



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 certain  
6           forms, documents, fees, and reports; amending ss.  
7           125.022 and 166.033, F.S.; providing requirements for  
8           the review of development permit applications by  
9           counties and municipalities; amending s. 211.3103,  
10          F.S.; revising the definition of "phosphate-related  
11          expenses" to include maintenance and restoration of  
12          certain lands; amending s. 253.0345, F.S.; revising  
13          provisions for the duration of leases and letters of  
14          consent issued by the Board of Trustees of the  
15          Internal Improvement Trust Fund for special events;  
16          providing conditions for fees relating to such leases  
17          and letters of consent; creating s. 253.0346, F.S.;  
18          defining the term "first-come, first-served basis";  
19          providing conditions for the discount and waiver of  
20          lease fees and surcharges for certain marinas,  
21          boatyards, and marine retailers; providing  
22          applicability; amending s. 253.0347, F.S.; providing  
23          exemptions from lease fees for certain lessees;  
24          amending s. 373.118, F.S.; deleting provisions  
25          requiring the department to adopt general permits for  
26          public marina facilities; deleting certain  
27          requirements under general permits for public marina  
28          facilities and mooring fields; limiting the number of



29 | vessels for mooring fields authorized under such  
30 | permits; providing for the department to issue certain  
31 | leases; amending s. 373.233, F.S.; clarifying  
32 | conditions for competing consumptive use of water  
33 | applications; amending s. 373.236, F.S.; prohibiting  
34 | water management districts from reducing certain  
35 | allocations as a result of seawater desalination plant  
36 | activities; providing an exception; amending s.  
37 | 373.246, F.S.; authorizing the department or governing  
38 | board to notify permittees by electronic mail of  
39 | permit changes under certain conditions; amending s.  
40 | 373.308, F.S.; providing that issuance of well permits  
41 | is the sole responsibility of water management  
42 | districts, delegated local governments, and local  
43 | county health departments; prohibiting certain  
44 | counties and other government entities from imposing  
45 | requirements and fees and establishing programs for  
46 | installation and abandonment of groundwater wells;  
47 | amending s. 373.323, F.S.; providing that licenses  
48 | issued by water management districts are the only  
49 | water well contractor licenses required for  
50 | construction, repair, or abandonment of water wells;  
51 | authorizing licensed water well contractors to install  
52 | equipment for all water systems; amending s. 373.406,  
53 | F.S.; exempting specified ponds, ditches, and wetlands  
54 | from surface water management and storage  
55 | requirements; exempting certain water control  
56 | districts from certain wetlands regulation; amending



57 | s. 376.30713, F.S.; increasing the amount of funding  
58 | for preapproved advanced cleanup work contracts;  
59 | increasing the amount of funding a facility is  
60 | eligible for in each fiscal year; amending s. 376.313,  
61 | F.S.; holding harmless a person who discharges  
62 | pollution pursuant to ch. 403, F.S.; amending s.  
63 | 403.031, F.S.; defining the term "beneficiary";  
64 | amending s. 403.061, F.S.; authorizing the department  
65 | to adopt rules requiring or incentivizing the  
66 | electronic submission of certain forms, documents,  
67 | fees, and reports; amending s. 403.0872, F.S.;  
68 | extending the payment deadline of permit fees for  
69 | major sources of air pollution and conforming the date  
70 | for related notice by the department; revising  
71 | provisions for the calculation of such annual fees;  
72 | amending s. 403.088, F.S.; revising conditions for  
73 | denial of water pollution operation permit  
74 | applications; amending s. 403.0893, F.S.; authorizing  
75 | a local government to charge stormwater utility fees  
76 | to the beneficiaries of the stormwater utility;  
77 | providing for the collection of delinquent fees;  
78 | amending s. 403.7046, F.S.; prohibiting local  
79 | governments from using information contained in  
80 | recovered materials dealer registration applications  
81 | for specified purposes; providing that a recovered  
82 | materials dealer may seek injunctive relief and  
83 | damages for certain violations; amending s. 403.813,  
84 | F.S.; revising conditions under which certain permits



85 | are not required for seawall restoration projects;  
86 | creating s. 403.8141, F.S.; requiring the Department  
87 | of Environmental Protection to establish general  
88 | permits for special events; providing permit  
89 | requirements; amending s. 403.973, F.S.; authorizing  
90 | expedited permitting for natural gas pipelines,  
91 | subject to specified certification; providing that  
92 | natural gas pipelines are subject to certain  
93 | requirements; providing that natural gas pipelines are  
94 | eligible for certain review; providing for  
95 | applicability of specified changes made by the act;  
96 | providing for legislative ratification and approval of  
97 | specified leases approved by the Board of Trustees of  
98 | the Internal Improvement Trust Fund; providing  
99 | legislative findings with respect to such leases;  
100 | creating the Florida Fertilizer Regulatory Review  
101 | Council; providing legislative findings; providing for  
102 | the council's purpose, membership, and duties;  
103 | providing for the council to be staffed and funded  
104 | jointly by the Department of Agriculture and Consumer  
105 | Services and the Department of Environmental  
106 | Protection; requiring the council to submit a report  
107 | to the Governor, Legislature, and specified officials;  
108 | providing for dissolution of the council; prohibiting  
109 | local governments from adopting or enforcing certain  
110 | ordinances; providing an exception; providing an  
111 | effective date.

112



113 Be It Enacted by the Legislature of the State of Florida:

114

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

117 20.255 Department of Environmental Protection.—There is  
118 created a Department of Environmental Protection.

119 (8) The department may adopt rules requiring or  
120 incentivizing electronic submission of forms, documents, fees,  
121 or reports required under chapter 161, chapter 253, chapter 373,  
122 chapter 376, chapter 377, or chapter 403. The rules must  
123 reasonably accommodate technological or financial hardship and  
124 must provide procedures for obtaining an exemption due to such a  
125 hardship.

