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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Environmental Preservation and Conservation
(Altman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

20.255 Department of Environmental Protection.—There is
created a Department of Environmental Protection.

(8) The department may adopt rules requiring or
incentivizing electronic submission of forms, documents, fees,
or reports required for permits under chapter 161, chapter 253,
chapter 373, chapter 376, or chapter 403. The rules must



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13 reasonably accommodate technological or financial hardship and
14 must provide procedures for obtaining an exemption due to such
15 hardship.

16 Section 2. Section 125.022, Florida Statutes, is amended to
17 read:

18 125.022 Development permits.—

19 (1) When reviewing an application for a development permit
20 that is certified by a professional listed in s. 403.0877, a
21 county may not request additional information from the applicant
22 more than three times, unless the applicant waives the
23 limitation in writing. Prior to a third request for additional
24 information, the applicant shall be offered a meeting to try and
25 resolve outstanding issues. If the applicant believes the
26 request for additional information is not authorized by
27 ordinance, rule, statute, or other legal authority, the county,
28 at the applicant's request, shall proceed to process the
29 application for approval or denial.

30 (2) When a county denies an application for a development
31 permit, the county shall give written notice to the applicant.
32 The notice must include a citation to the applicable portions of
33 an ordinance, rule, statute, or other legal authority for the
34 denial of the permit.

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

37 (4) For any development permit application filed with the
38 county after July 1, 2012, a county may not require as a
39 condition of processing or issuing a development permit that an
40 applicant obtain a permit or approval from any state or federal
41 agency unless the agency has issued a final agency action that



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42 denies the federal or state permit before the county action on
43 the local development permit.

44 (5) Issuance of a development permit by a county does not
45 in any way create any rights on the part of the applicant to
46 obtain a permit from a state or federal agency and does not
47 create any liability on the part of the county for issuance of
48 the permit if the applicant fails to obtain requisite approvals
49 or fulfill the obligations imposed by a state or federal agency
50 or undertakes actions that result in a violation of state or
51 federal law. A county may attach such a disclaimer to the
52 issuance of a development permit and may include a permit
53 condition that all other applicable state or federal permits be
54 obtained before commencement of the development.

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

58 Section 3. Section 166.033, Florida Statutes, is amended to
59 read:

60 166.033 Development permits.—

61 (1) When reviewing an application for a development permit
62 that is certified by a professional listed in s. 403.0877, a
63 municipality may not request additional information from the
64 applicant more than three times, unless the applicant waives the
65 limitation in writing. Prior to a third request for additional
66 information, the applicant shall be offered a meeting to try and
67 resolve outstanding issues. If the applicant believes the
68 request for additional information is not authorized by
69 ordinance, rule, statute, or other legal authority, the
70 municipality, at the applicant's request, shall proceed to



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71 process the application for approval or denial.

72 (2) When a municipality denies an application for a
73 development permit, the municipality shall give written notice
74 to the applicant. The notice must include a citation to the
75 applicable portions of an ordinance, rule, statute, or other
76 legal authority for the denial of the permit.

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

79 (4) For any development permit application filed with the
80 municipality after July 1, 2012, a municipality may not require
81 as a condition of processing or issuing a development permit
82 that an applicant obtain a permit or approval from any state or
83 federal agency unless the agency has issued a final agency
84 action that denies the federal or state permit before the
85 municipal action on the local development permit.

86 (5) Issuance of a development permit by a municipality does
87 not in any way create any right on the part of an applicant to
88 obtain a permit from a state or federal agency and does not
89 create any liability on the part of the municipality for
90 issuance of the permit if the applicant fails to obtain
91 requisite approvals or fulfill the obligations imposed by a
92 state or federal agency or undertakes actions that result in a
93 violation of state or federal law. A municipality may attach
94 such a disclaimer to the issuance of development permits and may
95 include a permit condition that all other applicable state or
96 federal permits be obtained before commencement of the
97 development.

98 (6) This section does not prohibit a municipality from
99 providing information to an applicant regarding what other state



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100 or federal permits may apply.

101 Section 4. Paragraph (c) of subsection (6) of section
102 211.3103, Florida Statutes is amended to read:

103 211.3103 Levy of tax on severance of phosphate rock; rate,
104 basis, and distribution of tax.—

105 (6)

106 (c) For purposes of this section, "phosphate-related
107 expenses" means those expenses that provide for infrastructure
108 or services in support of the phosphate industry, including
109 environmental education, reclamation or restoration of phosphate
110 lands, maintenance and restoration of reclaimed lands and county
111 owned environmental lands which were formerly phosphate lands,
112 community infrastructure on such reclaimed lands and county
113 owned environmental lands which were formerly phosphate lands,
114 and similar expenses directly related to support of the
115 industry.

116 Section 5. Section 253.0345, Florida Statutes, is amended
117 to read:

118 253.0345 Special events; submerged land leases.—

119 (1) The trustees may ~~are authorized to~~ issue leases or
120 consents of use ~~or leases~~ to riparian landowners, special and
121 event promoters, and boat show owners to allow the installation
122 of temporary structures, including docks, moorings, pilings, and
123 access walkways, on sovereign submerged lands solely for the
124 purpose of facilitating boat shows and displays in, or adjacent
125 to, established marinas or government-owned ~~government-owned~~
126 upland property. Riparian owners of adjacent uplands who are not
127 seeking a lease or consent of use shall be notified by certified
128 mail of any request for such a lease or consent of use before



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129 ~~prior to~~ approval by the trustees. The trustees shall balance
130 the interests of any objecting riparian owners with the economic
131 interests of the public and the state as a factor in determining
132 whether ~~if~~ a lease or consent of use should be executed over the
133 objection of adjacent riparian owners. This section does ~~shall~~
134 not apply to structures for viewing motorboat racing, high-speed
135 motorboat contests, or high-speed displays in waters where
136 manatees are known to frequent.

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

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

141 (b) Shall include a lease fee, if applicable, based solely
142 on the period and actual size of the preemption and conditions
143 to allow reconfiguration of temporary structures within the
144 lease area with notice to the department of the configuration
145 and size of preemption within the lease area.

146 (c) The lease or letter of consent ~~consent of use~~ May also
147 contain appropriate requirements for removal of the temporary
148 structures, including the posting of sufficient surety to
149 guarantee appropriate funds for removal of the structures should
150 the promoter or riparian owner fail to do so within the time
151 specified in the agreement.

