, Florida
 278 Statutes, is amended to read:

279 373.308 Implementation of programs for regulating water
 280 wells.-

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281 (1) The department shall authorize the governing board of
282 a water management district to implement a program for the
283 issuance of permits for the location, construction, repair, and
284 abandonment of water wells. Upon authorization from the
285 department, issuance of well permits will be the sole
286 responsibility of the water management district, and other
287 government entities may not impose additional or duplicate
288 requirements or fees or establish a separate program for the
289 permitting of the location, abandonment, boring, or other
290 activities reasonably associated with the installation and
291 abandonment of a groundwater well.

292 Section 8. Subsections (1) and (10) of section 373.323,
293 Florida Statutes, are amended to read:

294 373.323 Licensure of water well contractors; application,
295 qualifications, and examinations; equipment identification.—

296 (1) Every person who wishes to engage in business as a
297 water well contractor shall obtain from the water management
298 district a license to conduct such business. Licensure under
299 this part by a water management district shall be the only water
300 well construction license required for the construction, repair,
301 or abandonment of water wells in the state or any political
302 subdivision thereof.

303 (10) Water well contractors licensed under this section
304 may install, repair, and modify pumps and tanks in accordance
305 with the Florida Building Code, Plumbing; Section 612—Wells
306 pumps and tanks used for private potable water systems. In
307 addition, licensed water well contractors may install pumps,
308 tanks, and water conditioning equipment for all water ~~well~~

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309 systems.

310 Section 9. Subsection (23) is added to section 373.403,
311 Florida Statutes, to read:

312 373.403 Definitions.—When appearing in this part or in any
313 rule, regulation, or order adopted pursuant thereto, the
314 following terms mean:

315 (23) "Mean annual flood line" for purposes of delineating
316 the ordinary high water line for nontidal water bodies and other
317 surface waters shall have the same meaning as provided in s.
318 381.0065.

319 Section 10. Subsections (13) through (15) are added to
320 section 373.406, Florida Statutes, to read:

321 373.406 Exemptions.—The following exemptions shall apply:

322 (13) Nothing in this part, or in any rule, regulation, or
323 order adopted pursuant to this part, applies to construction,
324 operation, or maintenance of any wholly owned, manmade ponds
325 constructed entirely in uplands or drainage ditches constructed
326 in uplands.

327 (14) Nothing in this part, or in any rule, regulation, or
328 order adopted pursuant to this part, may require a permit for
329 activities affecting wetlands created solely by the unreasonable
330 and negligent flooding or interference with the natural flow of
331 surface water caused by an adjoining landowner.

332 (15) Any water control district created and operating
333 pursuant to chapter 298 for which a valid environmental resource
334 permit or management and storage of surface waters permit has
335 been issued pursuant to this part is exempt from further
336 wetlands or water quality regulations imposed pursuant to

337 | chapters 125, 163, and 166.

338 | Section 11. Subsection (1) and paragraph (a) of subsection
339 | (2) of section 373.709, Florida Statutes, are amended to read:

340 | 373.709 Regional water supply planning.—

341 | (1) The governing board of each water management district
342 | shall conduct water supply planning for any water supply
343 | planning region within the district identified in the
344 | appropriate district water supply plan under s. 373.036, where
345 | it determines that existing sources of water are not adequate to
346 | supply water for all existing and future reasonable-beneficial
347 | uses and to sustain the water resources and related natural
348 | systems for the planning period. The planning must be conducted
349 | in an open public process, in coordination and cooperation with
350 | local governments, regional water supply authorities,
351 | government-owned and privately owned water and wastewater
352 | utilities, multijurisdictional water supply entities, self-
353 | suppliers, reuse utilities, the department, the Department of
354 | Agriculture and Consumer Services, and other affected and
355 | interested parties. The districts shall actively engage in
356 | public education and outreach to all affected local entities and
357 | their officials, as well as members of the public, in the
358 | planning process and in seeking input. During preparation, but
359 | prior to completion of the regional water supply plan, the
360 | district must conduct at least one public workshop to discuss
361 | the technical data and modeling tools anticipated to be used to
362 | support the regional water supply plan. The district shall also
363 | hold several public meetings to communicate the status, overall
364 | conceptual intent, and impacts of the plan on existing and

