

1                                   A bill to be entitled  
2           An act relating to environmental regulation; amending  
3           s. 20.255, F.S.; authorizing the Department of  
4           Environmental Protection to adopt rules requiring or  
5           incentivizing the electronic submission of forms,  
6           documents, fees, and reports required for certain  
7           permits; amending ss. 125.022 and 166.033, F.S.;  
8           providing requirements for the review of development  
9           permit applications by counties and municipalities;  
10          amending s. 211.3103, F.S.; revising the definition of  
11          "phosphate-related expenses" to include maintenance  
12          and restoration of certain lands; amending s.  
13          253.0345, F.S.; revising provisions for the duration  
14          of leases and consents of use issued by the Board of  
15          Trustees of the Internal Improvement Trust Fund for  
16          special events; providing conditions for fees relating  
17          to such leases and consents of use; creating s.  
18          253.0346, F.S.; defining the term "first-come, first-  
19          served basis"; providing conditions for the discount  
20          and waiver of lease fees and surcharges for certain  
21          marinas, boatyards, and marine retailers; providing  
22          applicability; amending s. 373.118, F.S.; deleting  
23          provisions requiring the department to adopt general  
24          permits for public marina facilities; deleting certain  
25          requirements under general permits for public marina  
26          facilities and mooring fields; limiting the number of  
27          vessels for mooring fields authorized under such  
28          permits; amending s. 373.233, F.S.; clarifying

29 | conditions for competing consumptive use of water  
30 | applications; amending s. 373.236, F.S.; prohibiting  
31 | water management districts from reducing certain  
32 | allocations as a result of seawater desalination plant  
33 | activities; providing an exception; amending s.  
34 | 373.308, F.S.; providing that issuance of well permits  
35 | is the sole responsibility of water management  
36 | districts; prohibiting certain counties and other  
37 | government entities from imposing requirements and  
38 | fees and establishing programs for installation and  
39 | abandonment of groundwater wells; amending s. 373.323,  
40 | F.S.; providing that licenses issued by water  
41 | management districts are the only water well  
42 | construction licenses required for construction,  
43 | repair, or abandonment of water wells; authorizing  
44 | licensed water well contractors to install equipment  
45 | for all water systems; amending s. 373.403, F.S.;  
46 | defining the term "mean annual flood line"; amending  
47 | s. 373.406, F.S.; exempting specified ponds, ditches,  
48 | and wetlands from surface water management and storage  
49 | requirements; exempting certain water control  
50 | districts from wetlands or water quality regulations;  
51 | amending s. 373.701, F.S.; providing a legislative  
52 | declaration that efforts to adequately and dependably  
53 | meet water needs; requiring the cooperation of utility  
54 | companies, private landowners, water consumers, and  
55 | the Department of Agriculture and Consumer Services;  
56 | amending s. 373.703, F.S.; requiring the governing

57 boards of water management districts to assist self-  
58 suppliers, among others, in meeting water supply  
59 demands; authorizing the governing boards to contract  
60 with self-suppliers for the purpose of carrying out  
61 its powers; amending s. 373.709, F.S.; requiring water  
62 management districts to coordinate and cooperate with  
63 the Department of Agriculture and Consumer Services  
64 for regional water supply planning; providing criteria  
65 and requirements for determining agricultural water  
66 supply demand projections; amending s. 376.313, F.S.;  
67 holding harmless a person who discharges pollution  
68 pursuant to ch. 403, F.S.; amending s. 403.021, F.S.;  
69 providing requirements and conditions for water  
70 quality testing, sampling, collection, and analysis by  
71 the department; amending s. 403.031, F.S.; defining  
72 the term "beneficiary"; amending s. 403.061, F.S.;  
73 authorizing the department to adopt rules requiring or  
74 incentivizing the electronic submission of forms,  
75 documents, fees, and reports required for certain  
76 permits; amending s. 403.70605, F.S.; revising  
77 provisions governing solid waste collection services  
78 in competition with private companies to include  
79 commercial collection of recovered materials; amending  
80 s. 403.0872, F.S.; extending the payment deadline of  
81 permit fees for major sources of air pollution and  
82 conforming the date for related notice by the  
83 department; revising provisions for the calculation of  
84 such annual fees; amending s. 403.813, F.S.; revising

85 | conditions under which certain permits are not  
 86 | required for seawall restoration projects; creating s.  
 87 | 403.8141, F.S.; requiring the Department of  
 88 | Environmental Protection to establish general permits  
 89 | for special events; providing permit requirements;  
 90 | amending s. 403.973, F.S.; authorizing expedited  
 91 | permitting for natural gas pipelines, subject to  
 92 | specified certification; providing that natural gas  
 93 | pipelines are subject to certain requirements;  
 94 | providing that natural gas pipelines are eligible for  
 95 | certain review; amending s. 570.076, F.S.; conforming  
 96 | a cross-reference; amending s. 570.085, F.S.;  
 97 | requiring the Department of Agriculture and Consumer  
 98 | Services to establish an agricultural water supply  
 99 | planning program; providing program requirements;  
 100 | providing an effective date.

101 |  
 102 | Be It Enacted by the Legislature of the State of Florida:  
 103 |

104 | Section 1. Subsection (8) is added to section 20.255,  
 105 | Florida Statutes, to read:

106 | 20.255 Department of Environmental Protection.—There is  
 107 | created a Department of Environmental Protection.

108 | (8) The department may adopt rules requiring or  
 109 | incentivizing electronic submission of forms, documents, fees,  
 110 | or reports required for permits issued under chapter 161,  
 111 | chapter 253, chapter 373, chapter 376, or chapter 403. The rules  
 112 | must reasonably accommodate technological or financial hardship

113 and must provide procedures for obtaining an exemption due to  
114 such a hardship.

115 Section 2. Section 125.022, Florida Statutes, is amended  
116 to read:

117 125.022 Development permits.—

118 (1) When reviewing an application for a development permit  
119 from an applicant who has participated in a pre-application  
120 meeting, a county may not request additional information from  
121 the applicant more than three times, unless the applicant waives  
122 the limitation in writing. The first request must be reviewed  
123 and approved in writing by the permit processor's supervisor or  
124 department director or manager. The second request must be  
125 approved by a department or division director or manager.  
126 Subsequent requests must be approved in writing by the county  
127 administrator. If the applicant believes the request for  
128 additional information is not authorized by ordinance, rule,  
129 statute, or other legal authority, the county, at the  
130 applicant's request, shall proceed to process the application  
131 for approval or denial.

132 (2) When a county denies an application for a development  
133 permit, the county shall give written notice to the applicant.  
134 The notice must include a citation to the applicable portions of  
135 an ordinance, rule, statute, or other legal authority for the  
136 denial of the permit.

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

139 (4) For any development permit application filed with the  
140 county after July 1, 2012, a county may not require as a

141 condition of processing or issuing a development permit that an  
142 applicant obtain a permit or approval from any state or federal  
143 agency unless the agency has issued a final agency action that  
144 denies the federal or state permit before the county action on  
145 the local development permit.

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

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

160 Section 3. Section 166.033, Florida Statutes, is amended  
161 to read:

162 166.033 Development permits.—

163 (1) When reviewing an application for a development permit  
164 from an applicant who has participated in a pre-application  
165 meeting, a municipality may not request additional information  
166 from the applicant more than three times, unless the applicant  
167 waives the limitation in writing. The first request must be  
168 reviewed and approved in writing by the permit processor's

169 supervisor or department director or manager. The second request  
170 must be approved by a department or division director or  
171 manager. Subsequent requests must be approved in writing by the  
172 municipal administrator or equivalent chief administrative  
173 officer. If the applicant believes the request for additional  
174 information is not authorized by ordinance, rule, statute, or  
175 other legal authority, the municipality, at the applicant's  
176 request, shall proceed to process the application for approval  
177 or denial.