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

156 Section 6. Section 253.0346, Florida Statutes, is created
157 to read:



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158 253.0346 Lease of sovereignty submerged lands for marinas,
159 boatyards, and marine retailers.-

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

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

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

167 (2) For marinas that are open to the public on a first-
168 come, first-served basis and for which at least 90 percent of
169 the slips are open to the public, a discount of 30 percent on
170 the annual lease fee shall apply if dockage rate sheet
171 publications and dockage advertising clearly state that slips
172 are open to the public on a first-come, first-served basis.

173 (3) For a facility designated by the department as a Clean
174 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean
175 Marina Program:

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

178 1. Actively maintains designation under the program.

179 2. Complies with the terms of the lease.

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

181 (b) Extended-term lease surcharges shall be waived if the
182 facility:

183 1. Actively maintains designation under the program.

184 2. Complies with the terms of the lease.

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

186 4. Is available to the public on a first-come, first-served



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187 basis.

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

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

194 Section 7. Subsection (2) of section 253.0347, Florida
195 Statutes, is amended to read:

196 253.0347 Lease of sovereignty submerged lands for private
197 residential docks and piers.—

198 (2) (a) A standard lease contract for sovereignty submerged
199 lands for a private residential single-family dock or pier,
200 private residential multifamily dock or pier, or private
201 residential multislip dock must specify the amount of lease fees
202 as established by the Board of Trustees of the Internal
203 Improvement Trust Fund.

204 (b) If private residential multifamily docks or piers,
205 private residential multislip docks, and other private
206 residential structures pertaining to the same upland parcel
207 include a total of no more than one wet slip for each approved
208 upland residential unit, the lessee is not required to pay a
209 lease fee on a preempted area of 10 square feet or less of
210 sovereignty submerged lands for each linear foot of shoreline in
211 which the lessee has a sufficient upland interest as determined
212 by the Board of Trustees of the Internal Improvement Trust Fund.

213 (c) A lessee of sovereignty submerged lands for a private
214 residential single-family dock or pier, private residential
215 multifamily dock or pier, or private residential multislip dock



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216 is not required to pay a lease fee on revenue derived from the
217 transfer of fee simple or beneficial ownership of private
218 residential property that is entitled to a homestead exemption
219 pursuant to s. 196.031 at the time of transfer.

220 (d) A lessee of sovereignty submerged lands for a private
221 residential single-family dock or pier, private residential
222 multifamily dock or pier, or private residential multislip dock
223 must pay a lease fee on any income derived from a wet slip,
224 dock, or pier in the preempted area under lease in an amount
225 determined by the Board of Trustees of the Internal Improvement
226 Trust Fund.

227 (e) A lessee of sovereignty submerged land for a private
228 residential single-family dock designed to moor up to four boats
229 is not required to pay lease fees for a preempted area equal to
230 or less than 10 times the riparian shoreline along sovereignty
231 submerged land on the affected waterbody or the square footage
232 authorized for a private residential single-family dock under
233 rules adopted by the Board of Trustees of the Internal
234 Improvement Trust Fund for the management of sovereignty
235 submerged lands, whichever is greater.

236 (f) A lessee of sovereignty submerged land for a private
237 residential multifamily dock designed to moor boats up to the
238 number of units within the multifamily development is not
239 required to pay lease fees for a preempted area equal to or less
240 than 10 times the riparian shoreline along sovereignty submerged
241 land on the affected waterbody times the number of units with
242 docks in the private multifamily development providing for
243 existing docks.

244 Section 8. Subsection (4) of section 373.118, Florida



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245 Statutes, is amended to read:

246 373.118 General permits; delegation.—

247 (4) The department shall adopt by rule one or more general
248 permits for local governments to construct, operate, and
249 maintain ~~public marina facilities,~~ public mooring fields, public
250 boat ramps, including associated courtesy docks, and associated
251 parking facilities located in uplands. Such general permits
252 adopted by rule shall include provisions to ensure compliance
253 with part IV of this chapter, subsection (1), and the criteria
254 necessary to include the general permits in a state programmatic
255 general permit issued by the United States Army Corps of
256 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
257 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
258 authorized under such general permits is exempt from review as a
259 development of regional impact if the facility complies with the
260 comprehensive plan of the applicable local government. Such
261 facilities shall be consistent with the local government manatee
262 protection plan required pursuant to chapter 379 ~~and shall~~
263 ~~obtain Clean Marina Program status prior to opening for~~
264 ~~operation and maintain that status for the life of the facility.~~
265 ~~Marinas and mooring fields authorized under any such general~~
266 ~~permit shall not exceed an area of 50,000 square feet over~~
267 ~~wetlands and other surface waters.~~ Mooring fields authorized
268 under such general permits may not exceed 100 vessels. All
269 facilities permitted under this section shall be constructed,
270 maintained, and operated in perpetuity for the exclusive use of
271 the general public. The department is authorized to have
272 delegation from the Board of Trustees to issue leases for
273 mooring fields that meet the requirements of this general



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274 permit. The department shall initiate the rulemaking process
275 within 60 days after the effective date of this act.

276 Section 9. Subsection (1) of section 373.233, Florida
277 Statutes, is amended to read:

278 373.233 Competing applications.—

279 (1) If two or more applications that ~~which~~ otherwise comply
280 with the provisions of this part are pending for a quantity of
281 water that is inadequate for both or all, or which for any other
282 reason are in conflict, and the governing board or department
283 has deemed the application complete, the governing board or the
284 department has ~~shall have~~ the right to approve or modify the
285 application which best serves the public interest.

286 Section 10. Subsection (4) of section 373.236, Florida
287 Statutes, is amended to read:

288 373.236 Duration of permits; compliance reports.—

289 (4) Where necessary to maintain reasonable assurance that
290 the conditions for issuance of a 20-year permit can continue to
291 be met, the governing board or department, in addition to any
292 conditions required pursuant to s. 373.219, may require a
293 compliance report by the permittee every 10 years during the
294 term of a permit. The Suwannee River Water Management District
295 may require a compliance report by the permittee every 5 years
296 through July 1, 2015, and thereafter every 10 years during the
297 term of the permit. This report shall contain sufficient data to
298 maintain reasonable assurance that the initial conditions for
299 permit issuance are met. Following review of this report, the
300 governing board or the department may modify the permit to
301 ensure that the use meets the conditions for issuance. Permit
302 modifications pursuant to this subsection shall not be subject



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303 to competing applications, provided there is no increase in the
304 permitted allocation or permit duration, and no change in
305 source, except for changes in source requested by the district.
306 In order to promote the sustainability of natural systems
307 through the diversification of water supplies to include sources
308 that are resistant to drought, a water management district may
309 not reduce an existing permitted allocation of water during the
310 permit term as a result of planned future construction of, or
311 additional water becoming available from, a seawater
312 desalination plant, unless such reductions are conditions of a
313 permit or funding agreement with the water management district.
314 Except as otherwise provided in this subsection, this subsection
315 does ~~shall not be construed to~~ limit the existing authority of
316 the department or the governing board to modify or revoke a
317 consumptive use permit.