126 Section 2. Section 125.022, Florida Statutes, is amended  
127 to read:

128 125.022 Development permits.—

129 (1) When reviewing an application for a development permit  
130 that is certified by a professional listed in s. 403.0877, a  
131 county may not request additional information from the applicant  
132 more than three times, unless the applicant waives the  
133 limitation in writing. Before a third request for additional  
134 information, the applicant must be offered a meeting to attempt  
135 to resolve outstanding issues. Except as provided in subsection  
136 (4), if the applicant believes the request for additional  
137 information is not authorized by ordinance, rule, statute, or  
138 other legal authority, the county, at the applicant's request,  
139 shall proceed to process the application for approval or denial.

140 (2) When a county denies an application for a development



141 permit, the county shall give written notice to the applicant.  
142 The notice must include a citation to the applicable portions of  
143 an ordinance, rule, statute, or other legal authority for the  
144 denial of the permit.

145 (3) As used in this section, the term "development permit"  
146 has the same meaning as in s. 163.3164, but does not include  
147 building permits.

148 (4) For any development permit application filed with the  
149 county after July 1, 2012, a county may not require as a  
150 condition of processing or issuing a development permit that an  
151 applicant obtain a permit or approval from any state or federal  
152 agency unless the agency has issued a final agency action that  
153 denies the federal or state permit before the county action on  
154 the local development permit.

155 (5) Issuance of a development permit by a county does not  
156 in any way create any rights on the part of the applicant to  
157 obtain a permit from a state or federal agency and does not  
158 create any liability on the part of the county for issuance of  
159 the permit if the applicant fails to obtain requisite approvals  
160 or fulfill the obligations imposed by a state or federal agency  
161 or undertakes actions that result in a violation of state or  
162 federal law. A county may attach such a disclaimer to the  
163 issuance of a development permit and may include a permit  
164 condition that all other applicable state or federal permits be  
165 obtained before commencement of the development.

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



169 Section 3. Section 166.033, Florida Statutes, is amended  
170 to read:

171 166.033 Development permits.—

172 (1) When reviewing an application for a development permit  
173 that is certified by a professional listed in s. 403.0877, a  
174 municipality may not request additional information from the  
175 applicant more than three times, unless the applicant waives the  
176 limitation in writing. Before a third request for additional  
177 information, the applicant must be offered a meeting to attempt  
178 to resolve outstanding issues. Except as provided in subsection  
179 (4), if the applicant believes the request for additional  
180 information is not authorized by ordinance, rule, statute, or  
181 other legal authority, the municipality, at the applicant's  
182 request, shall proceed to process the application for approval  
183 or denial.

184 (2) When a municipality denies an application for a  
185 development permit, the municipality shall give written notice  
186 to the applicant. The notice must include a citation to the  
187 applicable portions of an ordinance, rule, statute, or other  
188 legal authority for the denial of the permit.

189 (3) As used in this section, the term "development permit"  
190 has the same meaning as in s. 163.3164, but does not include  
191 building permits.

192 (4) For any development permit application filed with the  
193 municipality after July 1, 2012, a municipality may not require  
194 as a condition of processing or issuing a development permit  
195 that an applicant obtain a permit or approval from any state or  
196 federal agency unless the agency has issued a final agency



197 | action that denies the federal or state permit before the  
 198 | municipal action on the local development permit.

199 |       (5) Issuance of a development permit by a municipality  
 200 | does not in any way create any right on the part of an applicant  
 201 | to obtain a permit from a state or federal agency and does not  
 202 | create any liability on the part of the municipality for  
 203 | issuance of the permit if the applicant fails to obtain  
 204 | requisite approvals or fulfill the obligations imposed by a  
 205 | state or federal agency or undertakes actions that result in a  
 206 | violation of state or federal law. A municipality may attach  
 207 | such a disclaimer to the issuance of development permits and may  
 208 | include a permit condition that all other applicable state or  
 209 | federal permits be obtained before commencement of the  
 210 | development.

211 |       (6) This section does not prohibit a municipality from  
 212 | providing information to an applicant regarding what other state  
 213 | or federal permits may apply.

214 |       Section 4. Paragraph (c) of subsection (6) of section  
 215 | 211.3103, Florida Statutes is amended to read:

216 |       211.3103 Levy of tax on severance of phosphate rock; rate,  
 217 | basis, and distribution of tax.—

218 |       (6)

219 |       (c) For purposes of this section, "phosphate-related  
 220 | expenses" means those expenses that provide for infrastructure  
 221 | or services in support of the phosphate industry, including  
 222 | environmental education, reclamation or restoration of phosphate  
 223 | lands, maintenance and restoration of reclaimed lands and county  
 224 | owned environmental lands which were formerly phosphate lands,





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225 community infrastructure on such reclaimed lands and county  
226 owned environmental lands which were formerly phosphate lands,  
227 and similar expenses directly related to support of the  
228 industry.

229 Section 5. Section 253.0345, Florida Statutes, is amended  
230 to read:

231 253.0345 Special events; submerged land leases.—

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

251 (2) A lease or letter of consent for a ~~Any~~ special event  
252 under ~~provided for in~~ subsection (1):



253        (a) Shall be for a period not to exceed 45 30 days and a  
254 duration not to exceed 10 consecutive years.

255        (b) Shall include a lease fee, if applicable, based solely  
256 on the period and actual size of the preemption and conditions  
257 to allow reconfiguration of temporary structures within the  
258 lease area with notice to the department of the configuration  
259 and size of preemption within the lease area.

260        (c) The lease or letter of consent of use may also contain  
261 appropriate requirements for removal of the temporary  
262 structures, including the posting of sufficient surety to  
263 guarantee appropriate funds for removal of the structures should  
264 the promoter or riparian owner fail to do so within the time  
265 specified in the agreement.

266        (3) Nothing in This section does not shall be construed to  
267 allow any lease or letter of consent of use that would result in  
268 harm to the natural resources of the area as a result of the  
269 structures or the activities of the special events agreed to.

270        Section 6. Section 253.0346, Florida Statutes, is created  
271 to read:

272        253.0346 Lease of sovereignty submerged lands for marinas,  
273 boatyards, and marine retailers.-

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

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

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



281       (2) For marinas that are open to the public on a first-  
282 come, first-served basis and for which at least 90 percent of  
283 the slips are open for rent to the public, a discount of 30  
284 percent on the annual lease fee shall apply if dockage rate  
285 sheet publications and dockage advertising clearly state that  
286 slips are open for rent to the public on a first-come, first-  
287 served basis.