365 future reasonable-beneficial uses and related natural systems.
366 During the planning process, a local government may choose to
367 prepare its own water supply assessment to determine if existing
368 water sources are adequate to meet existing and projected
369 reasonable-beneficial needs of the local government while
370 sustaining water resources and related natural systems. The
371 local government shall submit such assessment, including the
372 data and methodology used, to the district. The district shall
373 consider the local government's assessment during the formation
374 of the plan. A determination by the governing board that
375 initiation of a regional water supply plan for a specific
376 planning region is not needed pursuant to this section shall be
377 subject to s. 120.569. The governing board shall reevaluate such
378 a determination at least once every 5 years and shall initiate a
379 regional water supply plan, if needed, pursuant to this
380 subsection.

381 (2) Each regional water supply plan shall be based on at
382 least a 20-year planning period and shall include, but need not
383 be limited to:

384 (a) A water supply development component for each water
385 supply planning region identified by the district which
386 includes:

387 1. A quantification of the water supply needs for all
388 existing and future reasonable-beneficial uses within the
389 planning horizon. The level-of-certainty planning goal
390 associated with identifying the water supply needs of existing
391 and future reasonable-beneficial uses shall be based upon
392 meeting those needs for a 1-in-10-year drought event.

393 a. Population projections used for determining public
394 water supply needs must be based upon the best available data.
395 In determining the best available data, the district shall
396 consider the University of Florida's Bureau of Economic and
397 Business Research (BEBR) medium population projections and any
398 population projection data and analysis submitted by a local
399 government pursuant to the public workshop described in
400 subsection (1) if the data and analysis support the local
401 government's comprehensive plan. Any adjustment of or deviation
402 from the BEBR projections must be fully described, and the
403 original BEBR data must be presented along with the adjusted
404 data.

405 b. Agricultural demand projections used for determining
406 the needs of agricultural self-suppliers must be based upon the
407 best available data. In determining the best available data for
408 agricultural self-supplied water needs, the district shall use
409 the data indicative of future water supply demands provided by
410 the Department of Agriculture and Consumer Services pursuant to
411 s. 570.085.

412 2. A list of water supply development project options,
413 including traditional and alternative water supply project
414 options, from which local government, government-owned and
415 privately owned utilities, regional water supply authorities,
416 multijurisdictional water supply entities, self-suppliers, and
417 others may choose for water supply development. In addition to
418 projects listed by the district, such users may propose specific
419 projects for inclusion in the list of alternative water supply
420 projects. If such users propose a project to be listed as an

421 alternative water supply project, the district shall determine
422 whether it meets the goals of the plan, and, if so, it shall be
423 included in the list. The total capacity of the projects
424 included in the plan shall exceed the needs identified in
425 subparagraph 1. and shall take into account water conservation
426 and other demand management measures, as well as water resources
427 constraints, including adopted minimum flows and levels and
428 water reservations. Where the district determines it is
429 appropriate, the plan should specifically identify the need for
430 multijurisdictional approaches to project options that, based on
431 planning level analysis, are appropriate to supply the intended
432 uses and that, based on such analysis, appear to be permissible
433 and financially and technically feasible. The list of water
434 supply development options must contain provisions that
435 recognize that alternative water supply options for agricultural
436 self-suppliers are limited.

437 3. For each project option identified in subparagraph 2.,
438 the following shall be provided:

439 a. An estimate of the amount of water to become available
440 through the project.

441 b. The timeframe in which the project option should be
442 implemented and the estimated planning-level costs for capital
443 investment and operating and maintaining the project.

444 c. An analysis of funding needs and sources of possible
445 funding options. For alternative water supply projects the water
446 management districts shall provide funding assistance in
447 accordance with s. 373.707(8).

448 d. Identification of the entity that should implement each

449 project option and the current status of project implementation.