318 Section 11. Subsection (1) of section 373.308, Florida
319 Statutes, is amended to read:

320 373.308 Implementation of programs for regulating water
321 wells.-

322 (1) The department shall authorize the governing board of a
323 water management district to implement a program for the
324 issuance of permits for the location, construction, repair, and
325 abandonment of water wells. Upon authorization from the
326 department, issuance of well permits will be the sole
327 responsibility of the water management district or delegated
328 local government. Other government entities may not impose
329 additional or duplicate requirements or fees or establish a
330 separate program for the permitting of the location,
331 abandonment, boring, or other activities reasonably associated



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332 with the installation and abandonment of a groundwater well.

333 Section 12. Subsections (1) and (10) of section 373.323,
334 Florida Statutes, are amended to read:

335 373.323 Licensure of water well contractors; application,
336 qualifications, and examinations; equipment identification.—

337 (1) Every person who wishes to engage in business as a
338 water well contractor shall obtain from the water management
339 district a license to conduct such business. Licensure under
340 this part by a water management district shall be the only water
341 well construction license required for the construction, repair,
342 or abandonment of water wells in the state or any political
343 subdivision thereof.

344 (10) Water well contractors licensed under this section may
345 install, repair, and modify pumps and tanks in accordance with
346 the Florida Building Code, Plumbing; Section 612—Wells pumps and
347 tanks used for private potable water systems. In addition,
348 licensed water well contractors may install pumps, tanks, and
349 water conditioning equipment for all water ~~well~~ systems.

350 Section 13. Subsections (13) and (14) are added to section
351 373.406, Florida Statutes, to read:

352 373.406 Exemptions.—The following exemptions shall apply:

353 (13) Nothing in this part, or in any rule, regulation, or
354 order adopted pursuant to this part, applies to construction,
355 alteration, operation, or maintenance of any wholly owned,
356 manmade farm ponds as defined in s. 403.927 constructed entirely
357 in uplands.

358 (14) Nothing in this part, or in any rule, regulation, or
359 order adopted pursuant to this part, may require a permit for
360 activities affecting wetlands created solely by the unauthorized



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361 flooding or interference with the natural flow of surface water
362 caused by an unaffiliated adjoining landowner. This exemption
363 does not apply to activities that discharge dredged or fill
364 material into waters of the United States, including wetlands,
365 subject to federal jurisdiction under section 404 of the federal
366 Clean Water Act, 33 U.S.C. s. 1344.

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

369 373.701 Declaration of policy.—It is declared to be the
370 policy of the Legislature:

371 (3) Cooperative efforts between municipalities, counties,
372 utility companies, private landowners, water consumers, water
373 management districts, and the Department of Environmental
374 Protection, and the Department of Agriculture and Consumer
375 Services are necessary ~~mandatory~~ in order to meet the water
376 needs of rural and rapidly urbanizing areas in a manner that
377 will supply adequate and dependable supplies of water where
378 needed without resulting in adverse effects upon the areas from
379 which ~~such~~ water is withdrawn. Such efforts should employ ~~use~~
380 all practical means of obtaining water, including, but not
381 limited to, withdrawals of surface water and groundwater, reuse,
382 and desalination, and will require ~~necessitate not only~~
383 cooperation and ~~but also~~ well-coordinated activities.

384 Municipalities, counties, and special districts are encouraged
385 to create multijurisdictional water supply entities or regional
386 water supply authorities as authorized in s. 373.713 ~~or~~
387 ~~multijurisdictional water supply entities.~~

388 Section 15. Subsections (1), (2), and (9) of section
389 373.703, Florida Statutes, are amended to read:



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390 373.703 Water production; general powers and duties.—In the
391 performance of, and in conjunction with, its other powers and
392 duties, the governing board of a water management district
393 existing pursuant to this chapter:

394 (1) Shall engage in planning to assist counties,
395 municipalities, special districts, publicly owned and privately
396 owned water utilities, multijurisdictional water supply
397 entities, or regional water supply authorities, or self-
398 suppliers in meeting water supply needs in such manner as will
399 give priority to encouraging conservation and reducing adverse
400 environmental effects of improper or excessive withdrawals of
401 water from concentrated areas. As used in this section and s.
402 373.707, regional water supply authorities are regional water
403 authorities created under s. 373.713 or other laws of this
404 state. As used in part VII of this chapter, self-suppliers are
405 persons who obtain surface or groundwater from a source other
406 than a public water supply.

407 (2) Shall assist counties, municipalities, special
408 districts, publicly owned or privately owned water utilities,
409 multijurisdictional water supply entities, or regional water
410 supply authorities, or self-suppliers in meeting water supply
411 needs in such manner as will give priority to encouraging
412 conservation and reducing adverse environmental effects of
413 improper or excessive withdrawals of water from concentrated
414 areas.

415 (9) May join with one or more other water management
416 districts, counties, municipalities, special districts, publicly
417 owned or privately owned water utilities, multijurisdictional
418 water supply entities, or regional water supply authorities, or



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419 self-suppliers for the purpose of carrying out any of its
420 powers, and may contract with such other entities to finance
421 acquisitions, construction, operation, and maintenance, provided
422 such contracts are consistent with the public interest. The
423 contract may provide for contributions to be made by each party
424 to the contract thereto, for the division and apportionment of
425 the expenses of acquisitions, construction, operation, and
426 maintenance, and for the division and apportionment of resulting
427 the benefits, services, and products ~~therefrom~~. The contracts
428 may contain other covenants and agreements necessary and
429 appropriate to accomplish their purposes.