288       (3) For a facility designated by the department as a Clean  
289 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean  
290 Marina Program:

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

- 293       1. Actively maintains designation under the program.  
294       2. Complies with the terms of the lease.  
295       3. Does not change use during the term of the lease.

296       (b) Extended-term lease surcharges shall be waived if the  
297 facility:

- 298       1. Actively maintains designation under the program.  
299       2. Complies with the terms of the lease.  
300       3. Does not change use during the term of the lease.  
301       4. Is available to the public on a first-come, first-

302 served basis.

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

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



309 Section 7. Paragraphs (e) and (f) are added to subsection  
310 (2) of section 253.0347, Florida Statutes, to read:

311 253.0347 Lease of sovereignty submerged lands for private  
312 residential docks and piers.—

313 (2)

314 (e) A lessee of sovereignty submerged lands for a private  
315 residential single-family dock designed to moor up to four boats  
316 is not required to pay lease fees for a preempted area equal to  
317 or less than 10 times the riparian shoreline along sovereignty  
318 submerged land on the affected waterbody or the square footage  
319 authorized for a private residential single-family dock under  
320 rules adopted by the Board of Trustees of the Internal  
321 Improvement Trust Fund for the management of sovereignty  
322 submerged lands, whichever is greater.

323 (f) A lessee of sovereignty submerged lands for a private  
324 residential multifamily dock designed to moor boats up to the  
325 number of units within the multifamily development is not  
326 required to pay lease fees for a preempted area equal to or less  
327 than 10 times the riparian shoreline along sovereignty submerged  
328 land on the affected waterbody times the number of units with  
329 docks in the private multifamily development.

330 Section 8. Subsection (4) of section 373.118, Florida  
331 Statutes, is amended to read:

332 373.118 General permits; delegation.—

333 (4) The department shall adopt by rule one or more general  
334 permits for local governments to construct, operate, and  
335 maintain ~~public marina facilities~~, public mooring fields, public  
336 boat ramps, including associated courtesy docks, and associated



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337 parking facilities located in uplands. Such general permits  
338 adopted by rule shall include provisions to ensure compliance  
339 with part IV of this chapter, subsection (1), and the criteria  
340 necessary to include the general permits in a state programmatic  
341 general permit issued by the United States Army Corps of  
342 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-  
343 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility  
344 authorized under such general permits is exempt from review as a  
345 development of regional impact if the facility complies with the  
346 comprehensive plan of the applicable local government. Such  
347 facilities shall be consistent with the local government manatee  
348 protection plan required pursuant to chapter 379 ~~and shall~~  
349 ~~obtain Clean Marina Program status prior to opening for~~  
350 ~~operation and maintain that status for the life of the facility.~~  
351 ~~Marinas and mooring fields authorized under any such general~~  
352 ~~permit shall not exceed an area of 50,000 square feet over~~  
353 ~~wetlands and other surface waters.~~ Mooring fields authorized  
354 under such general permits may not exceed 100 vessels. All  
355 facilities permitted under this section shall be constructed,  
356 maintained, and operated in perpetuity for the exclusive use of  
357 the general public. The department is authorized to have  
358 delegation of authority from the Board of Trustees of the  
359 Internal Improvement Trust Fund to issue leases for mooring  
360 fields that meet the requirements of such general permits. The  
361 department shall initiate the rulemaking process within 60 days  
362 after the effective date of this act.

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



365 373.233 Competing applications.-

366 (1) If two or more applications that ~~which~~ otherwise  
 367 comply with the provisions of this part are pending for a  
 368 quantity of water that is inadequate for both or all, or that  
 369 ~~which~~ for any other reason are in conflict, and the water  
 370 management district or department has deemed the applications  
 371 complete, the water management district ~~governing board~~ or the  
 372 department has ~~shall have~~ the right to approve or modify the  
 373 application that ~~which~~ best serves the public interest.

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

376 373.236 Duration of permits; compliance reports.-

377 (4) Where necessary to maintain reasonable assurance that  
 378 the conditions for issuance of a 20-year permit can continue to  
 379 be met, the governing board or department, in addition to any  
 380 conditions required pursuant to s. 373.219, may require a  
 381 compliance report by the permittee every 10 years during the  
 382 term of a permit. The Suwannee River Water Management District  
 383 may require a compliance report by the permittee every 5 years  
 384 through July 1, 2015, and thereafter every 10 years during the  
 385 term of the permit. This report shall contain sufficient data to  
 386 maintain reasonable assurance that the initial conditions for  
 387 permit issuance are met. Following review of this report, the  
 388 governing board or the department may modify the permit to  
 389 ensure that the use meets the conditions for issuance. Permit  
 390 modifications pursuant to this subsection shall not be subject  
 391 to competing applications, provided there is no increase in the  
 392 permitted allocation or permit duration, and no change in



393 source, except for changes in source requested by the district.  
394 In order to promote the sustainability of natural systems  
395 through the diversification of water supplies through the  
396 development of seawater desalination plants, a water management  
397 district may not reduce an existing permitted allocation of  
398 water during the permit term as a result of planned future  
399 construction of, or additional water becoming available from, a  
400 new seawater desalination plant that does not receive funding  
401 from a water management district. Except as expressly provided  
402 in this subsection, this subsection ~~shall~~ does not alter ~~be~~  
403 ~~construed to limit~~ the existing authority of a water management  
404 district ~~the department or the governing board~~ to modify ~~or~~  
405 ~~revoke~~ a consumptive use permit pursuant to chapter 373.

406 Section 11. Subsection (6) of section 373.246, Florida  
407 Statutes, is amended to read:

408 373.246 Declaration of water shortage or emergency.—

409 (6) The governing board or the department shall notify  
410 each permittee in the district by electronic mail or regular  
411 mail of any change in the condition of his or her permit or any  
412 suspension of his or her permit or of any other restriction on  
413 the permittee's use of water for the duration of the water  
414 shortage.