178       (2) When a municipality denies an application for a  
179 development permit, the municipality shall give written notice  
180 to the applicant. The notice must include a citation to the  
181 applicable portions of an ordinance, rule, statute, or other  
182 legal authority for the denial of the permit.

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

185       (4) For any development permit application filed with the  
186 municipality after July 1, 2012, a municipality may not require  
187 as a condition of processing or issuing a development permit  
188 that an applicant obtain a permit or approval from any state or  
189 federal agency unless the agency has issued a final agency  
190 action that denies the federal or state permit before the  
191 municipal action on the local development permit.

192       (5) Issuance of a development permit by a municipality  
193 does not in any way create any right on the part of an applicant  
194 to obtain a permit from a state or federal agency and does not  
195 create any liability on the part of the municipality for  
196 issuance of the permit if the applicant fails to obtain

197 requisite approvals or fulfill the obligations imposed by a  
198 state or federal agency or undertakes actions that result in a  
199 violation of state or federal law. A municipality may attach  
200 such a disclaimer to the issuance of development permits and may  
201 include a permit condition that all other applicable state or  
202 federal permits be obtained before commencement of the  
203 development.

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

207 Section 4. Paragraph (c) of subsection (6) of section  
208 211.3103, Florida Statutes is amended to read:

209 211.3103 Levy of tax on severance of phosphate rock; rate,  
210 basis, and distribution of tax.—

211 (6)

212 (c) For purposes of this section, "phosphate-related  
213 expenses" means those expenses that provide for infrastructure  
214 or services in support of the phosphate industry, including  
215 environmental education, reclamation or restoration of phosphate  
216 lands, maintenance and restoration of reclaimed lands and county  
217 owned environmental lands which were formerly phosphate lands,  
218 community infrastructure on such reclaimed lands and county  
219 owned environmental lands which were formerly phosphate lands,  
220 and similar expenses directly related to support of the  
221 industry.

222 Section 5. Section 253.0345, Florida Statutes, is amended  
223 to read:

224 253.0345 Special events; submerged land leases.—

225           (1) The trustees ~~may are authorized to~~ issue leases or  
226 consents of use ~~or leases~~ to riparian landowners, special and  
227 event promoters, and boat show owners to allow the installation  
228 of temporary structures, including docks, moorings, pilings, and  
229 access walkways, on sovereign submerged lands solely for the  
230 purpose of facilitating boat shows and displays in, or adjacent  
231 to, established marinas or government-owned ~~government-owned~~  
232 upland property. Riparian owners of adjacent uplands who are not  
233 seeking a lease or consent of use shall be notified by certified  
234 mail of any request for such a lease or consent of use before  
235 ~~prior to~~ approval by the trustees. The trustees shall balance  
236 the interests of any objecting riparian owners with the economic  
237 interests of the public and the state as a factor in determining  
238 whether ~~if~~ a lease or consent of use should be executed over the  
239 objection of adjacent riparian owners. This section does ~~shall~~  
240 not apply to structures for viewing motorboat racing, high-speed  
241 motorboat contests, or high-speed displays in waters where  
242 manatees are known to frequent.

243           (2) A lease or consent of use for a ~~Any~~ special event  
244 under provided for in subsection (1):

245           (a) Shall be for a period not to exceed 45 ~~30~~ days and a  
246 duration not to exceed 10 consecutive years.

247           (b) Shall include a lease fee, if applicable, based solely  
248 on the period and actual size of the preemption and conditions  
249 to allow reconfiguration of temporary structures within the  
250 lease area with notice to the department of the configuration  
251 and size of preemption within the lease area.

252           (c) ~~The lease or consent of use~~ May also contain

253 appropriate requirements for removal of the temporary  
 254 structures, including the posting of sufficient surety to  
 255 guarantee appropriate funds for removal of the structures should  
 256 the promoter or riparian owner fail to do so within the time  
 257 specified in the agreement.

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

262 Section 6. Section 253.0346, Florida Statutes, is created  
 263 to read:

264 253.0346 Lease of sovereignty submerged lands for marinas,  
 265 boatyards, and marine retailers.-

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

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

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

273 (2) For marinas that are open to the public on a first-  
 274 come, first-served basis and for which at least 90 percent of  
 275 the slips are open to the public, a discount of 30 percent on  
 276 the annual lease fee shall apply if dockage rate sheet  
 277 publications and dockage advertising clearly state that slips  
 278 are open to the public on a first-come, first-served basis.

279 (3) For a facility designated by the department as a Clean  
 280 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean

281 Marina Program:

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

284 1. Actively maintains designation under the program.

285 2. Complies with the terms of the lease.

286 3. Does not change use during the term of the lease.

287 (b) Extended-term lease surcharges shall be waived if the  
288 facility:

289 1. Actively maintains designation under the program.

290 2. Complies with the terms of the lease.

291 3. Does not change use during the term of the lease.

292 4. Is available to the public on a first-come, first-  
293 served basis.

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

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

300 Section 7. Subsection (4) of section 373.118, Florida  
301 Statutes, is amended to read:

302 373.118 General permits; delegation.—

303 (4) The department shall adopt by rule one or more general  
304 permits for local governments to construct, operate, and  
305 maintain ~~public marina facilities,~~ public mooring fields, public  
306 boat ramps, including associated courtesy docks, and associated  
307 parking facilities located in uplands. Such general permits  
308 adopted by rule shall include provisions to ensure compliance

309 with part IV of this chapter, subsection (1), and the criteria  
310 necessary to include the general permits in a state programmatic  
311 general permit issued by the United States Army Corps of  
312 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-  
313 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility  
314 authorized under such general permits is exempt from review as a  
315 development of regional impact if the facility complies with the  
316 comprehensive plan of the applicable local government. Such  
317 facilities shall be consistent with the local government manatee  
318 protection plan required pursuant to chapter 379 ~~and shall~~  
319 ~~obtain Clean Marina Program status prior to opening for~~  
320 ~~operation and maintain that status for the life of the facility.~~  
321 ~~Marinas and mooring fields authorized under any such general~~  
322 ~~permit shall not exceed an area of 50,000 square feet over~~  
323 ~~wetlands and other surface waters.~~ Mooring fields authorized  
324 under such general permits may not exceed 100 vessels. All  
325 facilities permitted under this section shall be constructed,  
326 maintained, and operated in perpetuity for the exclusive use of  
327 the general public. The authority of the Board of Trustees of  
328 the Internal Improvement Trust Fund is delegated to the  
329 department to issue leases for mooring fields that meet the  
330 requirements of such general permits. The department shall  
331 initiate the rulemaking process within 60 days after the  
332 effective date of this act.

333 Section 8. Subsection (1) of section 373.233, Florida  
334 Statutes, is amended to read:

335 373.233 Competing applications.—

336 (1) If two or more applications that ~~which~~ otherwise

337 comply with the provisions of this part are pending for a  
338 quantity of water that is inadequate for both or all, or which  
339 for any other reason are in conflict, and the governing board or  
340 department has deemed the application complete, the governing  
341 board or the department has ~~shall have~~ the right to approve or  
342 modify the application which best serves the public interest.