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

433 373.709 Regional water supply planning.—

434 (1) The governing board of each water management district
435 shall conduct water supply planning for a ~~any~~ water supply
436 planning region within the district identified in the
437 appropriate district water supply plan under s. 373.036, where
438 it determines that existing sources of water are not adequate to
439 supply water for all existing and future reasonable-beneficial
440 uses and to sustain the water resources and related natural
441 systems for the planning period. The planning must be conducted
442 in an open public process, in coordination and cooperation with
443 local governments, regional water supply authorities,
444 government-owned and privately owned water and wastewater
445 utilities, multijurisdictional water supply entities, self-
446 suppliers, reuse utilities, the Department of Environmental
447 Protection, the Department of Agriculture and Consumer Services,



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448 and other affected and interested parties. The districts shall
449 actively engage in public education and outreach to all affected
450 local entities and their officials, as well as members of the
451 public, in the planning process and in seeking input. During
452 preparation, but before ~~prior to~~ completion of the regional
453 water supply plan, the district shall ~~must~~ conduct at least one
454 public workshop to discuss the technical data and modeling tools
455 anticipated to be used to support the regional water supply
456 plan. The district shall also hold several public meetings to
457 communicate the status, overall conceptual intent, and impacts
458 of the plan on existing and future reasonable-beneficial uses
459 and related natural systems. During the planning process, a
460 local government may choose to prepare its own water supply
461 assessment to determine if existing water sources are adequate
462 to meet existing and projected reasonable-beneficial needs of
463 the local government while sustaining water resources and
464 related natural systems. The local government shall submit such
465 assessment, including the data and methodology used, to the
466 district. The district shall consider the local government's
467 assessment during the formation of the plan. A determination by
468 the governing board that initiation of a regional water supply
469 plan for a specific planning region is not needed pursuant to
470 this section is ~~shall be~~ subject to s. 120.569. The governing
471 board shall reevaluate the ~~such a~~ determination at least once
472 every 5 years and shall initiate a regional water supply plan,
473 if needed, pursuant to this subsection.

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



477 (a) A water supply development component for each water
478 supply planning region identified by the district which
479 includes:

480 1. A quantification of the water supply needs for all
481 existing and future reasonable-beneficial uses within the
482 planning horizon. The level-of-certainty planning goal
483 associated with identifying the water supply needs of existing
484 and future reasonable-beneficial uses must ~~shall~~ be based upon
485 meeting those needs for a 1-in-10-year drought event.

486 a. Population projections used for determining public water
487 supply needs must be based upon the best available data. In
488 determining the best available data, the district shall consider
489 the University of Florida's Bureau of Economic and Business
490 Research (BEBR) medium population projections and any population
491 projection data and analysis submitted by a local government
492 pursuant to the public workshop described in subsection (1) if
493 the data and analysis support the local government's
494 comprehensive plan. Any adjustment of or deviation from the BEBR
495 projections must be fully described, and the original BEBR data
496 must be presented along with the adjusted data.

497 b. Agricultural demand projections used for determining the
498 needs of agricultural self-suppliers must be based upon the best
499 available data. In determining the best available data for
500 agricultural self-supplied water needs, the district shall
501 consider the data indicative of future water supply demands
502 provided by the Department of Agriculture and Consumer Services
503 pursuant to s. 570.085. Any adjustment of or deviation from the
504 data provided by the Department of Agriculture and Consumer
505 Services must be fully described, and the original data must be



506 presented along with the adjusted data.

507 2. A list of water supply development project options,
508 including traditional and alternative water supply project
509 options, from which local government, government-owned and
510 privately owned utilities, regional water supply authorities,
511 multijurisdictional water supply entities, self-suppliers, and
512 others may choose for water supply development. In addition to
513 projects listed by the district, such users may propose specific
514 projects for inclusion in the list of ~~alternative~~ water supply
515 development project options ~~projects~~. If such users propose a
516 project to be listed as a ~~an alternative~~ water supply project,
517 the district shall determine whether it meets the goals of the
518 plan, and, if so, it shall be included in the list. The total
519 capacity of the projects included in the plan must ~~shall~~ exceed
520 the needs identified in subparagraph 1. and shall take into
521 account water conservation and other demand management measures,
522 as well as water resources constraints, including adopted
523 minimum flows and levels and water reservations. Where the
524 district determines it is appropriate, the plan should
525 specifically identify the need for multijurisdictional
526 approaches to project options that, based on planning level
527 analysis, are appropriate to supply the intended uses and that,
528 based on such analysis, appear to be permissible and financially
529 and technically feasible. The list of water supply development
530 options must contain provisions that recognize that alternative
531 water supply options for agricultural self-suppliers are
532 limited.

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



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535 a. An estimate of the amount of water to become available
536 through the project.

537 b. The timeframe in which the project option should be
538 implemented and the estimated planning-level costs for capital
539 investment and operating and maintaining the project.

540 c. An analysis of funding needs and sources of possible
541 funding options. For alternative water supply projects the water
542 management districts shall provide funding assistance in
543 accordance with s. 373.707(8).

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

546 (3) The water supply development component of a regional
547 water supply plan which deals with or affects public utilities
548 and public water supply for those areas served by a regional
549 water supply authority and its member governments within the
550 boundary of the Southwest Florida Water Management District
551 shall be developed jointly by the authority and the district. In
552 areas not served by regional water supply authorities, or other
553 multijurisdictional water supply entities, and where
554 opportunities exist to meet water supply needs more efficiently
555 through multijurisdictional projects identified pursuant to
556 paragraph (2)(a), water management districts are directed to
557 assist in developing multijurisdictional approaches to water
558 supply project development jointly with affected water
559 utilities, special districts, self-suppliers, and local
560 governments.

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

563 376.313 Nonexclusiveness of remedies and individual cause



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564 of action for damages under ss. 376.30-376.317.-

565 (3) Except as provided in s. 376.3078(3) and (11), nothing
566 contained in ss. 376.30-376.317 prohibits any person from
567 bringing a cause of action in a court of competent jurisdiction
568 for all damages resulting from a discharge or other condition of
569 pollution covered by ss. 376.30-376.317 which was not authorized
570 pursuant to chapter 403. Nothing in this chapter shall prohibit
571 or diminish a party's right to contribution from other parties
572 jointly or severally liable for a prohibited discharge of
573 pollutants or hazardous substances or other pollution
574 conditions. Except as otherwise provided in subsection (4) or
575 subsection (5), in any such suit, it is not necessary for such
576 person to plead or prove negligence in any form or manner. Such
577 person need only plead and prove the fact of the prohibited
578 discharge or other pollutive condition and that it has occurred.
579 The only defenses to such cause of action shall be those
580 specified in s. 376.308.

581 Section 18. Subsection (22) is added to section 403.031,
582 Florida Statutes, to read:

583 403.031 Definitions.—In construing this chapter, or rules
584 and regulations adopted pursuant hereto, the following words,
585 phrases, or terms, unless the context otherwise indicates, have
586 the following meanings:

587 (22) "Beneficiary" means any person, partnership,
588 corporation, business entity, charitable organization, not-
589 for-profit corporation, state, county, district, authority, or
590 municipal unit of government or any other separate unit of
591 government created or established by law.