415 Section 12. Subsection (1) of section 373.308, Florida  
416 Statutes, is amended to read:

417 373.308 Implementation of programs for regulating water  
418 wells.—

419 (1) The department shall authorize the governing board of  
420 a water management district to implement a program for the



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421 issuance of permits for the location, construction, repair, and  
422 abandonment of water wells. Upon authorization from the  
423 department, issuance of well permits will be the sole  
424 responsibility of the water management district, delegated local  
425 government, or local county health department. Other local  
426 governmental entities may not impose additional or duplicate  
427 requirements or fees or establish a separate program for the  
428 permitting of the location, abandonment, boring, or other  
429 activities reasonably associated with the installation and  
430 abandonment of a groundwater well.

431 Section 13. Subsections (1) and (10) of section 373.323,  
432 Florida Statutes, are amended to read:

433 373.323 Licensure of water well contractors; application,  
434 qualifications, and examinations; equipment identification.—

435 (1) Every person who wishes to engage in business as a  
436 water well contractor shall obtain from the water management  
437 district a license to conduct such business. Licensure under  
438 this part by a water management district shall be the only water  
439 well contractor license required for the construction, repair,  
440 or abandonment of water wells in the state or any political  
441 subdivision thereof.

442 (10) Water well contractors licensed under this section  
443 may install, repair, and modify pumps and tanks in accordance  
444 with the Florida Building Code, Plumbing; Section 612—Wells  
445 pumps and tanks used for private potable water systems. In  
446 addition, licensed water well contractors may install pumps,  
447 tanks, and water conditioning equipment for all water ~~well~~  
448 systems.





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

451 373.406 Exemptions.—The following exemptions shall apply:

452 (13) Nothing in this part, or in any rule, regulation, or  
453 order adopted pursuant to this part, applies to construction,  
454 alteration, operation, or maintenance of any wholly owned,  
455 manmade excavated farm ponds, as defined in s. 403.927,  
456 constructed entirely in uplands. Alteration or maintenance may  
457 not involve any work to connect the farm pond to, or expand the  
458 farm pond into, other wetlands or other surface waters. This  
459 exemption does not apply to any farm pond that covers an area  
460 greater than 15 acres and has an average depth greater than 15  
461 feet, or is less than 50 feet from any wetlands.

462 (14) Nothing in this part, or in any rule, regulation, or  
463 order adopted pursuant to this part, may require a permit for  
464 activities affecting wetlands created solely by the unauthorized  
465 flooding or interference with the natural flow of surface water  
466 caused by an unaffiliated adjoining landowner. Requests to  
467 qualify for this exemption must be made within 7 years after the  
468 cause of such unauthorized flooding or unauthorized interference  
469 with the natural flow of surface water and must be submitted in  
470 writing to the district or department. Such activities may not  
471 begin without a written determination from the district or  
472 department confirming that the activity qualifies for the  
473 exemption. This exemption does not expand the jurisdiction of  
474 the department or the water management districts and does not  
475 apply to activities that discharge dredged or fill material into  
476 waters of the United States, including wetlands, subject to



477 federal jurisdiction under s. 404 of the federal Clean Water  
 478 Act, 33 U.S.C. s. 1344.

479 (15) Any independent water control district created before  
 480 July 1, 2013, and operating pursuant to chapter 298 for which a  
 481 valid environmental resource permit has been issued pursuant to  
 482 this part or a federal wetlands permit authorized under s. 404  
 483 of the federal Clean Water Act, 33 U.S.C. s. 1344, has been  
 484 issued, is exempt from further wetlands regulations imposed  
 485 pursuant to chapters 125, 163, and 166.

486 Section 15. Subsection (4) of section 376.30713, Florida  
 487 Statutes, is amended to read:

488 376.30713 Preapproved advanced cleanup.—

489 (4) The department is authorized to enter into contracts  
 490 ~~contract~~ for a total of up to \$15 ~~\$10~~ million of preapproved  
 491 advanced cleanup work in each fiscal year. However, a ~~no~~  
 492 facility may not ~~shall~~ be preapproved for more than \$5 million  
 493 ~~\$500,000~~ of cleanup activity in each fiscal year. For the  
 494 purposes of this section the term "facility" shall include, but  
 495 not be limited to, multiple site facilities such as airports,  
 496 port facilities, and terminal facilities even though such  
 497 enterprises may be treated as separate facilities for other  
 498 purposes under this chapter.

499 Section 16. Subsection (3) of section 376.313, Florida  
 500 Statutes, is amended to read:

501 376.313 Nonexclusiveness of remedies and individual cause  
 502 of action for damages under ss. 376.30-376.317.—

503 (3) Except as provided in s. 376.3078(3) and (11), nothing  
 504 contained in ss. 376.30-376.317 prohibits any person from



505 bringing a cause of action in a court of competent jurisdiction  
506 for all damages resulting from a discharge or other condition of  
507 pollution covered by ss. 376.30-376.317 and which was not  
508 authorized pursuant to chapter 403. Nothing in this chapter  
509 shall prohibit or diminish a party's right to contribution from  
510 other parties jointly or severally liable for a prohibited  
511 discharge of pollutants or hazardous substances or other  
512 pollution conditions. Except as otherwise provided in subsection  
513 (4) or subsection (5), in any such suit, it is not necessary for  
514 such person to plead or prove negligence in any form or manner.  
515 Such person need only plead and prove the fact of the prohibited  
516 discharge or other pollutive condition and that it has occurred.  
517 The only defenses to such cause of action shall be those  
518 specified in s. 376.308.

519 Section 17. Subsection (22) is added to section 403.031,  
520 Florida Statutes, to read:

521 403.031 Definitions.—In construing this chapter, or rules  
522 and regulations adopted pursuant hereto, the following words,  
523 phrases, or terms, unless the context otherwise indicates, have  
524 the following meanings:

525 (22) "Beneficiary" means any person, partnership,  
526 corporation, business entity, charitable organization, not-for-  
527 profit corporation, state, county, district, authority, or  
528 municipal unit of government or any other separate unit of  
529 government created or established by law.