450 Section 12. Subsection (3) of section 376.313, Florida
 451 Statutes, is amended to read:

452 376.313 Nonexclusiveness of remedies and individual cause
 453 of action for damages under ss. 376.30-376.317.—

454 (3) Except as provided in s. 376.3078(3) and (11), nothing
 455 contained in ss. 376.30-376.317 prohibits any person from
 456 bringing a cause of action in a court of competent jurisdiction
 457 for all damages resulting from a discharge or other condition of
 458 pollution covered by ss. 376.30-376.317 not regulated or
 459 authorized pursuant to chapter 403. Nothing in this chapter
 460 shall prohibit or diminish a party's right to contribution from
 461 other parties jointly or severally liable for a prohibited
 462 discharge of pollutants or hazardous substances or other
 463 pollution conditions. Except as otherwise provided in subsection
 464 (4) or subsection (5), in any such suit, it is not necessary for
 465 such person to plead or prove negligence in any form or manner.
 466 Such person need only plead and prove the fact of the prohibited
 467 discharge or other pollutive condition and that it has occurred.
 468 The only defenses to such cause of action shall be those
 469 specified in s. 376.308.

470 Section 13. Subsection (11) of section 403.021, Florida
 471 Statutes, is amended to read:

472 403.021 Legislative declaration; public policy.—

473 (11) It is the intent of the Legislature that water
 474 quality standards be reasonably established and applied to take
 475 into account the variability occurring in nature. The department
 476 shall recognize the statistical variability inherent in sampling

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477 and testing procedures that are used to express water quality
478 standards. The department shall also recognize that some
479 deviations from water quality standards occur as the result of
480 natural background conditions. The department shall not consider
481 deviations from water quality standards to be violations when
482 the discharger can demonstrate that the deviations would occur
483 in the absence of any human-induced discharges or alterations to
484 the water body. Testing, sampling, collection, or analysis may
485 not be conducted or required unless such testing, sampling,
486 collection, or analysis has been subjected to and validated
487 through inter- and intra-laboratory testing, quality control,
488 peer review, and adopted by rule. The validation shall be
489 sufficient to ensure that variability inherent in such testing
490 sampling, collection, or analysis has been specified and reduced
491 to the minimum for comparable testing, sampling, collection, or
492 analysis.

493 Section 14. Subsection (11) of section 403.0872, Florida
494 Statutes, is amended to read:

495 403.0872 Operation permits for major sources of air
496 pollution; annual operation license fee.—Provided that program
497 approval pursuant to 42 U.S.C. s. 7661a has been received from
498 the United States Environmental Protection Agency, beginning
499 January 2, 1995, each major source of air pollution, including
500 electrical power plants certified under s. 403.511, must obtain
501 from the department an operation permit for a major source of
502 air pollution under this section. This operation permit is the
503 only department operation permit for a major source of air
504 pollution required for such source; provided, at the applicant's

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505 request, the department shall issue a separate acid rain permit
506 for a major source of air pollution that is an affected source
507 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
508 for major sources of air pollution, except general permits
509 issued pursuant to s. 403.814, must be issued in accordance with
510 the procedures contained in this section and in accordance with
511 chapter 120; however, to the extent that chapter 120 is
512 inconsistent with the provisions of this section, the procedures
513 contained in this section prevail.

514 (11) Each major source of air pollution permitted to
515 operate in this state must pay between January 15 and April
516 ~~March~~ 1 of each year, upon written notice from the department,
517 an annual operation license fee in an amount determined by
518 department rule. The annual operation license fee shall be
519 terminated immediately in the event the United States
520 Environmental Protection Agency imposes annual fees solely to
521 implement and administer the major source air-operation permit
522 program in Florida under 40 C.F.R. s. 70.10(d).

523 (a) The annual fee must be assessed based upon the
524 source's previous year's emissions and must be calculated by
525 multiplying the applicable annual operation license fee factor
526 times the tons of each regulated air pollutant actually emitted,
527 as calculated in accordance with department's emissions
528 computation and reporting rules. The annual fee shall only apply
529 to those regulated pollutants, (except carbon monoxide) and
530 greenhouse gases, for which an allowable numeric emission
531 limiting standard is specified in ~~allowed to be emitted per hour~~
532 ~~by specific condition~~ of the source's most recent construction

533 | ~~or operation permit, times the annual hours of operation allowed~~
534 | ~~by permit condition; provided, however, that:~~

535 | 1. The license fee factor is \$25 or another amount
536 | determined by department rule which ensures that the revenue
537 | provided by each year's operation license fees is sufficient to
538 | cover all reasonable direct and indirect costs of the major
539 | stationary source air-operation permit program established by
540 | this section. The license fee factor may be increased beyond \$25
541 | only if the secretary of the department affirmatively finds that
542 | a shortage of revenue for support of the major stationary source
543 | air-operation permit program will occur in the absence of a fee
544 | factor adjustment. The annual license fee factor may never
545 | exceed \$35.