343 Section 9. Subsection (4) of section 373.236, Florida  
344 Statutes, is amended to read:

345 373.236 Duration of permits; compliance reports.—

346 (4) Where necessary to maintain reasonable assurance that  
347 the conditions for issuance of a 20-year permit can continue to  
348 be met, the governing board or department, in addition to any  
349 conditions required pursuant to s. 373.219, may require a  
350 compliance report by the permittee every 10 years during the  
351 term of a permit. The Suwannee River Water Management District  
352 may require a compliance report by the permittee every 5 years  
353 through July 1, 2015, and thereafter every 10 years during the  
354 term of the permit. This report shall contain sufficient data to  
355 maintain reasonable assurance that the initial conditions for  
356 permit issuance are met. Following review of this report, the  
357 governing board or the department may modify the permit to  
358 ensure that the use meets the conditions for issuance. Permit  
359 modifications pursuant to this subsection shall not be subject  
360 to competing applications, provided there is no increase in the  
361 permitted allocation or permit duration, and no change in  
362 source, except for changes in source requested by the district.  
363 In order to promote the sustainability of natural systems  
364 through the diversification of water supplies to include sources

365 that are resistant to drought, a water management district may  
 366 not reduce an existing permitted allocation of water during the  
 367 permit term as a result of planned future construction of, or  
 368 additional water becoming available from, a seawater  
 369 desalination plant, unless such reductions are conditions of a  
 370 permit or funding agreement with the water management district.  
 371 Except as otherwise provided in this subsection, this subsection  
 372 does ~~shall not be construed to~~ limit the existing authority of  
 373 the department or the governing board to modify or revoke a  
 374 consumptive use permit.

375 Section 10. Subsection (1) of section 373.308, Florida  
 376 Statutes, is amended to read:

377 373.308 Implementation of programs for regulating water  
 378 wells.—

379 (1) The department shall authorize the governing board of  
 380 a water management district to implement a program for the  
 381 issuance of permits for the location, construction, repair, and  
 382 abandonment of water wells. Upon authorization from the  
 383 department, issuance of well permits will be the sole  
 384 responsibility of the water management district. Counties with  
 385 delegated permitting authority and other government entities may  
 386 not impose additional or duplicate requirements or fees or  
 387 establish a separate program for the permitting of the location,  
 388 abandonment, boring, or other activities reasonably associated  
 389 with the installation and abandonment of a groundwater well.

390 Section 11. Subsections (1) and (10) of section 373.323,  
 391 Florida Statutes, are amended to read:

392 373.323 Licensure of water well contractors; application,

393 | qualifications, and examinations; equipment identification.—

394 |       (1) Every person who wishes to engage in business as a  
 395 | water well contractor shall obtain from the water management  
 396 | district a license to conduct such business. Licensure under  
 397 | this part by a water management district shall be the only water  
 398 | well construction license required for the construction, repair,  
 399 | or abandonment of water wells in the state or any political  
 400 | subdivision thereof.

401 |       (10) Water well contractors licensed under this section  
 402 | may install, repair, and modify pumps and tanks in accordance  
 403 | with the Florida Building Code, Plumbing; Section 612—Wells  
 404 | pumps and tanks used for private potable water systems. In  
 405 | addition, licensed water well contractors may install pumps,  
 406 | tanks, and water conditioning equipment for all water ~~well~~  
 407 | systems.

408 |       Section 12. Subsection (23) is added to section 373.403,  
 409 | Florida Statutes, to read:

410 |       373.403 Definitions.—When appearing in this part or in any  
 411 | rule, regulation, or order adopted pursuant thereto, the  
 412 | following terms mean:

413 |       (23) "Mean annual flood line," for the limited purposes of  
 414 | delineating the environmental resource permit regulatory limits  
 415 | of other surface waters, means the water surface boundary  
 416 | produced by the discharge determined by calculating the  
 417 | arithmetic mean of the maximum yearly discharges for the period  
 418 | of record, to include at least the most recent 10-year period.  
 419 | If at least 10 years of data is not available, the mean annual  
 420 | flood line may be determined through consideration of data

421 available and field verification conducted by a certified  
422 professional surveyor and mapper with experience in the  
423 determination of floodwater elevations and subsequently verified  
424 by the department. Field verification of the mean annual flood  
425 line shall be performed using the provisions of chapter 62-340,  
426 Florida Administrative Code, and the Florida Wetlands  
427 Delineation Manual. Generally accepted hydrological standards  
428 and procedures shall be used to qualify hydrologic field  
429 indicators as rare or aberrant prior to exclusion from mean  
430 annual flood determinations.

431 Section 13. Subsections (13), (14), and (15) are added to  
432 section 373.406, Florida Statutes, to read:

433 373.406 Exemptions.—The following exemptions shall apply:

434 (13) Nothing in this part, or in any rule, regulation, or  
435 order adopted pursuant to this part, applies to construction,  
436 alteration, operation, or maintenance of any wholly owned,  
437 manmade farm ponds, as defined in s. 403.927, constructed  
438 entirely in uplands.

439 (14) Nothing in this part, or in any rule, regulation, or  
440 order adopted pursuant to this part, may require a permit for  
441 activities affecting wetlands created solely by the unauthorized  
442 flooding or interference with the natural flow of surface water  
443 caused by an adjoining landowner. This exemption does not apply  
444 to activities that discharge dredged or fill material into  
445 waters of the United States, including wetlands, subject to  
446 federal jurisdiction under section 404 of the federal Clean  
447 Water Act, 33 U.S.C. s. 1344.

448 (15) Any water control district created and operating

449 pursuant to chapter 298 for which a valid environmental resource  
450 permit or management and storage of surface waters permit has  
451 been issued pursuant to this part is exempt from further  
452 wetlands or water quality regulations imposed pursuant to  
453 chapters 125, 163, and 166.

454 Section 14. Subsection (3) of section 373.701, Florida  
455 Statutes, is amended to read:

456 373.701 Declaration of policy.—It is declared to be the  
457 policy of the Legislature:

458 (3) Cooperative efforts between municipalities, counties,  
459 utility companies, private landowners, water consumers, water  
460 management districts, and the Department of Environmental  
461 Protection, and the Department of Agriculture and Consumer  
462 Services are necessary ~~mandatory~~ in order to meet the water  
463 needs of rural and rapidly urbanizing areas in a manner that  
464 will supply adequate and dependable supplies of water where  
465 needed without resulting in adverse effects upon the areas from  
466 which ~~such~~ water is withdrawn. Such efforts should employ ~~use~~  
467 all practical means of obtaining water, including, but not  
468 limited to, withdrawals of surface water and groundwater, reuse,  
469 and desalination, and will require ~~necessitate not only~~  
470 cooperation and ~~but also~~ well-coordinated activities.  
471 Municipalities, counties, and special districts are encouraged  
472 to create multijurisdictional water supply entities or regional  
473 water supply authorities as authorized in s. 373.713 ~~or~~  
474 ~~multijurisdictional water supply entities.~~

475 Section 15. Subsections (1), (2), and (9) of section  
476 373.703, Florida Statutes, are amended to read:

477           373.703 Water production; general powers and duties.—In  
478 the performance of, and in conjunction with, its other powers  
479 and duties, the governing board of a water management district  
480 existing pursuant to this chapter:

481           (1) Shall engage in planning to assist counties,  
482 municipalities, special districts, publicly owned and privately  
483 owned water utilities, multijurisdictional water supply  
484 entities, or regional water supply authorities, or self-  
485 suppliers in meeting water supply needs in such manner as will  
486 give priority to encouraging conservation and reducing adverse  
487 environmental effects of improper or excessive withdrawals of  
488 water from concentrated areas. As used in this section and s.  
489 373.707, regional water supply authorities are regional water  
490 authorities created under s. 373.713 or other laws of this  
491 state. As used in part VII of this chapter, self-suppliers are  
492 persons who obtain surface or groundwater from a source other  
493 than a public water supply.

494           (2) Shall assist counties, municipalities, special  
495 districts, publicly owned or privately owned water utilities,  
496 multijurisdictional water supply entities, or regional water  
497 supply authorities, or self-suppliers in meeting water supply  
498 needs in such manner as will give priority to encouraging  
499 conservation and reducing adverse environmental effects of  
500 improper or excessive withdrawals of water from concentrated  
501 areas.