530 Section 18. Subsection (43) is added to section 403.061,  
531 Florida Statutes, to read:

532 403.061 Department; powers and duties.—The department



CS/CS/CS/HB 999, Engrossed 1

2013

533 shall have the power and the duty to control and prohibit  
534 pollution of air and water in accordance with the law and rules  
535 adopted and promulgated by it and, for this purpose, to:

536 (43) Adopt rules requiring or incentivizing the electronic  
537 submission of forms, documents, fees, or reports required under  
538 chapter 161, chapter 253, chapter 373, chapter 376, chapter 377,  
539 or this chapter. The rules must reasonably accommodate  
540 technological or financial hardship and provide procedures for  
541 obtaining an exemption due to such hardship.

542  
543 The department shall implement such programs in conjunction with  
544 its other powers and duties and shall place special emphasis on  
545 reducing and eliminating contamination that presents a threat to  
546 humans, animals or plants, or to the environment.

547 Section 19. Subsection (11) of section 403.0872, Florida  
548 Statutes, is amended to read:

549 403.0872 Operation permits for major sources of air  
550 pollution; annual operation license fee.—Provided that program  
551 approval pursuant to 42 U.S.C. s. 7661a has been received from  
552 the United States Environmental Protection Agency, beginning  
553 January 2, 1995, each major source of air pollution, including  
554 electrical power plants certified under s. 403.511, must obtain  
555 from the department an operation permit for a major source of  
556 air pollution under this section. This operation permit is the  
557 only department operation permit for a major source of air  
558 pollution required for such source; provided, at the applicant's  
559 request, the department shall issue a separate acid rain permit  
560 for a major source of air pollution that is an affected source



561 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
562 for major sources of air pollution, except general permits  
563 issued pursuant to s. 403.814, must be issued in accordance with  
564 the procedures contained in this section and in accordance with  
565 chapter 120; however, to the extent that chapter 120 is  
566 inconsistent with the provisions of this section, the procedures  
567 contained in this section prevail.

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

577 (a) The annual fee must be assessed based upon the  
578 source's previous year's emissions and must be calculated by  
579 multiplying the applicable annual operation license fee factor  
580 times the tons of each regulated air pollutant actually emitted,  
581 as calculated in accordance with department's emissions  
582 computation and reporting rules. The annual fee shall only apply  
583 to those regulated pollutants, ~~(except carbon monoxide)~~ and  
584 greenhouse gases, for which an allowable numeric emission  
585 limiting standard is specified in ~~allowed to be emitted per hour~~  
586 ~~by specific condition of the source's most recent construction~~  
587 ~~or operation permit, times the annual hours of operation allowed~~  
588 ~~by permit condition;~~ provided, however, that:



589 | 1. The license fee factor is \$25 or another amount  
590 | determined by department rule which ensures that the revenue  
591 | provided by each year's operation license fees is sufficient to  
592 | cover all reasonable direct and indirect costs of the major  
593 | stationary source air-operation permit program established by  
594 | this section. The license fee factor may be increased beyond \$25  
595 | only if the secretary of the department affirmatively finds that  
596 | a shortage of revenue for support of the major stationary source  
597 | air-operation permit program will occur in the absence of a fee  
598 | factor adjustment. The annual license fee factor may never  
599 | exceed \$35.

600 | ~~2. For any source that operates for fewer hours during the~~  
601 | ~~calendar year than allowed under its permit, the annual fee~~  
602 | ~~calculation must be based upon actual hours of operation rather~~  
603 | ~~than allowable hours if the owner or operator of the source~~  
604 | ~~documents the source's actual hours of operation for the~~  
605 | ~~calendar year. For any source that has an emissions limit that~~  
606 | ~~is dependent upon the type of fuel burned, the annual fee~~  
607 | ~~calculation must be based on the emissions limit applicable~~  
608 | ~~during actual hours of operation.~~

609 | ~~3. For any source whose allowable emission limitation is~~  
610 | ~~specified by permit per units of material input or heat input or~~  
611 | ~~product output, the applicable input or production amount may be~~  
612 | ~~used to calculate the allowable emissions if the owner or~~  
613 | ~~operator of the source documents the actual input or production~~  
614 | ~~amount. If the input or production amount is not documented, the~~  
615 | ~~maximum allowable input or production amount specified in the~~  
616 | ~~permit must be used to calculate the allowable emissions.~~



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

621 ~~5. For any source that emits less of any regulated air~~  
622 ~~pollutant than allowed by permit condition, the annual fee~~  
623 ~~calculation for such pollutant must be based upon actual~~  
624 ~~emissions rather than allowable emissions if the owner or~~  
625 ~~operator documents the source's actual emissions by means of~~  
626 ~~data from a department-approved certified continuous emissions~~  
627 ~~monitor or from an emissions monitoring method which has been~~  
628 ~~approved by the United States Environmental Protection Agency~~  
629 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~  
630 ~~or from a method approved by the department for purposes of this~~  
631 ~~section.~~

632 2.6. The amount of each regulated air pollutant in excess  
633 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or  
634 group of sources belonging to the same Major Group as described  
635 in the Standard Industrial Classification Manual, 1987, may not  
636 be included in the calculation of the fee. Any source, or group  
637 of sources, which does not emit any regulated air pollutant in  
638 excess of 4,000 tons per year, is allowed a one-time credit not  
639 to exceed 25 percent of the first annual licensing fee for the  
640 prorated portion of existing air-operation permit application  
641 fees remaining upon commencement of the annual licensing fees.

642 3.7. If the department has not received the fee by March 1  
643 ~~February 15~~ of the calendar year, the permittee must be sent a  
644 written warning of the consequences for failing to pay the fee



645 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1  
646 of the calendar year, the department shall impose, in addition  
647 to the fee, a penalty of 50 percent of the amount of the fee,  
648 plus interest on such amount computed in accordance with s.  
649 220.807. The department may not impose such penalty or interest  
650 on any amount underpaid, provided that the permittee has timely  
651 remitted payment of at least 90 percent of the amount determined  
652 to be due and remits full payment within 60 days after receipt  
653 of notice of the amount underpaid. The department may waive the  
654 collection of underpayment and shall not be required to refund  
655 overpayment of the fee, if the amount due is less than 1 percent  
656 of the fee, up to \$50. The department may revoke any major air  
657 pollution source operation permit if it finds that the  
658 permitholder has failed to timely pay any required annual  
659 operation license fee, penalty, or interest.