546 | ~~2. For any source that operates for fewer hours during the~~
547 | ~~calendar year than allowed under its permit, the annual fee~~
548 | ~~calculation must be based upon actual hours of operation rather~~
549 | ~~than allowable hours if the owner or operator of the source~~
550 | ~~documents the source's actual hours of operation for the~~
551 | ~~calendar year. For any source that has an emissions limit that~~
552 | ~~is dependent upon the type of fuel burned, the annual fee~~
553 | ~~calculation must be based on the emissions limit applicable~~
554 | ~~during actual hours of operation.~~

555 | ~~3. For any source whose allowable emission limitation is~~
556 | ~~specified by permit per units of material input or heat input or~~
557 | ~~product output, the applicable input or production amount may be~~
558 | ~~used to calculate the allowable emissions if the owner or~~
559 | ~~operator of the source documents the actual input or production~~
560 | ~~amount. If the input or production amount is not documented, the~~

561 ~~maximum allowable input or production amount specified in the~~
562 ~~permit must be used to calculate the allowable emissions.~~

563 ~~4. For any new source that does not receive its first~~
564 ~~operation permit until after the beginning of a calendar year,~~
565 ~~the annual fee for the year must be reduced pro rata to reflect~~
566 ~~the period during which the source was not allowed to operate.~~

567 ~~5. For any source that emits less of any regulated air~~
568 ~~pollutant than allowed by permit condition, the annual fee~~
569 ~~calculation for such pollutant must be based upon actual~~
570 ~~emissions rather than allowable emissions if the owner or~~
571 ~~operator documents the source's actual emissions by means of~~
572 ~~data from a department-approved certified continuous emissions~~
573 ~~monitor or from an emissions monitoring method which has been~~
574 ~~approved by the United States Environmental Protection Agency~~
575 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
576 ~~or from a method approved by the department for purposes of this~~
577 ~~section.~~

578 ~~2.6.~~ The amount of each regulated air pollutant in excess
579 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
580 group of sources belonging to the same Major Group as described
581 in the Standard Industrial Classification Manual, 1987, may not
582 be included in the calculation of the fee. Any source, or group
583 of sources, which does not emit any regulated air pollutant in
584 excess of 4,000 tons per year, is allowed a one-time credit not
585 to exceed 25 percent of the first annual licensing fee for the
586 prorated portion of existing air-operation permit application
587 fees remaining upon commencement of the annual licensing fees.

588 ~~3.7.~~ If the department has not received the fee by March 1

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589 ~~February 15~~ of the calendar year, the permittee must be sent a
590 written warning of the consequences for failing to pay the fee
591 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1
592 of the calendar year, the department shall impose, in addition
593 to the fee, a penalty of 50 percent of the amount of the fee,
594 plus interest on such amount computed in accordance with s.
595 220.807. The department may not impose such penalty or interest
596 on any amount underpaid, provided that the permittee has timely
597 remitted payment of at least 90 percent of the amount determined
598 to be due and remits full payment within 60 days after receipt
599 of notice of the amount underpaid. The department may waive the
600 collection of underpayment and shall not be required to refund
601 overpayment of the fee, if the amount due is less than 1 percent
602 of the fee, up to \$50. The department may revoke any major air
603 pollution source operation permit if it finds that the
604 permitholder has failed to timely pay any required annual
605 operation license fee, penalty, or interest.

606 ~~4.8.~~ Notwithstanding the computational provisions of this
607 subsection, the annual operation license fee for any source
608 subject to this section shall not be less than \$250, except that
609 the annual operation license fee for sources permitted solely
610 through general permits issued under s. 403.814 shall not exceed
611 \$50 per year.