502           (9) May join with one or more other water management  
503 districts, counties, municipalities, special districts, publicly  
504 owned or privately owned water utilities, multijurisdictional

505 water supply entities, or regional water supply authorities, or  
506 self-suppliers for the purpose of carrying out any of its  
507 powers, and may contract with such other entities to finance  
508 acquisitions, construction, operation, and maintenance, provided  
509 such contracts are consistent with the public interest. The  
510 contract may provide for contributions to be made by each party  
511 to the contract ~~thereto~~, for the division and apportionment of  
512 the expenses of acquisitions, construction, operation, and  
513 maintenance, and for the division and apportionment of resulting  
514 the benefits, services, and products ~~therefrom~~. The contracts  
515 may contain other covenants and agreements necessary and  
516 appropriate to accomplish their purposes.

517 Section 16. Subsection (1), paragraph (a) of subsection  
518 (2), and subsection (3) of section 373.709, Florida Statutes,  
519 are amended to read:

520 373.709 Regional water supply planning.—

521 (1) The governing board of each water management district  
522 shall conduct water supply planning for a ~~any~~ water supply  
523 planning region within the district identified in the  
524 appropriate district water supply plan under s. 373.036, where  
525 it determines that existing sources of water are not adequate to  
526 supply water for all existing and future reasonable-beneficial  
527 uses and to sustain the water resources and related natural  
528 systems for the planning period. The planning must be conducted  
529 in an open public process, in coordination and cooperation with  
530 local governments, regional water supply authorities,  
531 government-owned and privately owned water and wastewater  
532 utilities, multijurisdictional water supply entities, self-

533 suppliers, reuse utilities, the Department of Environmental  
534 Protection, the Department of Agriculture and Consumer Services,  
535 and other affected and interested parties. The districts shall  
536 actively engage in public education and outreach to all affected  
537 local entities and their officials, as well as members of the  
538 public, in the planning process and in seeking input. During  
539 preparation, but before ~~prior to~~ completion of the regional  
540 water supply plan, the district shall ~~must~~ conduct at least one  
541 public workshop to discuss the technical data and modeling tools  
542 anticipated to be used to support the regional water supply  
543 plan. The district shall also hold several public meetings to  
544 communicate the status, overall conceptual intent, and impacts  
545 of the plan on existing and future reasonable-beneficial uses  
546 and related natural systems. During the planning process, a  
547 local government may choose to prepare its own water supply  
548 assessment to determine if existing water sources are adequate  
549 to meet existing and projected reasonable-beneficial needs of  
550 the local government while sustaining water resources and  
551 related natural systems. The local government shall submit such  
552 assessment, including the data and methodology used, to the  
553 district. The district shall consider the local government's  
554 assessment during the formation of the plan. A determination by  
555 the governing board that initiation of a regional water supply  
556 plan for a specific planning region is not needed pursuant to  
557 this section is ~~shall be~~ subject to s. 120.569. The governing  
558 board shall reevaluate the ~~such a~~ determination at least once  
559 every 5 years and shall initiate a regional water supply plan,  
560 if needed, pursuant to this subsection.

561 (2) Each regional water supply plan must ~~shall~~ be based on  
 562 at least a 20-year planning period and must ~~shall~~ include, but  
 563 need not be limited to:

564 (a) A water supply development component for each water  
 565 supply planning region identified by the district which  
 566 includes:

567 1. A quantification of the water supply needs for all  
 568 existing and future reasonable-beneficial uses within the  
 569 planning horizon. The level-of-certainty planning goal  
 570 associated with identifying the water supply needs of existing  
 571 and future reasonable-beneficial uses must ~~shall~~ be based upon  
 572 meeting those needs for a 1-in-10-year drought event.

573 a. Population projections used for determining public  
 574 water supply needs must be based upon the best available data.  
 575 In determining the best available data, the district shall  
 576 consider the University of Florida's Bureau of Economic and  
 577 Business Research (BEBR) medium population projections and any  
 578 population projection data and analysis submitted by a local  
 579 government pursuant to the public workshop described in  
 580 subsection (1) if the data and analysis support the local  
 581 government's comprehensive plan. Any adjustment of or deviation  
 582 from the BEBR projections must be fully described, and the  
 583 original BEBR data must be presented along with the adjusted  
 584 data.

585 b. Agricultural demand projections used for determining  
 586 the needs of agricultural self-suppliers must be based upon the  
 587 best available data. In determining the best available data for  
 588 agricultural self-supplied water needs, the district shall

589 consider the data indicative of future water supply demands  
590 provided by the Department of Agriculture and Consumer Services  
591 pursuant to s. 570.085. Any adjustment of or deviation from the  
592 data provided by the Department of Agriculture and Consumer  
593 Services must be fully described, and the original data must be  
594 presented along with the adjusted data.

595 2. A list of water supply development project options,  
596 including traditional and alternative water supply project  
597 options, from which local government, government-owned and  
598 privately owned utilities, regional water supply authorities,  
599 multijurisdictional water supply entities, self-suppliers, and  
600 others may choose for water supply development. In addition to  
601 projects listed by the district, such users may propose specific  
602 projects for inclusion in the list of ~~alternative~~ water supply  
603 development project options ~~projects~~. If such users propose a  
604 project to be listed as a ~~an alternative~~ water supply project,  
605 the district shall determine whether it meets the goals of the  
606 plan, and, if so, it shall be included in the list. The total  
607 capacity of the projects included in the plan must ~~shall~~ exceed  
608 the needs identified in subparagraph 1. and shall take into  
609 account water conservation and other demand management measures,  
610 as well as water resources constraints, including adopted  
611 minimum flows and levels and water reservations. Where the  
612 district determines it is appropriate, the plan should  
613 specifically identify the need for multijurisdictional  
614 approaches to project options that, based on planning level  
615 analysis, are appropriate to supply the intended uses and that,  
616 based on such analysis, appear to be permissible and financially

617 and technically feasible. The list of water supply development  
618 options must contain provisions that recognize that alternative  
619 water supply options for agricultural self-suppliers are  
620 limited.

621 3. For each project option identified in subparagraph 2.,  
622 the following must ~~shall~~ be provided:

623 a. An estimate of the amount of water to become available  
624 through the project.

625 b. The timeframe in which the project option should be  
626 implemented and the estimated planning-level costs for capital  
627 investment and operating and maintaining the project.

628 c. An analysis of funding needs and sources of possible  
629 funding options. For alternative water supply projects the water  
630 management districts shall provide funding assistance in  
631 accordance with s. 373.707(8).

632 d. Identification of the entity that should implement each  
633 project option and the current status of project implementation.

634 (3) The water supply development component of a regional  
635 water supply plan which deals with or affects public utilities  
636 and public water supply for those areas served by a regional  
637 water supply authority and its member governments within the  
638 boundary of the Southwest Florida Water Management District  
639 shall be developed jointly by the authority and the district. In  
640 areas not served by regional water supply authorities, or other  
641 multijurisdictional water supply entities, and where  
642 opportunities exist to meet water supply needs more efficiently  
643 through multijurisdictional projects identified pursuant to  
644 paragraph (2) (a), water management districts are directed to

645 assist in developing multijurisdictional approaches to water  
646 supply project development jointly with affected water  
647 utilities, special districts, self-suppliers, and local  
648 governments.