592 Section 19. Subsection (43) is added to section 403.061,



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593 Florida Statutes, to read:

594 403.061 Department; powers and duties.—The department shall
595 have the power and the duty to control and prohibit pollution of
596 air and water in accordance with the law and rules adopted and
597 promulgated by it and, for this purpose, to:

598 (43) Adopt rules requiring or incentivizing the electronic
599 submission of forms, documents, fees, or reports required for
600 permits issued under chapter 161, chapter 253, chapter 373,
601 chapter 376, or this chapter. The rules must reasonably
602 accommodate technological or financial hardship and provide
603 procedures for obtaining an exemption due to such hardship.

604
605 The department shall implement such programs in conjunction with
606 its other powers and duties and shall place special emphasis on
607 reducing and eliminating contamination that presents a threat to
608 humans, animals or plants, or to the environment.

609 Section 20. Subsection (11) of section 403.0872, Florida
610 Statutes, is amended to read:

611 403.0872 Operation permits for major sources of air
612 pollution; annual operation license fee.—Provided that program
613 approval pursuant to 42 U.S.C. s. 7661a has been received from
614 the United States Environmental Protection Agency, beginning
615 January 2, 1995, each major source of air pollution, including
616 electrical power plants certified under s. 403.511, must obtain
617 from the department an operation permit for a major source of
618 air pollution under this section. This operation permit is the
619 only department operation permit for a major source of air
620 pollution required for such source; provided, at the applicant's
621 request, the department shall issue a separate acid rain permit



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622 for a major source of air pollution that is an affected source
623 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
624 for major sources of air pollution, except general permits
625 issued pursuant to s. 403.814, must be issued in accordance with
626 the procedures contained in this section and in accordance with
627 chapter 120; however, to the extent that chapter 120 is
628 inconsistent with the provisions of this section, the procedures
629 contained in this section prevail.

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

639 (a) The annual fee must be assessed based upon the source's
640 previous year's emissions and must be calculated by multiplying
641 the applicable annual operation license fee factor times the
642 tons of each regulated air pollutant actually emitted, as
643 calculated in accordance with department's emissions computation
644 and reporting rules. The annual fee shall only apply to those
645 regulated pollutants, (except carbon monoxide) and greenhouse
646 gases, for which an allowable numeric emission limiting standard
647 is specified in allowed to be emitted per hour by specific
648 condition of the source's most recent construction or operation
649 permit, times the annual hours of operation allowed by permit
650 condition; provided, however, that:



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651 1. The license fee factor is \$25 or another amount
652 determined by department rule which ensures that the revenue
653 provided by each year's operation license fees is sufficient to
654 cover all reasonable direct and indirect costs of the major
655 stationary source air-operation permit program established by
656 this section. The license fee factor may be increased beyond \$25
657 only if the secretary of the department affirmatively finds that
658 a shortage of revenue for support of the major stationary source
659 air-operation permit program will occur in the absence of a fee
660 factor adjustment. The annual license fee factor may never
661 exceed \$35.

662 ~~2. For any source that operates for fewer hours during the~~
663 ~~calendar year than allowed under its permit, the annual fee~~
664 ~~calculation must be based upon actual hours of operation rather~~
665 ~~than allowable hours if the owner or operator of the source~~
666 ~~documents the source's actual hours of operation for the~~
667 ~~calendar year. For any source that has an emissions limit that~~
668 ~~is dependent upon the type of fuel burned, the annual fee~~
669 ~~calculation must be based on the emissions limit applicable~~
670 ~~during actual hours of operation.~~

671 ~~3. For any source whose allowable emission limitation is~~
672 ~~specified by permit per units of material input or heat input or~~
673 ~~product output, the applicable input or production amount may be~~
674 ~~used to calculate the allowable emissions if the owner or~~
675 ~~operator of the source documents the actual input or production~~
676 ~~amount. If the input or production amount is not documented, the~~
677 ~~maximum allowable input or production amount specified in the~~
678 ~~permit must be used to calculate the allowable emissions.~~

679 ~~4. For any new source that does not receive its first~~



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680 ~~operation permit until after the beginning of a calendar year,~~
681 ~~the annual fee for the year must be reduced pro rata to reflect~~
682 ~~the period during which the source was not allowed to operate.~~

683 ~~5. For any source that emits less of any regulated air~~
684 ~~pollutant than allowed by permit condition, the annual fee~~
685 ~~calculation for such pollutant must be based upon actual~~
686 ~~emissions rather than allowable emissions if the owner or~~
687 ~~operator documents the source's actual emissions by means of~~
688 ~~data from a department-approved certified continuous emissions~~
689 ~~monitor or from an emissions monitoring method which has been~~
690 ~~approved by the United States Environmental Protection Agency~~
691 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
692 ~~or from a method approved by the department for purposes of this~~
693 ~~section.~~

694 ~~2.6.~~ The amount of each regulated air pollutant in excess
695 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
696 group of sources belonging to the same Major Group as described
697 in the Standard Industrial Classification Manual, 1987, may not
698 be included in the calculation of the fee. Any source, or group
699 of sources, which does not emit any regulated air pollutant in
700 excess of 4,000 tons per year, is allowed a one-time credit not
701 to exceed 25 percent of the first annual licensing fee for the
702 prorated portion of existing air-operation permit application
703 fees remaining upon commencement of the annual licensing fees.

704 ~~3.7.~~ If the department has not received the fee by March 1
705 ~~February 15~~ of the calendar year, the permittee must be sent a
706 written warning of the consequences for failing to pay the fee
707 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1
708 of the calendar year, the department shall impose, in addition



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709 to the fee, a penalty of 50 percent of the amount of the fee,
710 plus interest on such amount computed in accordance with s.
711 220.807. The department may not impose such penalty or interest
712 on any amount underpaid, provided that the permittee has timely
713 remitted payment of at least 90 percent of the amount determined
714 to be due and remits full payment within 60 days after receipt
715 of notice of the amount underpaid. The department may waive the
716 collection of underpayment and shall not be required to refund
717 overpayment of the fee, if the amount due is less than 1 percent
718 of the fee, up to \$50. The department may revoke any major air
719 pollution source operation permit if it finds that the
720 permitholder has failed to timely pay any required annual
721 operation license fee, penalty, or interest.

722 ~~4.8.~~ Notwithstanding the computational provisions of this
723 subsection, the annual operation license fee for any source
724 subject to this section shall not be less than \$250, except that
725 the annual operation license fee for sources permitted solely
726 through general permits issued under s. 403.814 shall not exceed
727 \$50 per year.