612 ~~5.9.~~ Notwithstanding the provisions of s.
613 403.087(6)(a)5.a., authorizing air pollution construction permit
614 fees, the department may not require such fees for changes or
615 additions to a major source of air pollution permitted pursuant
616 to this section, unless the activity triggers permitting

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617 requirements under Title I, Part C or Part D, of the federal
618 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
619 administer such permits shall be considered direct and indirect
620 costs of the major stationary source air-operation permit
621 program under s. 403.0873. The department shall, however,
622 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
623 for the construction of a new major source of air pollution that
624 will be subject to the permitting requirements of this section
625 once constructed and for activities triggering permitting
626 requirements under Title I, Part C or Part D, of the federal
627 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

628 (b) Annual operation license fees collected by the
629 department must be sufficient to cover all reasonable direct and
630 indirect costs required to develop and administer the major
631 stationary source air-operation permit program, which shall
632 consist of the following elements to the extent that they are
633 reasonably related to the regulation of major stationary air
634 pollution sources, in accordance with United States
635 Environmental Protection Agency regulations and guidelines:

- 636 1. Reviewing and acting upon any application for such a
637 permit.
- 638 2. Implementing and enforcing the terms and conditions of
639 any such permit, excluding court costs or other costs associated
640 with any enforcement action.
- 641 3. Emissions and ambient monitoring.
- 642 4. Preparing generally applicable regulations or guidance.
- 643 5. Modeling, analyses, and demonstrations.
- 644 6. Preparing inventories and tracking emissions.

645 7. Implementing the Small Business Stationary Source
 646 Technical and Environmental Compliance Assistance Program.

647 8. Any audits conducted under paragraph (c).

648 (c) An audit of the major stationary source air-operation
 649 permit program must be conducted 2 years after the United States
 650 Environmental Protection Agency has given full approval of the
 651 program to ascertain whether the annual operation license fees
 652 collected by the department are used solely to support any
 653 reasonable direct and indirect costs as listed in paragraph (b).
 654 A program audit must be performed biennially after the first
 655 audit.

656 Section 15. Paragraph (e) of subsection (1) of section
 657 403.813, Florida Statutes, is amended to read:

658 403.813 Permits issued at district centers; exceptions.—

659 (1) A permit is not required under this chapter, chapter
 660 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 661 chapter 25270, 1949, Laws of Florida, for activities associated
 662 with the following types of projects; however, except as
 663 otherwise provided in this subsection, nothing in this
 664 subsection relieves an applicant from any requirement to obtain
 665 permission to use or occupy lands owned by the Board of Trustees
 666 of the Internal Improvement Trust Fund or any water management
 667 district in its governmental or proprietary capacity or from
 668 complying with applicable local pollution control programs
 669 authorized under this chapter or other requirements of county
 670 and municipal governments:

671 (e) The restoration of seawalls at their previous
 672 locations or upland of, or within 18 inches ~~1-foot~~ waterward of,

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673 their previous locations. However, this shall not affect the
674 permitting requirements of chapter 161, and department rules
675 shall clearly indicate that this exception does not constitute
676 an exception from the permitting requirements of chapter 161.

677 Section 16. Subsection (13) is added to section 403.814,
678 Florida Statutes, to read:

679 403.814 General permits; delegation.—

680 (13) The department shall issue general permits for
681 special events as defined in s. 253.0345. The permits must be
682 for a period that runs concurrently with the consent of use or
683 lease issued pursuant to that section. No more than two seagrass
684 studies may be required by a general permit, one conducted
685 before issuance of the permit and the other conducted at the
686 time the permit expires. General permits must also allow for the
687 movement of temporary structures within the footprint of the
688 lease area. A survey of the lease or consent area is required at
689 the time of application for a 10-year standard lease or consent
690 of use and general permit. An area of up to 25 percent of a
691 previous lease or consent of use area must be issued as part of
692 the general permit, lease, or consent of use to allow for
693 economic expansion of the special event during the 10-year term.
694 An annual survey of the distances of all structures from the
695 boundaries of the lease or consent of use area must be conducted
696 to ensure that the lease boundaries have not been violated.

697 Section 17. Subsection (2) of section 570.076, Florida
698 Statutes, is amended to read:

699 570.076 Environmental Stewardship Certification Program.—
700 The department may, by rule, establish the Environmental

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701 Stewardship Certification Program consistent with this section.
702 A rule adopted under this section must be developed in
703 consultation with state universities, agricultural
704 organizations, and other interested parties.