649 Section 17. Subsection (3) of section 376.313, Florida  
650 Statutes, is amended to read:

651 376.313 Nonexclusiveness of remedies and individual cause  
652 of action for damages under ss. 376.30-376.317.—

653 (3) Except as provided in s. 376.3078(3) and (11), nothing  
654 contained in ss. 376.30-376.317 prohibits any person from  
655 bringing a cause of action in a court of competent jurisdiction  
656 for all damages resulting from a discharge or other condition of  
657 pollution covered by ss. 376.30-376.317 which was not authorized  
658 pursuant to chapter 403. Nothing in this chapter shall prohibit  
659 or diminish a party's right to contribution from other parties  
660 jointly or severally liable for a prohibited discharge of  
661 pollutants or hazardous substances or other pollution  
662 conditions. Except as otherwise provided in subsection (4) or  
663 subsection (5), in any such suit, it is not necessary for such  
664 person to plead or prove negligence in any form or manner. Such  
665 person need only plead and prove the fact of the prohibited  
666 discharge or other pollutive condition and that it has occurred.  
667 The only defenses to such cause of action shall be those  
668 specified in s. 376.308.

669 Section 18. Subsection (11) of section 403.021, Florida  
670 Statutes, is amended to read:

671 403.021 Legislative declaration; public policy.—

672 (11) It is the intent of the Legislature that water

673 quality standards be reasonably established and applied to take  
674 into account the variability occurring in nature. The department  
675 shall recognize the statistical variability inherent in sampling  
676 and testing procedures that are used to express water quality  
677 standards. The department shall also recognize that some  
678 deviations from water quality standards occur as the result of  
679 natural background conditions. The department shall not consider  
680 deviations from water quality standards to be violations when  
681 the discharger can demonstrate that the deviations would occur  
682 in the absence of any human-induced discharges or alterations to  
683 the water body. Testing, sampling, collection, or analysis may  
684 not be conducted or required unless such testing, sampling,  
685 collection, or analysis has been subjected to and validated  
686 through inter- and intra-laboratory testing, quality control,  
687 peer review, and adopted by rule. The validation shall be  
688 sufficient to ensure that variability inherent in such testing  
689 sampling, collection, or analysis has been specified and reduced  
690 to the minimum for comparable testing, sampling, collection, or  
691 analysis.

692 Section 19. Subsection (22) is added to section 403.031,  
693 Florida Statutes, to read:

694 403.031 Definitions.—In construing this chapter, or rules  
695 and regulations adopted pursuant hereto, the following words,  
696 phrases, or terms, unless the context otherwise indicates, have  
697 the following meanings:

698 (22) "Beneficiary" means any person, partnership,  
699 corporation, business entity, charitable organization, not-for-  
700 profit corporation, state, county, district, authority, or

701 municipal unit of government or any other separate unit of  
702 government created or established by law.

703 Section 20. Subsection (43) is added to section 403.061,  
704 Florida Statutes, to read:

705 403.061 Department; powers and duties.—The department  
706 shall have the power and the duty to control and prohibit  
707 pollution of air and water in accordance with the law and rules  
708 adopted and promulgated by it and, for this purpose, to:

709 (43) Adopt rules requiring or incentivizing the electronic  
710 submission of forms, documents, fees, or reports required for  
711 permits issued under chapter 161, chapter 253, chapter 373,  
712 chapter 376, or this chapter. The rules must reasonably  
713 accommodate technological or financial hardship and provide  
714 procedures for obtaining an exemption due to such hardship.

715

716 The department shall implement such programs in conjunction with  
717 its other powers and duties and shall place special emphasis on  
718 reducing and eliminating contamination that presents a threat to  
719 humans, animals or plants, or to the environment.

720 Section 21. Subsection (11) of section 403.0872, Florida  
721 Statutes, is amended to read:

722 403.0872 Operation permits for major sources of air  
723 pollution; annual operation license fee.—Provided that program  
724 approval pursuant to 42 U.S.C. s. 7661a has been received from  
725 the United States Environmental Protection Agency, beginning  
726 January 2, 1995, each major source of air pollution, including  
727 electrical power plants certified under s. 403.511, must obtain  
728 from the department an operation permit for a major source of

729 air pollution under this section. This operation permit is the  
730 only department operation permit for a major source of air  
731 pollution required for such source; provided, at the applicant's  
732 request, the department shall issue a separate acid rain permit  
733 for a major source of air pollution that is an affected source  
734 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
735 for major sources of air pollution, except general permits  
736 issued pursuant to s. 403.814, must be issued in accordance with  
737 the procedures contained in this section and in accordance with  
738 chapter 120; however, to the extent that chapter 120 is  
739 inconsistent with the provisions of this section, the procedures  
740 contained in this section prevail.

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

750 (a) The annual fee must be assessed based upon the  
751 source's previous year's emissions and must be calculated by  
752 multiplying the applicable annual operation license fee factor  
753 times the tons of each regulated air pollutant actually emitted,  
754 as calculated in accordance with department's emissions  
755 computation and reporting rules. The annual fee shall only apply  
756 to those regulated pollutants, ~~(except carbon monoxide)~~ and

757 greenhouse gases, for which an allowable numeric emission  
758 limiting standard is specified in ~~allowed to be emitted per hour~~  
759 ~~by specific condition~~ of the source's most recent construction  
760 or operation permit, ~~times the annual hours of operation allowed~~  
761 ~~by permit condition~~; provided, however, that:

762 1. The license fee factor is \$25 or another amount  
763 determined by department rule which ensures that the revenue  
764 provided by each year's operation license fees is sufficient to  
765 cover all reasonable direct and indirect costs of the major  
766 stationary source air-operation permit program established by  
767 this section. The license fee factor may be increased beyond \$25  
768 only if the secretary of the department affirmatively finds that  
769 a shortage of revenue for support of the major stationary source  
770 air-operation permit program will occur in the absence of a fee  
771 factor adjustment. The annual license fee factor may never  
772 exceed \$35.

773 ~~2. For any source that operates for fewer hours during the~~  
774 ~~calendar year than allowed under its permit, the annual fee~~  
775 ~~calculation must be based upon actual hours of operation rather~~  
776 ~~than allowable hours if the owner or operator of the source~~  
777 ~~documents the source's actual hours of operation for the~~  
778 ~~calendar year. For any source that has an emissions limit that~~  
779 ~~is dependent upon the type of fuel burned, the annual fee~~  
780 ~~calculation must be based on the emissions limit applicable~~  
781 ~~during actual hours of operation.~~

782 ~~3. For any source whose allowable emission limitation is~~  
783 ~~specified by permit per units of material input or heat input or~~  
784 ~~product output, the applicable input or production amount may be~~

785 ~~used to calculate the allowable emissions if the owner or~~  
786 ~~operator of the source documents the actual input or production~~  
787 ~~amount. If the input or production amount is not documented, the~~  
788 ~~maximum allowable input or production amount specified in the~~  
789 ~~permit must be used to calculate the allowable emissions.~~

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

794 ~~5. For any source that emits less of any regulated air~~  
795 ~~pollutant than allowed by permit condition, the annual fee~~  
796 ~~calculation for such pollutant must be based upon actual~~  
797 ~~emissions rather than allowable emissions if the owner or~~  
798 ~~operator documents the source's actual emissions by means of~~  
799 ~~data from a department-approved certified continuous emissions~~  
800 ~~monitor or from an emissions monitoring method which has been~~  
801 ~~approved by the United States Environmental Protection Agency~~  
802 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~  
803 ~~or from a method approved by the department for purposes of this~~  
804 ~~section.~~

805 2.6. The amount of each regulated air pollutant in excess  
806 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or  
807 group of sources belonging to the same Major Group as described  
808 in the Standard Industrial Classification Manual, 1987, may not  
809 be included in the calculation of the fee. Any source, or group  
810 of sources, which does not emit any regulated air pollutant in  
811 excess of 4,000 tons per year, is allowed a one-time credit not  
812 to exceed 25 percent of the first annual licensing fee for the

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813 prorated portion of existing air-operation permit application  
814 fees remaining upon commencement of the annual licensing fees.