728 ~~5.9.~~ Notwithstanding the provisions of s.
729 403.087(6)(a)5.a., authorizing air pollution construction permit
730 fees, the department may not require such fees for changes or
731 additions to a major source of air pollution permitted pursuant
732 to this section, unless the activity triggers permitting
733 requirements under Title I, Part C or Part D, of the federal
734 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
735 administer such permits shall be considered direct and indirect
736 costs of the major stationary source air-operation permit
737 program under s. 403.0873. The department shall, however,



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738 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
739 for the construction of a new major source of air pollution that
740 will be subject to the permitting requirements of this section
741 once constructed and for activities triggering permitting
742 requirements under Title I, Part C or Part D, of the federal
743 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

744 (b) Annual operation license fees collected by the
745 department must be sufficient to cover all reasonable direct and
746 indirect costs required to develop and administer the major
747 stationary source air-operation permit program, which shall
748 consist of the following elements to the extent that they are
749 reasonably related to the regulation of major stationary air
750 pollution sources, in accordance with United States
751 Environmental Protection Agency regulations and guidelines:

- 752 1. Reviewing and acting upon any application for such a
753 permit.
- 754 2. Implementing and enforcing the terms and conditions of
755 any such permit, excluding court costs or other costs associated
756 with any enforcement action.
- 757 3. Emissions and ambient monitoring.
- 758 4. Preparing generally applicable regulations or guidance.
- 759 5. Modeling, analyses, and demonstrations.
- 760 6. Preparing inventories and tracking emissions.
- 761 7. Implementing the Small Business Stationary Source
762 Technical and Environmental Compliance Assistance Program.
- 763 8. Any audits conducted under paragraph (c).

764 (c) An audit of the major stationary source air-operation
765 permit program must be conducted 2 years after the United States
766 Environmental Protection Agency has given full approval of the



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767 program to ascertain whether the annual operation license fees
768 collected by the department are used solely to support any
769 reasonable direct and indirect costs as listed in paragraph (b).
770 A program audit must be performed biennially after the first
771 audit.

772 Section 21. Section 403.7046, Florida Statutes, is amended
773 to read:

774 403.7046 Regulation of recovered materials.—

775 (1) Any person who handles, purchases, receives, recovers,
776 sells, or is an end user of recovered materials shall annually
777 certify to the department on forms provided by the department.
778 The department may by rule exempt from this requirement
779 generators of recovered materials; persons who handle or sell
780 recovered materials as an activity which is incidental to the
781 normal primary business activities of that person; or persons
782 who handle, purchase, receive, recover, sell, or are end users
783 of recovered materials in small quantities as defined by the
784 department. The department shall adopt rules for the
785 certification of and reporting by such persons and shall
786 establish criteria for revocation of such certification. Such
787 rules shall be designed to elicit, at a minimum, the amount and
788 types of recovered materials handled by registrants, and the
789 amount and disposal site, or name of person with whom such
790 disposal was arranged, of any solid waste generated by such
791 facility. By February 1 of each year, registrants shall report
792 all required information to the department and to all counties
793 from which it received materials. Such rules may provide for the
794 department to conduct periodic inspections. The department may
795 charge a fee of up to \$50 for each registration, which shall be



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796 deposited into the Solid Waste Management Trust Fund for
797 implementation of the program.

798 (2) Information reported pursuant to the requirements of
799 this section or any rule adopted pursuant to this section which,
800 if disclosed, would reveal a trade secret, as defined in s.
801 812.081(1)(c), is confidential and exempt from the provisions of
802 s. 119.07(1). For reporting or information purposes, however,
803 the department may provide this information in such form that
804 the names of the persons reporting such information and the
805 specific information reported are not revealed.

806 (3) Except as otherwise provided in this section or
807 pursuant to a special act in effect on or before January 1,
808 1993, a local government may not require a commercial
809 establishment that generates source-separated recovered
810 materials to sell or otherwise convey its recovered materials to
811 the local government or to a facility designated by the local
812 government, nor may the local government restrict such a
813 generator's right to sell or otherwise convey such recovered
814 materials to any properly certified recovered materials dealer
815 who has satisfied the requirements of this section. A local
816 government may not enact any ordinance that prevents such a
817 dealer from entering into a contract with a commercial
818 establishment to purchase, collect, transport, process, or
819 receive source-separated recovered materials.

820 (a) The local government may require that the recovered
821 materials generated at the commercial establishment be source
822 separated at the premises of the commercial establishment.

823 (b) Prior to engaging in business within the jurisdiction
824 of the local government, a recovered materials dealer must



825 provide the local government with a copy of the certification
826 provided for in this section. In addition, the local government
827 may establish a registration process whereby a recovered
828 materials dealer must register with the local government prior
829 to engaging in business within the jurisdiction of the local
830 government. Such registration process is limited to requiring
831 the dealer to register its name, including the owner or operator
832 of the dealer, and, if the dealer is a business entity, its
833 general or limited partners, its corporate officers and
834 directors, its permanent place of business, evidence of its
835 certification under this section, and a certification that the
836 recovered materials will be processed at a recovered materials
837 processing facility satisfying the requirements of this section.
838 A registration application must be acted on by the local
839 government within 90 days of receipt. During the pendency of the
840 local government's review, a local government may not use the
841 registration information to unfairly compete with the recovered
842 materials dealer seeking registration. All counties, and
843 municipalities whose population exceeds 35,000 according to the
844 population estimates determined pursuant to s. 186.901, may
845 establish a reporting process which shall be limited to the
846 regulations, reporting format, and reporting frequency
847 established by the department pursuant to this section, which
848 shall, at a minimum, include requiring the dealer to identify
849 the types and approximate amount of recovered materials
850 collected, recycled, or reused during the reporting period; the
851 approximate percentage of recovered materials reused, stored, or
852 delivered to a recovered materials processing facility or
853 disposed of in a solid waste disposal facility; and the



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854 locations where any recovered materials were disposed of as
855 solid waste. Information reported under this subsection which,
856 if disclosed, would reveal a trade secret, as defined in s.
857 812.081(1)(c), is confidential and exempt from the provisions of
858 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The
859 local government may charge the dealer a registration fee
860 commensurate with and no greater than the cost incurred by the
861 local government in operating its registration program.
862 Registration program costs are limited to those costs associated
863 with the activities described in this paragraph. Any reporting
864 or registration process established by a local government with
865 regard to recovered materials shall be governed by the
866 provisions of this section and department rules promulgated
867 pursuant thereto.

868 (c) A local government may establish a process in which the
869 local government may temporarily or permanently revoke the
870 authority of a recovered materials dealer to do business within
871 the local government if the local government finds the recovered
872 materials dealer, after reasonable notice of the charges and an
873 opportunity to be heard by an impartial party, has consistently
874 and repeatedly violated state or local laws, ordinances, rules,
875 and regulations.