660 ~~4.8.~~ Notwithstanding the computational provisions of this  
661 subsection, the annual operation license fee for any source  
662 subject to this section shall not be less than \$250, except that  
663 the annual operation license fee for sources permitted solely  
664 through general permits issued under s. 403.814 shall not exceed  
665 \$50 per year.

666 ~~5.9.~~ Notwithstanding the provisions of s.  
667 403.087(6)(a)5.a., authorizing air pollution construction permit  
668 fees, the department may not require such fees for changes or  
669 additions to a major source of air pollution permitted pursuant  
670 to this section, unless the activity triggers permitting  
671 requirements under Title I, Part C or Part D, of the federal  
672 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and





673 administer such permits shall be considered direct and indirect  
674 costs of the major stationary source air-operation permit  
675 program under s. 403.0873. The department shall, however,  
676 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.  
677 for the construction of a new major source of air pollution that  
678 will be subject to the permitting requirements of this section  
679 once constructed and for activities triggering permitting  
680 requirements under Title I, Part C or Part D, of the federal  
681 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

682 (b) Annual operation license fees collected by the  
683 department must be sufficient to cover all reasonable direct and  
684 indirect costs required to develop and administer the major  
685 stationary source air-operation permit program, which shall  
686 consist of the following elements to the extent that they are  
687 reasonably related to the regulation of major stationary air  
688 pollution sources, in accordance with United States  
689 Environmental Protection Agency regulations and guidelines:

- 690 1. Reviewing and acting upon any application for such a  
691 permit.
- 692 2. Implementing and enforcing the terms and conditions of  
693 any such permit, excluding court costs or other costs associated  
694 with any enforcement action.
- 695 3. Emissions and ambient monitoring.
- 696 4. Preparing generally applicable regulations or guidance.
- 697 5. Modeling, analyses, and demonstrations.
- 698 6. Preparing inventories and tracking emissions.
- 699 7. Implementing the Small Business Stationary Source  
700 Technical and Environmental Compliance Assistance Program.



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

702 (c) An audit of the major stationary source air-operation  
703 permit program must be conducted 2 years after the United States  
704 Environmental Protection Agency has given full approval of the  
705 program to ascertain whether the annual operation license fees  
706 collected by the department are used solely to support any  
707 reasonable direct and indirect costs as listed in paragraph (b).  
708 A program audit must be performed biennially after the first  
709 audit.

710 Section 20. Paragraph (b) of subsection (2) of section  
711 403.088, Florida Statutes, is amended to read:

712 403.088 Water pollution operation permits; conditions.—

713 (2)

714 (b)1. If the department finds that the proposed discharge  
715 will reduce the quality of the receiving waters below the  
716 classification established for them, it shall deny the  
717 application and refuse to issue a permit. The department may not  
718 use the results from a field procedure or laboratory method to  
719 make such a finding or determine facility compliance unless the  
720 field procedure or laboratory method has been adopted by rule or  
721 noticed and approved by department order pursuant to department  
722 rule. Field procedures and laboratory methods must satisfy the  
723 quality assurance requirements of department rule and must  
724 produce data of known and verifiable quality. The results of  
725 field procedures and laboratory methods shall be evaluated for  
726 sources of uncertainty to assure suitability for the intended  
727 purposes as properly documented with each procedure or method.

728 2. If the department finds that the proposed discharge



729 will not reduce the quality of the receiving waters below the  
730 classification established for them, it may issue an operation  
731 permit if it finds that such degradation is necessary or  
732 desirable under federal standards and under circumstances which  
733 are clearly in the public interest.

734 Section 21. Section 403.0893, Florida Statutes, is amended  
735 to read:

736 403.0893 Stormwater funding; dedicated funds for  
737 stormwater management.—In addition to any other funding  
738 mechanism legally available to local government to construct,  
739 operate, or maintain stormwater systems, a county or  
740 municipality may:

741 (1) Create one or more stormwater utilities and adopt  
742 stormwater utility fees sufficient to plan, construct, operate,  
743 and maintain stormwater management systems set out in the local  
744 program required pursuant to s. 403.0891(3). Stormwater utility  
745 fees adopted pursuant to this subsection may be charged to the  
746 beneficiaries of a stormwater utility. If stormwater utility  
747 fees charged to a beneficiary of a stormwater utility are not  
748 paid when due, the county or municipality may file suit in a  
749 court of competent jurisdiction or use any lawful method to  
750 collect delinquent fees.†

751 (2) Establish and set aside, as a continuing source of  
752 revenue, other funds sufficient to plan, construct, operate, and  
753 maintain stormwater management systems set out in the local  
754 program required pursuant to s. 403.0891(3). ~~†~~

755 (3) Create, alone or in cooperation with counties,  
756 municipalities, and special districts pursuant to the Interlocal



757 Cooperation Act, s. 163.01, one or more stormwater management  
 758 system benefit areas. All property owners within said area may  
 759 be assessed a per acreage fee to fund the planning,  
 760 construction, operation, maintenance, and administration of a  
 761 public stormwater management system for the benefited area. Any  
 762 benefit area containing different land uses which receive  
 763 substantially different levels of stormwater benefits shall  
 764 include stormwater management system benefit subareas which  
 765 shall be assessed different per acreage fees from subarea to  
 766 subarea based upon a reasonable relationship to benefits  
 767 received. The fees shall be calculated to generate sufficient  
 768 funds to plan, construct, operate, and maintain stormwater  
 769 management systems called for in the local program required  
 770 pursuant to s. 403.0891(3). For fees assessed pursuant to this  
 771 section, counties or municipalities may use the non-ad valorem  
 772 levy, collection, and enforcement method as provided for in  
 773 chapter 197.

774 Section 22. Paragraph (b) of subsection (3) of section  
 775 403.7046, Florida Statutes, is amended, and subsection (4) is  
 776 added to that section, to read:

777 403.7046 Regulation of recovered materials.—

778 (3) Except as otherwise provided in this section or  
 779 pursuant to a special act in effect on or before January 1,  
 780 1993, a local government may not require a commercial  
 781 establishment that generates source-separated recovered  
 782 materials to sell or otherwise convey its recovered materials to  
 783 the local government or to a facility designated by the local  
 784 government, nor may the local government restrict such a



785 generator's right to sell or otherwise convey such recovered  
786 materials to any properly certified recovered materials dealer  
787 who has satisfied the requirements of this section. A local  
788 government may not enact any ordinance that prevents such a  
789 dealer from entering into a contract with a commercial  
790 establishment to purchase, collect, transport, process, or  
791 receive source-separated recovered materials.