815 ~~3.7.~~ If the department has not received the fee by March 1  
816 ~~February 15~~ of the calendar year, the permittee must be sent a  
817 written warning of the consequences for failing to pay the fee  
818 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1  
819 of the calendar year, the department shall impose, in addition  
820 to the fee, a penalty of 50 percent of the amount of the fee,  
821 plus interest on such amount computed in accordance with s.  
822 220.807. The department may not impose such penalty or interest  
823 on any amount underpaid, provided that the permittee has timely  
824 remitted payment of at least 90 percent of the amount determined  
825 to be due and remits full payment within 60 days after receipt  
826 of notice of the amount underpaid. The department may waive the  
827 collection of underpayment and shall not be required to refund  
828 overpayment of the fee, if the amount due is less than 1 percent  
829 of the fee, up to \$50. The department may revoke any major air  
830 pollution source operation permit if it finds that the  
831 permitholder has failed to timely pay any required annual  
832 operation license fee, penalty, or interest.

833 ~~4.8.~~ Notwithstanding the computational provisions of this  
834 subsection, the annual operation license fee for any source  
835 subject to this section shall not be less than \$250, except that  
836 the annual operation license fee for sources permitted solely  
837 through general permits issued under s. 403.814 shall not exceed  
838 \$50 per year.

839 ~~5.9.~~ Notwithstanding the provisions of s.  
840 403.087(6)(a)5.a., authorizing air pollution construction permit

841 fees, the department may not require such fees for changes or  
842 additions to a major source of air pollution permitted pursuant  
843 to this section, unless the activity triggers permitting  
844 requirements under Title I, Part C or Part D, of the federal  
845 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and  
846 administer such permits shall be considered direct and indirect  
847 costs of the major stationary source air-operation permit  
848 program under s. 403.0873. The department shall, however,  
849 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.  
850 for the construction of a new major source of air pollution that  
851 will be subject to the permitting requirements of this section  
852 once constructed and for activities triggering permitting  
853 requirements under Title I, Part C or Part D, of the federal  
854 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

855 (b) Annual operation license fees collected by the  
856 department must be sufficient to cover all reasonable direct and  
857 indirect costs required to develop and administer the major  
858 stationary source air-operation permit program, which shall  
859 consist of the following elements to the extent that they are  
860 reasonably related to the regulation of major stationary air  
861 pollution sources, in accordance with United States  
862 Environmental Protection Agency regulations and guidelines:

- 863 1. Reviewing and acting upon any application for such a  
864 permit.
- 865 2. Implementing and enforcing the terms and conditions of  
866 any such permit, excluding court costs or other costs associated  
867 with any enforcement action.
- 868 3. Emissions and ambient monitoring.

- 869 4. Preparing generally applicable regulations or guidance.
- 870 5. Modeling, analyses, and demonstrations.
- 871 6. Preparing inventories and tracking emissions.
- 872 7. Implementing the Small Business Stationary Source
- 873 Technical and Environmental Compliance Assistance Program.
- 874 8. Any audits conducted under paragraph (c).

875 (c) An audit of the major stationary source air-operation  
 876 permit program must be conducted 2 years after the United States  
 877 Environmental Protection Agency has given full approval of the  
 878 program to ascertain whether the annual operation license fees  
 879 collected by the department are used solely to support any  
 880 reasonable direct and indirect costs as listed in paragraph (b).  
 881 A program audit must be performed biennially after the first  
 882 audit.

883 Section 22. Section 403.70605, Florida Statutes, is  
 884 amended to read:

885 403.70605 Solid waste and commercial recovered material  
 886 collection services in competition with private companies.—

887 (1) SOLID WASTE COLLECTION SERVICES IN COMPETITION WITH  
 888 PRIVATE COMPANIES.—

889 (a) A local government that provides specific solid waste  
 890 collection services in direct competition with a private  
 891 company:

- 892 1. Shall comply with the provisions of local
- 893 environmental, health, and safety standards that also are
- 894 applicable to a private company providing such collection
- 895 services in competition with the local government.

896 2. May ~~shall~~ not enact or enforce any license, permit,  
 897 registration procedure, or associated fee that:

898 a. Does not apply to the local government and for which  
 899 there is not a substantially similar requirement that applies to  
 900 the local government.~~;~~ ~~and~~

901 b. Provides the local government with a material advantage  
 902 in its ability to compete with a private company in terms of  
 903 cost or ability to promptly or efficiently provide such  
 904 collection services. ~~Nothing in~~ This sub-subparagraph does not  
 905 ~~shall~~ apply to any zoning, land use, or comprehensive plan  
 906 requirement.

907 (b)1. A private company with which a local government is  
 908 in competition may bring an action to enjoin a violation of  
 909 paragraph (a) against any local government. ~~No~~ Injunctive relief  
 910 may not ~~shall~~ be granted if the official action which forms the  
 911 basis for the suit bears a reasonable relationship to the  
 912 health, safety, or welfare of the citizens of the local  
 913 government unless the court finds that the actual or potential  
 914 anticompetitive effects outweigh the public benefits of the  
 915 challenged action.

916 2. As a condition precedent to the institution of an  
 917 action pursuant to this paragraph, the complaining party shall  
 918 first file with the local government a notice referencing this  
 919 paragraph and setting forth the specific facts upon which the  
 920 complaint is based and the manner in which the complaining party  
 921 is affected. The complaining party may provide evidence to  
 922 substantiate the claims made in the complaint. Within 30 days  
 923 after receipt of such a complaint, the local government shall

924 respond in writing to the complaining party explaining the  
 925 corrective action taken, if any. If a ~~no~~ response is not  
 926 received within 30 days or if appropriate corrective action is  
 927 not taken within a reasonable time, the complaining party may  
 928 institute the judicial proceedings authorized in this paragraph.  
 929 However, failure to comply with this subparagraph does ~~shall~~ not  
 930 bar an action for a temporary restraining order to prevent  
 931 immediate and irreparable harm from the conduct or activity  
 932 complained of.

933 3. The court may, in its discretion, award to the  
 934 prevailing party or parties costs and reasonable attorney  
 935 ~~attorneys'~~ fees.

936 (c) This subsection does not apply when the local  
 937 government is exclusively providing the specific solid waste  
 938 collection services itself or pursuant to an exclusive  
 939 franchise.

940 (2) SOLID WASTE COLLECTION SERVICES OUTSIDE  
 941 JURISDICTION.—

942 (a) Notwithstanding s. 542.235, or any other provision of  
 943 law, a local government that provides solid waste collection  
 944 services outside its jurisdiction in direct competition with  
 945 private companies is subject to the same prohibitions against  
 946 predatory pricing applicable to private companies under ss.  
 947 542.18 and 542.19.

948 (b) Any person injured by reason of violation of this  
 949 subsection may sue therefor in the circuit courts of this state  
 950 and is ~~shall~~ be entitled to injunctive relief and to recover the  
 951 damages and the costs of suit. The court may, in its discretion,

952 | award to the prevailing party or parties reasonable attorney  
 953 | ~~attorneys'~~ fees. An action for damages under this subsection  
 954 | must be commenced within 4 years. A ~~No~~ person may not obtain  
 955 | injunctive relief or recover damages under this subsection for  
 956 | any injury that results from actions taken by a local government  
 957 | in direct response to a natural disaster or similar occurrence  
 958 | for which an emergency is declared by executive order or  
 959 | proclamation of the Governor pursuant to s. 252.36 or for which  
 960 | such a declaration might be reasonably anticipated within the  
 961 | area covered by such executive order or proclamation.

962 | (c) As a condition precedent to the institution of an  
 963 | action pursuant to this subsection, the complaining party shall  
 964 | first file with the local government a notice referencing this  
 965 | subsection and setting forth the specific facts upon which the  
 966 | complaint is based and the manner in which the complaining party  
 967 | is affected. Within 30 days after receipt of such complaint, the  
 968 | local government shall respond in writing to the complaining  
 969 | party explaining the corrective action taken, if any. If the  
 970 | local government denies that it has engaged in conduct that is  
 971 | prohibited by this subsection, its response shall include an  
 972 | explanation showing why the conduct complained of does not  
 973 | constitute predatory pricing.