876 (d) In addition to any other authority provided by law, a
877 local government is hereby expressly authorized to prohibit a
878 person or entity not certified under this section from doing
879 business within the jurisdiction of the local government; to
880 enter into a nonexclusive franchise or to otherwise provide for
881 the collection, transportation, and processing of recovered
882 materials at commercial establishments, provided that a local



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883 government may not require a certified recovered materials
884 dealer to enter into such franchise agreement in order to enter
885 into a contract with any commercial establishment located within
886 the local government's jurisdiction to purchase, collect,
887 transport, process, or receive source-separated recovered
888 materials; and to enter into an exclusive franchise or to
889 otherwise provide for the exclusive collection, transportation,
890 and processing of recovered materials at single-family or
891 multifamily residential properties.

892 (e) Nothing in this section shall prohibit a local
893 government from enacting ordinances designed to protect the
894 public's general health, safety, and welfare.

895 (f) As used in this section:

896 1. "Commercial establishment" means a property or
897 properties zoned or used for commercial or industrial uses, or
898 used by an entity exempt from taxation under s. 501(c)(3) of the
899 Internal Revenue Code, and excludes property or properties zoned
900 or used for single-family residential or multifamily residential
901 uses.

902 2. "Local government" means a county or municipality.

903 3. "Certified recovered materials dealer" means a dealer
904 certified under this section.

905 (4) Recovered materials dealers or associations for
906 registered recovered materials dealers may initiate an action
907 for injunctive relief or damages for alleged violations of this
908 section.

909 Section 22. Paragraph (e) of subsection (1) of section
910 403.813, Florida Statutes, is amended to read:

911 403.813 Permits issued at district centers; exceptions.—



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912 (1) A permit is not required under this chapter, chapter
913 373, chapter 61-691, Laws of Florida, or chapter 25214 or
914 chapter 25270, 1949, Laws of Florida, for activities associated
915 with the following types of projects; however, except as
916 otherwise provided in this subsection, ~~nothing in~~ this
917 subsection does not relieve ~~relieves~~ an applicant from any
918 requirement to obtain permission to use or occupy lands owned by
919 the Board of Trustees of the Internal Improvement Trust Fund or
920 a any water management district in its governmental or
921 proprietary capacity or from complying with applicable local
922 pollution control programs authorized under this chapter or
923 other requirements of county and municipal governments:

924 (e) The restoration of seawalls at their previous locations
925 or upland of, or within 18 inches ~~1-foot~~ waterward of, their
926 previous locations. However, this shall not affect the
927 permitting requirements of chapter 161, and department rules
928 shall clearly indicate that this exception does not constitute
929 an exception from the permitting requirements of chapter 161.

930 Section 23. Section 403.8141, Florida Statutes, is created
931 to read:

932 403.8141 Special event permits.—The department shall issue
933 permits for special events as defined in s. 253.0345. The
934 permits must be for a period that runs concurrently with the
935 letter of consent or lease issued pursuant to that section and
936 must allow for the movement of temporary structures within the
937 footprint of the lease area.

938 Section 24. Paragraph (b) of subsection (14) and paragraph
939 (b) of subsection (19) of section 403.973, Florida Statutes, are
940 amended, and paragraph (g) is added to subsection (3) of that



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941 section, to read:

942 403.973 Expedited permitting; amendments to comprehensive
943 plans.—

944 (3)

945 (g) Projects to construct interstate natural gas pipelines
946 subject to certification by the Federal Energy Regulatory
947 Commission.

948 (14)

949 (b) Projects identified in paragraph (3) (f) or paragraph
950 (3) (g) or challenges to state agency action in the expedited
951 permitting process for establishment of a state-of-the-art
952 biomedical research institution and campus in this state by the
953 grantee under s. 288.955 are subject to the same requirements as
954 challenges brought under paragraph (a), except that,
955 notwithstanding s. 120.574, summary proceedings must be
956 conducted within 30 days after a party files the motion for
957 summary hearing, regardless of whether the parties agree to the
958 summary proceeding.

959 (19) The following projects are ineligible for review under
960 this part:

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

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

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

968 3. Extract natural resources.

969 4. Produce oil.



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970 5. Construct, maintain, or operate an oil, petroleum,
971 ~~natural gas~~, or sewage pipeline.

972 Section 25. Subsection (2) of section 570.076, Florida
973 Statutes, is amended to read:

974 570.076 Environmental Stewardship Certification Program.—
975 The department may, by rule, establish the Environmental
976 Stewardship Certification Program consistent with this section.
977 A rule adopted under this section must be developed in
978 consultation with state universities, agricultural
979 organizations, and other interested parties.

980 (2) The department shall provide an agricultural
981 certification under this program for implementation of one or
982 more of the following criteria:

983 (a) A voluntary agreement between an agency and an
984 agricultural producer for environmental improvement or water-
985 resource protection.

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

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

990 Section 26. Section 570.085, Florida Statutes, is amended
991 to read:

992 570.085 Department of Agriculture and Consumer Services;
993 agricultural water conservation and water supply planning.—

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

996 (a) ~~(1)~~ A cost-share program, coordinated where appropriate
997 with the United States Department of Agriculture and other
998 federal, state, regional, and local agencies, for irrigation



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999 system retrofit and application of mobile irrigation laboratory
1000 evaluations for water conservation as provided in this section
1001 and, where applicable, for water quality improvement pursuant to
1002 s. 403.067(7)(c).

1003 ~~(b)(2)~~ The development and implementation of voluntary
1004 interim measures or best management practices, adopted by rule,
1005 which provide for increased efficiencies in the use and
1006 management of water for agricultural production. In the process
1007 of developing and adopting rules for interim measures or best
1008 management practices, the department shall consult with the
1009 Department of Environmental Protection and the water management
1010 districts. Such rules may also include a system to assure the
1011 implementation of the practices, including recordkeeping
1012 requirements. As new information regarding efficient
1013 agricultural water use and management becomes available, the
1014 department shall reevaluate and revise as needed, the interim
1015 measures or best management practices. The interim measures or
1016 best management practices may include irrigation retrofit,
1017 implementation of mobile irrigation laboratory evaluations and
1018 recommendations, water resource augmentation, and integrated
1019 water management systems for drought management and flood
1020 control and should, to the maximum extent practicable, be
1021 designed to qualify for regulatory incentives and other
1022 incentives, as determined by the agency having applicable
1023 statutory authority.

1024 ~~(c)(3)~~ Provision of assistance to the water management
1025 districts in the development and implementation of a consistent,
1026 to the extent practicable, methodology for the efficient
1027 allocation of water for agricultural irrigation.