792 (b) Before ~~Prior to~~ engaging in business within the  
793 jurisdiction of the local government, a recovered materials  
794 dealer must provide the local government with a copy of the  
795 certification provided for in this section. In addition, the  
796 local government may establish a registration process whereby a  
797 recovered materials dealer must register with the local  
798 government before ~~prior to~~ engaging in business within the  
799 jurisdiction of the local government. Such registration process  
800 is limited to requiring the dealer to register its name,  
801 including the owner or operator of the dealer, and, if the  
802 dealer is a business entity, its general or limited partners,  
803 its corporate officers and directors, its permanent place of  
804 business, evidence of its certification under this section, and  
805 a certification that the recovered materials will be processed  
806 at a recovered materials processing facility satisfying the  
807 requirements of this section. The local government may not use  
808 the information provided in the registration application to  
809 compete unfairly with the recovered materials dealer until 90  
810 days after receipt of the application. All counties, and  
811 municipalities whose population exceeds 35,000 according to the  
812 population estimates determined pursuant to s. 186.901, may



813 establish a reporting process which shall be limited to the  
814 regulations, reporting format, and reporting frequency  
815 established by the department pursuant to this section, which  
816 shall, at a minimum, include requiring the dealer to identify  
817 the types and approximate amount of recovered materials  
818 collected, recycled, or reused during the reporting period; the  
819 approximate percentage of recovered materials reused, stored, or  
820 delivered to a recovered materials processing facility or  
821 disposed of in a solid waste disposal facility; and the  
822 locations where any recovered materials were disposed of as  
823 solid waste. Information reported under this subsection which,  
824 if disclosed, would reveal a trade secret, as defined in s.  
825 812.081(1)(c), is confidential and exempt from the provisions of  
826 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The  
827 local government may charge the dealer a registration fee  
828 commensurate with and no greater than the cost incurred by the  
829 local government in operating its registration program.  
830 Registration program costs are limited to those costs associated  
831 with the activities described in this paragraph. Any reporting  
832 or registration process established by a local government with  
833 regard to recovered materials shall be governed by the  
834 provisions of this section and department rules adopted  
835 ~~promulgated~~ pursuant thereto.

836 (4) A recovered materials dealer or an association whose  
837 members include recovered materials dealers may initiate an  
838 action for injunctive relief or damages for alleged violations  
839 of this section. The court may award to the prevailing party or  
840 parties reasonable attorney fees and costs.



841 Section 23. Paragraph (e) of subsection (1) of section  
842 403.813, Florida Statutes, is amended to read:

843 403.813 Permits issued at district centers; exceptions.—

844 (1) A permit is not required under this chapter, chapter  
845 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
846 chapter 25270, 1949, Laws of Florida, for activities associated  
847 with the following types of projects; however, except as  
848 otherwise provided in this subsection, ~~nothing in~~ this  
849 subsection does not relieve ~~relieves~~ an applicant from any  
850 requirement to obtain permission to use or occupy lands owned by  
851 the Board of Trustees of the Internal Improvement Trust Fund or  
852 a ~~any~~ water management district in its governmental or  
853 proprietary capacity or from complying with applicable local  
854 pollution control programs authorized under this chapter or  
855 other requirements of county and municipal governments:

856 (e) The restoration of seawalls at their previous  
857 locations or upland of, or within 18 inches ~~1-foot~~ waterward of,  
858 their previous locations. However, this shall not affect the  
859 permitting requirements of chapter 161, and department rules  
860 shall clearly indicate that this exception does not constitute  
861 an exception from the permitting requirements of chapter 161.

862 Section 24. Section 403.8141, Florida Statutes, is created  
863 to read:

864 403.8141 Special event permits.—The department shall issue  
865 permits for special events under s. 253.0345. The permits must  
866 be for a period that runs concurrently with the lease or letter  
867 of consent issued pursuant to s. 253.0345 and must allow for the



868 movement of temporary structures within the footprint of the  
869 lease area.

870 Section 25. Paragraph (b) of subsection (14) and paragraph  
871 (b) of subsection (19) of section 403.973, Florida Statutes, are  
872 amended, and paragraph (g) is added to subsection (3) of that  
873 section, to read:

874 403.973 Expedited permitting; amendments to comprehensive  
875 plans.—

876 (3)

877 (g) Projects to construct interstate natural gas pipelines  
878 subject to certification by the Federal Energy Regulatory  
879 Commission are eligible for the expedited permitting process.

880 (14)

881 (b) Projects identified in paragraph (3) (f) or paragraph  
882 (3) (g) or challenges to state agency action in the expedited  
883 permitting process for establishment of a state-of-the-art  
884 biomedical research institution and campus in this state by the  
885 grantee under s. 288.955 are subject to the same requirements as  
886 challenges brought under paragraph (a), except that,  
887 notwithstanding s. 120.574, summary proceedings must be  
888 conducted within 30 days after a party files the motion for  
889 summary hearing, regardless of whether the parties agree to the  
890 summary proceeding.

891 (19) The following projects are ineligible for review  
892 under this part:

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

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





896 | 2. Produce electrical power, unless the production of  
 897 | electricity is incidental and not the primary function of the  
 898 | project or the electrical power is derived from a fuel source  
 899 | for renewable energy as defined in s. 366.91(2)(d).

900 | 3. Extract natural resources.

901 | 4. Produce oil.

902 | 5. Construct, maintain, or operate an oil, petroleum,  
 903 | ~~natural gas,~~ or sewage pipeline.

904 | Section 26. The amendments made by this act to ss. 403.031  
 905 | and 403.0893, Florida Statutes, apply only to stormwater utility  
 906 | fees billed on or after July 1, 2013, to a beneficiary of a  
 907 | stormwater utility for services provided on or after that date.