974 | (d) For the purposes of this subsection, the jurisdiction  
 975 | of a county, special district, or solid waste authority includes  
 976 | ~~shall include~~ all incorporated and unincorporated areas within  
 977 | the county, special district, or solid waste authority.

978 | (3) COMMERCIAL RECOVERED MATERIAL COLLECTION SERVICES IN  
 979 | COMPETITION WITH PRIVATE COMPANIES.—

980        (a) A local government that provides commercial recovered  
 981 material collection services in direct competition with a  
 982 private company or provides commercial recovered material  
 983 collection service through contract or a franchise provider:

984            1. Shall comply with the provisions of local  
 985 environmental, health, and safety standards that also are  
 986 applicable to a private company providing such collection  
 987 services in competition with the local government.

988            2. May not subsidize the collection of commercial  
 989 recovered materials or enact or enforce any license, permit,  
 990 registration procedure, or associated fee that:

991            a. Does not apply to the local government and for which  
 992 there is not a substantially similar requirement that applies to  
 993 the local government.

994            b. Provides the local government or its franchisee with a  
 995 material advantage in its ability to compete with a private  
 996 company in terms of cost or ability to promptly or efficiently  
 997 provide such commercial recovered material collection services.  
 998 This sub-subparagraph does not apply to any zoning, land use, or  
 999 comprehensive plan requirement.

1000           c. Allows the local government to require a payment of  
 1001 franchise fees for the collection of recovered materials from a  
 1002 commercial establishment.

1003           d. Requires a private company to provide the recovered  
 1004 material service to a commercial establishment and deliver the  
 1005 recovered material collected from commercial establishments to a  
 1006 facility designated by the local government by contract or  
 1007 otherwise.

1008        (b)1. A private company with which a local government is  
1009 in competition may bring an action to enjoin a violation of  
1010 paragraph (a) against any local government. Injunctive relief  
1011 may not be granted if the official action which forms the basis  
1012 for the suit bears a reasonable relationship to the health,  
1013 safety, or welfare of the citizens of the local government  
1014 unless the court finds that the actual or potential  
1015 anticompetitive effects outweigh the public benefits of the  
1016 challenged action.

1017        2. As a condition precedent to the institution of an  
1018 action pursuant to this paragraph, the complaining party shall  
1019 first file with the local government a notice referencing this  
1020 paragraph and setting forth the specific facts upon which the  
1021 complaint is based and the manner in which the complaining party  
1022 is affected. The complaining party may provide evidence to  
1023 substantiate the claims made in the complaint. Within 30 days  
1024 after receipt of such a complaint, the local government shall  
1025 respond in writing to the complaining party explaining the  
1026 corrective action taken, if any. If a response is not received  
1027 within 30 days or if appropriate corrective action is not taken  
1028 within a reasonable time, the complaining party may institute  
1029 the judicial proceedings authorized in this paragraph. However,  
1030 failure to comply with this subparagraph does not bar an action  
1031 for a temporary restraining order to prevent immediate and  
1032 irreparable harm from the conduct or activity complained of.

1033        3. The court may, in its discretion, award to the  
1034 prevailing party or parties costs and reasonable attorney fees.

1035        (c) This subsection also applies when the local government  
 1036 is exclusively providing the specified solid waste collection  
 1037 services itself or pursuant to an exclusive franchise and is  
 1038 attempting to collect franchise fees on collection of recovered  
 1039 materials from a commercial establishment.

1040        (4) ~~(3)~~ DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

1041        (a) As used in this subsection, the term "displacement"  
 1042 means a local government's provision of a collection service  
 1043 which prohibits a private company from continuing to provide the  
 1044 same service that it was providing when the decision to displace  
 1045 was made. The term does not include:

1046            1. Competition between the public sector and private  
 1047 companies for individual contracts;

1048            2. Actions by which a local government, at the end of a  
 1049 contract with a private company, refuses to renew the contract  
 1050 and either awards the contract to another private company or  
 1051 decides for any reason to provide the collection service itself;

1052            3. Actions taken against a private company because the  
 1053 company has acted in a manner threatening to the public health  
 1054 or safety or resulting in a substantial public nuisance;

1055            4. Actions taken against a private company because the  
 1056 company has materially breached its contract with the local  
 1057 government;

1058            5. Refusal by a private company to continue operations  
 1059 under the terms and conditions of its existing agreement during  
 1060 the 3-year notice period;

1061            6. Entering into a contract with a private company to  
 1062 provide garbage, trash, or refuse collection which contract is

1063 | not entered into under an ordinance that displaces or authorizes  
 1064 | the displacement of another private company providing garbage,  
 1065 | trash, or refuse collection;

1066 |         7. Situations in which a majority of the property owners  
 1067 | in the displacement area petition the governing body to take  
 1068 | over the collection service;

1069 |         8. Situations in which the private companies are licensed  
 1070 | or permitted to do business within the local government for a  
 1071 | limited time and such license or permit expires and is not  
 1072 | renewed by the local government. This subparagraph does not  
 1073 | apply to licensing or permitting processes enacted after May 1,  
 1074 | 1999, or to occupational licenses; or

1075 |         9. Annexations, but only to the extent that the provisions  
 1076 | of s. 171.062(4) apply.

1077 |         (b) A local government or combination of local governments  
 1078 | may not displace a private company that provides garbage, trash,  
 1079 | or refuse collection service without first:

1080 |             1. Holding at least one public hearing seeking comment on  
 1081 | the advisability of the local government or combination of local  
 1082 | governments providing the service.

1083 |             2. Providing at least 45 days' written notice of the  
 1084 | hearing, delivered by first-class mail to all private companies  
 1085 | that provide the service within the jurisdiction.

1086 |             3. Providing public notice of the hearing.

1087 |         (c) Following the final public hearing held under  
 1088 | paragraph (b), but not later than 1 year after the hearing, the  
 1089 | local government may proceed to take those measures necessary to  
 1090 | provide the service. A local government shall provide 3 years'

1091 notice to a private company before it engages in the actual  
 1092 provision of the service that displaces the company. As an  
 1093 alternative to delaying displacement 3 years, a local government  
 1094 may pay a displaced company an amount equal to the company's  
 1095 preceding 15 months' gross receipts for the displaced service in  
 1096 the displacement area. The 3-year notice period shall lapse as  
 1097 to any private company being displaced when the company ceases  
 1098 to provide service within the displacement area. ~~Nothing in~~ This  
 1099 paragraph prohibits the local government and the company from  
 1100 voluntarily negotiating a different notice period or amount of  
 1101 compensation.

1102 (5)~~(4)~~ DEFINITIONS.—As used in this section:

1103 (a) "In competition" or "in direct competition" means the  
 1104 vying between a local government and a private company to  
 1105 provide substantially similar solid waste collection services to  
 1106 the same customer or recovered materials collection services to  
 1107 a commercial establishment customer.

1108 (b) "Private company" means any entity other than a local  
 1109 government or other unit of government that provides solid waste  
 1110 collection or recovered material collection services.