705 (2) The department shall provide an agricultural
706 certification under this program for implementation of one or
707 more of the following criteria:

708 (a) A voluntary agreement between an agency and an
709 agricultural producer for environmental improvement or water-
710 resource protection.

711 (b) A conservation plan that meets or exceeds the
712 requirements of the United States Department of Agriculture.

713 (c) Best management practices adopted by rule pursuant to
714 s. 403.067(7)(c) or s. 570.085(1)(b) ~~570.085(2)~~.

715 Section 18. Section 570.085, Florida Statutes, is amended
716 to read:

717 570.085 Department of Agriculture and Consumer Services;
718 agricultural water conservation and water supply planning.—

719 (1) The department shall establish an agricultural water
720 conservation program that includes the following:

721 (a) ~~(1)~~ A cost-share program, coordinated where appropriate
722 with the United States Department of Agriculture and other
723 federal, state, regional, and local agencies, for irrigation
724 system retrofit and application of mobile irrigation laboratory
725 evaluations for water conservation as provided in this section
726 and, where applicable, for water quality improvement pursuant to
727 s. 403.067(7)(c).

728 (b) ~~(2)~~ The development and implementation of voluntary

729 interim measures or best management practices, adopted by rule,
730 which provide for increased efficiencies in the use and
731 management of water for agricultural production. In the process
732 of developing and adopting rules for interim measures or best
733 management practices, the department shall consult with the
734 Department of Environmental Protection and the water management
735 districts. Such rules may also include a system to assure the
736 implementation of the practices, including recordkeeping
737 requirements. As new information regarding efficient
738 agricultural water use and management becomes available, the
739 department shall reevaluate and revise as needed, the interim
740 measures or best management practices. The interim measures or
741 best management practices may include irrigation retrofit,
742 implementation of mobile irrigation laboratory evaluations and
743 recommendations, water resource augmentation, and integrated
744 water management systems for drought management and flood
745 control and should, to the maximum extent practicable, be
746 designed to qualify for regulatory incentives and other
747 incentives, as determined by the agency having applicable
748 statutory authority.

749 (c) ~~(3)~~ Provision of assistance to the water management
750 districts in the development and implementation of a consistent,
751 to the extent practicable, methodology for the efficient
752 allocation of water for agricultural irrigation.

753 (2) (a) The department shall establish an agricultural
754 water supply planning program that includes the development of
755 appropriate data indicative of future agricultural water needs.
756 The data shall be based on at least a 20-year planning period

757 and shall include, but is not limited to:

758 1. Applicable agricultural crop types or categories.

759 2. Historic estimates of irrigated acreage, current
760 estimates of irrigated acreage, and future irrigated acreage
761 projections for each applicable crop type or category spatially
762 for each county, including the historic and current methods and
763 assumptions used to generate the spatial acreage estimates and
764 projections.

765 3. Crop type or category water use coefficients for both
766 average year and 1-in-10 year drought years used in calculating
767 historic and current water supply needs and projected future
768 water supply needs, including data, methods, and assumptions
769 used to generate the coefficients. Estimates of historic and
770 current water supply needs shall take into account actual
771 metered data where available.

772 4. An evaluation of significant uncertainties affecting
773 agricultural production that may require a range of projections
774 for future agricultural water supply needs.

775 (b) In developing the future agricultural water supply
776 needs data, the department shall consult with the agricultural
777 industry, the University of Florida Institute of Food and
778 Agricultural Sciences, the Department of Environmental
779 Protection, the water management districts, the United States
780 Department of Agriculture National Agricultural Statistics
781 Service, and the United States Geological Survey.

782 (c) The future agricultural water supply needs data shall
783 be provided to each water management district for consideration
784 pursuant to ss. 373.036(2) and 373.709(2) (a)1.b. The department

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785 | shall coordinate with each water management district to
786 | establish the schedule necessary for provision of agricultural
787 | water supply needs data in order to comply with water supply
788 | planning provisions of ss. 373.036(2) and 373.709(2)(a)1.b.

789 | Section 19. This act shall take effect July 1, 2013.