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1028 (2) (a) The department shall establish an agricultural water
1029 supply planning program that includes the development of
1030 appropriate data indicative of future agricultural wter needs,
1031 which must be:

- 1032 1. Based on at least a 20-year planning period.
1033 2. Provided to each water management district.
1034 3. Considered by each water management district in
1035 accordance with ss. 373.036(2) and 373.709(2) (a)1.b.

1036 (b) The data on future agricultural water supply demands
1037 which are provided to each district must include, but need not
1038 be limited to:

- 1039 1. Applicable agricultural crop types or categories.
1040 2. Historic estimates of irrigated acreage, current
1041 estimates of irrigated acreage, and future projections of
1042 irrigated acreage for each applicable crop type or category,
1043 spatially for each county, including the historic and current
1044 methods and assumptions used to generate the spatial acreage
1045 estimates and projections.

1046 3. Crop type or category water use coefficients for a 1-in-
1047 10 year drought and average year used in calculating historic
1048 and current water demands and projected future water demands,
1049 including data, methods, and assumptions used to generate the
1050 coefficients. Estimates of historic and current water demands
1051 must take into account actual metered data as available.

1052 Projected future water demands shall incorporate appropriate
1053 potential water conservation factors based upon data collected
1054 as part of the department's agricultural water conservation
1055 program pursuant to s. 570.085(1).

1056 4. An evaluation of significant uncertainties affecting



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1057 agricultural production which may require a range of projections
1058 for future agricultural water supply needs.

1059 (c) In developing the data on future agricultural water
1060 supply needs described in paragraph (a), the department shall
1061 consult with the agricultural industry, the University of
1062 Florida Institute of Food and Agricultural Sciences, the
1063 Department of Environmental Protection, the water management
1064 districts, the United States Department of Agriculture, the
1065 National Agricultural Statistics Service, and the United States
1066 Geological Survey.

1067 (d) The department shall coordinate with each water
1068 management district to establish a schedule for provision of
1069 data on agricultural water supply needs in order to comply with
1070 water supply planning provisions in ss. 373.036(2) and
1071 373.709(2) (a)1.b.

1072 Section 27. This act shall take effect July 1, 2013.

1073
1074
1075 ===== T I T L E A M E N D M E N T =====

1076 And the title is amended as follows:

1077 Delete everything before the enacting clause
1078 and insert:

1079 A bill to be entitled
1080 An act relating to environmental regulation; amending s. 20.255,
1081 F.S.; authorizing the Department of Environmental Protection to
1082 adopt rules requiring or incentivizing the electronic submission
1083 of forms, documents, fees, and reports required for certain
1084 permits; amending ss. 125.022 and 166.033, F.S.; providing
1085 requirements for the review of development permit applications



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1086 by counties and municipalities; amending s. 211.3103, F.S.;
1087 revising the definition of "phosphate-related expenses" to
1088 include maintenance and restoration of certain lands; amending
1089 s. 253.0345, F.S.; revising provisions for the duration of
1090 leases and letters of consent issued by the Board of Trustees of
1091 the Internal Improvement Trust Fund for special events;
1092 providing conditions for fees relating to such leases and
1093 letters of consent; creating s. 253.0346, F.S.; defining the
1094 term "first-come, first-served basis"; providing conditions for
1095 the discount and waiver of lease fees and surcharges for certain
1096 marinas, boatyards, and marine retailers; providing
1097 applicability; amending s. 253.0347, F.S.; exempting lessees of
1098 certain docks from lease fees; amending s. 373.118, F.S.;
1099 deleting provisions requiring the department to adopt general
1100 permits for public marina facilities; deleting certain
1101 requirements under general permits for public marina facilities
1102 and mooring fields; limiting the number of vessels for mooring
1103 fields authorized under such permits; amending s. 373.233, F.S.;
1104 clarifying conditions for competing consumptive use of water
1105 applications; amending s. 373.236, F.S.; prohibiting water
1106 management districts from reducing certain allocations as a
1107 result of seawater desalination plant activities; providing an
1108 exception; amending s. 373.308, F.S.; providing that issuance of
1109 well permits is the sole responsibility of water management
1110 districts; prohibiting government entities from imposing
1111 requirements and fees and establishing programs for installation
1112 and abandonment of groundwater wells; amending s. 373.323, F.S.;
1113 providing that licenses issued by water management districts are
1114 the only water well construction licenses required for



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1115 construction, repair, or abandonment of water wells; authorizing
1116 licensed water well contractors to install equipment for all
1117 water systems; amending s. 373.406, F.S.; exempting specified
1118 ponds, ditches, and wetlands from surface water management and
1119 storage requirements; amending s. 373.701, F.S.; providing a
1120 legislative declaration that efforts to adequately and
1121 dependably meet water needs; requiring the cooperation of
1122 utility companies, private landowners, water consumers, and the
1123 Department of Agriculture and Consumer Services; amending s.
1124 373.703, F.S.; requiring the governing boards of water
1125 management districts to assist self-suppliers, among others, in
1126 meeting water supply demands; authorizing the governing boards
1127 to contract with self-suppliers for the purpose of carrying out
1128 its powers; amending s.373.709, F.S.; requiring water management
1129 districts to coordinate and cooperate with the Department of
1130 Agriculture and Consumer Services for regional water supply
1131 planning; providing criteria and requirements for determining
1132 agricultural water supply demand projections; amending s.
1133 376.313, F.S.; holding harmless a person who discharges
1134 pollution pursuant to ch. 403, F.S.; amending s. 403.031, F.S.;
1135 defining the term "beneficiaries"; amending s. 403.061, F.S.;
1136 authorizing the department to adopt rules requiring or
1137 incentivizing the electronic submission of forms, documents,
1138 fees, and reports required for certain permits; amending s.
1139 403.0872, F.S.; extending the payment deadline of permit fees
1140 for major sources of air pollution and conforming the date for
1141 related notice by the department; revising provisions for the
1142 calculation of such annual fees; amending s. 403.7046, F.S.;
1143 revising requirements relating to recovered materials; amending



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1144 s. 403.813, F.S.; revising conditions under which certain
1145 permits are not required for seawall restoration projects;
1146 creating s. 403.8141, F.S.; requiring the Department of
1147 Environmental Protection to establish general permits for
1148 special events; providing permit requirements; amending s.
1149 403.973, F.S.; authorizing expedited permitting for natural gas
1150 pipelines, subject to specified certification; providing that
1151 natural gas pipelines are subject to certain requirements;
1152 providing that natural gas pipelines are eligible for certain
1153 review; amending s. 570.076, F.S.; conforming a cross-reference;
1154 amending s. 570.085, F.S.; requiring the Department of
1155 Agriculture and Consumer Services to establish an agricultural
1156 water supply planning program; providing program requirements;
1157 providing an effective date.