1111 Section 23. Paragraph (e) of subsection (1) of section  
 1112 403.813, Florida Statutes, is amended to read:

1113 403.813 Permits issued at district centers; exceptions.—

1114 (1) A permit is not required under this chapter, chapter  
 1115 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
 1116 chapter 25270, 1949, Laws of Florida, for activities associated  
 1117 with the following types of projects; however, except as  
 1118 otherwise provided in this subsection, ~~nothing in~~ this

1119 subsection does not relieve ~~relieves~~ an applicant from any  
 1120 requirement to obtain permission to use or occupy lands owned by  
 1121 the Board of Trustees of the Internal Improvement Trust Fund or  
 1122 a ~~any~~ water management district in its governmental or  
 1123 proprietary capacity or from complying with applicable local  
 1124 pollution control programs authorized under this chapter or  
 1125 other requirements of county and municipal governments:

1126 (e) The restoration of seawalls at their previous  
 1127 locations or upland of, or within 18 inches ~~1-foot~~ waterward of,  
 1128 their previous locations. However, this shall not affect the  
 1129 permitting requirements of chapter 161, and department rules  
 1130 shall clearly indicate that this exception does not constitute  
 1131 an exception from the permitting requirements of chapter 161.

1132 Section 24. Section 403.8141, Florida Statutes, is created  
 1133 to read:

1134 403.8141 Special event permits.—The department shall issue  
 1135 permits for special events under s. 253.0345. The permits must  
 1136 be for a period that runs concurrently with the consent of use  
 1137 or lease issued pursuant to that section and must allow for the  
 1138 movement of temporary structures within the footprint of the  
 1139 lease area.

1140 Section 25. Paragraph (b) of subsection (14) and paragraph  
 1141 (b) of subsection (19) of section 403.973, Florida Statutes, are  
 1142 amended, and paragraph (g) is added to subsection (3) of that  
 1143 section, to read:

1144 403.973 Expedited permitting; amendments to comprehensive  
 1145 plans.—

1146 (3)

1147 (g) Projects to construct interstate natural gas pipelines  
 1148 subject to certification by the Federal Energy Regulatory  
 1149 Commission.

1150 (14)

1151 (b) Projects identified in paragraph (3)(f) or paragraph  
 1152 (3)(g) or challenges to state agency action in the expedited  
 1153 permitting process for establishment of a state-of-the-art  
 1154 biomedical research institution and campus in this state by the  
 1155 grantee under s. 288.955 are subject to the same requirements as  
 1156 challenges brought under paragraph (a), except that,  
 1157 notwithstanding s. 120.574, summary proceedings must be  
 1158 conducted within 30 days after a party files the motion for  
 1159 summary hearing, regardless of whether the parties agree to the  
 1160 summary proceeding.

1161 (19) The following projects are ineligible for review  
 1162 under this part:

1163 (b) A project, the primary purpose of which is to:

1164 1. Effect the final disposal of solid waste, biomedical  
 1165 waste, or hazardous waste in this state.

1166 2. Produce electrical power, unless the production of  
 1167 electricity is incidental and not the primary function of the  
 1168 project or the electrical power is derived from a fuel source  
 1169 for renewable energy as defined in s. 366.91(2)(d).

1170 3. Extract natural resources.

1171 4. Produce oil.

1172 5. Construct, maintain, or operate an oil, petroleum,  
 1173 ~~natural gas,~~ or sewage pipeline.

1174 Section 26. Subsection (2) of section 570.076, Florida

1175 Statutes, is amended to read:

1176       570.076 Environmental Stewardship Certification Program.—  
 1177 The department may, by rule, establish the Environmental  
 1178 Stewardship Certification Program consistent with this section.  
 1179 A rule adopted under this section must be developed in  
 1180 consultation with state universities, agricultural  
 1181 organizations, and other interested parties.

1182       (2) The department shall provide an agricultural  
 1183 certification under this program for implementation of one or  
 1184 more of the following criteria:

1185       (a) A voluntary agreement between an agency and an  
 1186 agricultural producer for environmental improvement or water-  
 1187 resource protection.

1188       (b) A conservation plan that meets or exceeds the  
 1189 requirements of the United States Department of Agriculture.

1190       (c) Best management practices adopted by rule pursuant to  
 1191 s. 403.067(7)(c) or s. 570.085(1)(b) ~~570.085(2)~~.

1192       Section 27. Section 570.085, Florida Statutes, is amended  
 1193 to read:

1194       570.085 Department of Agriculture and Consumer Services;  
 1195 agricultural water conservation and water supply planning.—

1196       (1) The department shall establish an agricultural water  
 1197 conservation program that includes the following:

1198       (a) ~~(1)~~ A cost-share program, coordinated where appropriate  
 1199 with the United States Department of Agriculture and other  
 1200 federal, state, regional, and local agencies, for irrigation  
 1201 system retrofit and application of mobile irrigation laboratory  
 1202 evaluations for water conservation as provided in this section

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1203 and, where applicable, for water quality improvement pursuant to  
1204 s. 403.067(7)(c).

1205 (b)~~(2)~~ The development and implementation of voluntary  
1206 interim measures or best management practices, adopted by rule,  
1207 which provide for increased efficiencies in the use and  
1208 management of water for agricultural production. In the process  
1209 of developing and adopting rules for interim measures or best  
1210 management practices, the department shall consult with the  
1211 Department of Environmental Protection and the water management  
1212 districts. Such rules may also include a system to assure the  
1213 implementation of the practices, including recordkeeping  
1214 requirements. As new information regarding efficient  
1215 agricultural water use and management becomes available, the  
1216 department shall reevaluate and revise as needed, the interim  
1217 measures or best management practices. The interim measures or  
1218 best management practices may include irrigation retrofit,  
1219 implementation of mobile irrigation laboratory evaluations and  
1220 recommendations, water resource augmentation, and integrated  
1221 water management systems for drought management and flood  
1222 control and should, to the maximum extent practicable, be  
1223 designed to qualify for regulatory incentives and other  
1224 incentives, as determined by the agency having applicable  
1225 statutory authority.

1226 (c)~~(3)~~ Provision of assistance to the water management  
1227 districts in the development and implementation of a consistent,  
1228 to the extent practicable, methodology for the efficient  
1229 allocation of water for agricultural irrigation.

1230 (2) The department shall establish an agricultural water

1231 supply planning program that includes the following:

1232 (a) The development of data indicative of future

1233 agricultural water supply demands which must be:

1234 1. Based on at least a 20-year planning period.

1235 2. Provided to each water management district.

1236 3. Considered by each water management district in

1237 accordance with ss. 373.036(2) and 373.709(2)(a)1.b.

1238 (b) The data on future agricultural water supply demands

1239 which are provided to each district must include, but need not

1240 be limited to:

1241 1. Applicable agricultural crop types or categories.

1242 2. Historic estimates of irrigated acreage, current

1243 estimates of irrigated acreage, and future projections of

1244 irrigated acreage for each applicable crop type or category,

1245 spatially for each county, including the historic and current

1246 methods and assumptions used to generate the spatial acreage

1247 estimates and projections.

1248 3. Crop type or category water use coefficients for a 1-

1249 in-10 year drought and average year used in calculating historic

1250 and current water demands and projected future water demands,

1251 including data, methods, and assumptions used to generate the

1252 coefficients. Estimates of historic and current water demands

1253 must take into account actual metered data as available.

1254 Projected future water demands shall incorporate appropriate

1255 potential water conservation factors based upon data collected

1256 as part of the department's agricultural water conservation

1257 program pursuant to s. 570.085(1).

1258 4. An evaluation of significant uncertainties affecting

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1259 agricultural production which may require a range of projections  
1260 for future agricultural water supply demands.

1261 (c) In developing the data on future agricultural water  
1262 supply needs described in paragraph (b), the department shall  
1263 consult with the agricultural industry, the University of  
1264 Florida Institute of Food and Agricultural Sciences, the  
1265 Department of Environmental Protection, the water management  
1266 districts, the National Agricultural Statistics Service, and the  
1267 United States Geological Survey.

1268 (d) The department shall coordinate with each water  
1269 management district to establish a schedule for provision of  
1270 data on agricultural water supply needs in order to comply with  
1271 water supply planning provisions in ss. 373.036(2) and  
1272 373.709(2) (a)1.b.

1273 Section 28. This act shall take effect July 1, 2013.