908 | Section 27. (1) The Legislature ratifies and approves the  
 909 | actions of the Board of Trustees of the Internal Improvement  
 910 | Trust Fund regarding lease numbers 1447, 1971S, 3420, 3433, and  
 911 | 3543, and lease numbers 3422 and 1935/1935-S as approved on  
 912 | January 23, 2013, subject to the terms and conditions  
 913 | established by the Board of Trustees as approved on January 23,  
 914 | 2013.

915 | (2) The Legislature finds that the decision to authorize  
 916 | the use of board of trustees-owned uplands and the use of those  
 917 | lands as set forth in the leases is not contrary to the public  
 918 | interest; that it is in the public interest to waive the  
 919 | competitive bid process; that the leases are not standard  
 920 | agricultural leases; and that such leases should be amended on  
 921 | the terms and conditions as approved by the Board of Trustees.

922 | (3) Notwithstanding any other provision of law, the  
 923 | Legislature finds that the lease amendments and extensions



924 approved by the Board of Trustees are necessary for Everglades  
925 restoration purposes, are in the public interest, and provide  
926 the greatest combination of benefits to the public.

927 Section 28. Florida Fertilizer Regulatory Review Council.-

928 (1) The Legislature finds that:

929 (a) A science-based approach to the protection of the  
930 state's waterways is in the public interest of the state.

931 (b) Varying state and local regulations govern the  
932 regulation of nonagricultural fertilizer or its use, and  
933 inconsistencies resulting from varying regulations may affect  
934 commerce and impact water quality in this state.

935 (c) It is advisable to identify practices or a combination  
936 of practices, which, based on field testing, expert review, and  
937 scientific information, individually or cumulatively protect the  
938 quality of water in the state.

939 (2) There is created the Florida Fertilizer Regulatory  
940 Review Council for the purpose of:

941 (a) Performing a comprehensive review of existing  
942 scientific data relating to the environmental fate of nutrients  
943 in urban settings. Such review shall include to the greatest  
944 extent practical:

945 1. The sources of nutrients.

946 2. The origin of nutrient sources.

947 3. An estimate of the percentage of nutrients contributed  
948 by each nutrient source.

949 4. Nutrient enrichment impacts of nonagricultural  
950 fertilizers on surface waters.

951 5. An assessment of technically and economically feasible



952 management strategies for reducing water quality impacts  
953 associated with the regulation of nonagricultural fertilizer or  
954 its use including, but not limited to, prohibited application  
955 periods, setbacks from water bodies, and identification of  
956 additional research needs.

957 (b) Performing a comprehensive review of the Department of  
958 Agriculture and Consumer Services' rule 5E-1.003(2), Florida  
959 Administrative Code; the Department of Environmental  
960 Protection's Model Ordinance for Florida-Friendly Fertilizer Use  
961 on Urban Landscapes 2010; and all local ordinances in the state  
962 regulating nonagricultural fertilizer or its use.

963 (c) Reviewing existing state laws and rules relating to  
964 the regulation of nonagricultural fertilizer or its use.

965 (d) Recommending technically-feasible, economically-  
966 feasible, and enforceable methods and management strategies,  
967 based upon best available data and science, that promote  
968 consistency in state and local regulation of nonagricultural  
969 fertilizer or its use where possible while balancing the need to  
970 accommodate reasonable regional and local differences necessary  
971 to meet state water quality standards.

972 (e) Holding public hearings and taking public testimony  
973 concerning the regulation of nonagricultural fertilizers or its  
974 use as well as related matters.

975 (f) Recommending amendments to the Department of  
976 Environmental Protection's Model Ordinance for Florida-Friendly  
977 Fertilizer Use on Urban Landscapes 2010 based upon the council's  
978 findings after considering consistency with the Department of  
979 Agriculture and Consumer Services' rule 5E-1.003(2), Florida



980 Administrative Code.

981 (g) Recommending state policies for the regulation of  
982 nonagricultural fertilizer or its use, including identification  
983 of additional research that may inform future state policies.

984 (3) The council shall be composed of 15 members as  
985 follows:

986 (a) Four members appointed by the Secretary of  
987 Environmental Protection, one of whom shall be the Secretary or  
988 his or her designee and shall serve as the department's  
989 representative, one of whom shall be a representative of the  
990 environmental community, one of whom shall be a water quality  
991 scientist with experience in addressing water quality issues in  
992 Florida, and one of whom shall be a representative of a water  
993 management district.

994 (b) Four members appointed by the Commissioner of  
995 Agriculture, one of whom shall be a representative of the  
996 Department of Agriculture and Consumer Services, one of whom  
997 shall be a representative of the University of Florida Institute  
998 of Food and Agricultural Sciences, one of whom shall be a member  
999 of the retail industry in the state, and one of whom shall be a  
1000 representative of the University of Florida Water Institute.

1001 (c) Two members appointed by the President of the Senate,  
1002 one of whom shall be a representative of the pest control trade  
1003 associations in the state and one of whom shall be a  
1004 representative of the Florida Golf Course Superintendents  
1005 Association.

1006 (d) Two members appointed by the Speaker of the House of  
1007 Representatives, one of whom shall be a representative of the



1008 fertilizer industry in the state and one of whom shall be a  
 1009 representative of the landscape and lawn care trade associations  
 1010 in the state.

1011 (e) One member appointed by the Florida League of Cities.

1012 (f) One member appointed by the Florida Association of  
 1013 Counties.

1014 (g) One member appointed by the Florida Stormwater  
 1015 Association.

1016 (h) Each person or entity appointing members to the  
 1017 council shall appoint an alternate member for each position on  
 1018 the council in the same manner as each primary member is  
 1019 appointed. An alternate member may attend and participate in  
 1020 public meetings of the council in the absence of the primary  
 1021 member, but may not vote as a member of the council. In the  
 1022 event of a vacancy in a position on the council, the alternate  
 1023 member for the vacant position shall serve on the council as a  
 1024 voting member until the vacancy is filled by the person or  
 1025 entity responsible for appointing a member to that position.

1026 (i) Appointments of members and alternate members to the  
 1027 council must be made on or before September 1, 2013.

1028 (j) A council member or alternate member may not be a  
 1029 registered lobbyist of any association, group, or entity  
 1030 represented on the council. This prohibition does not apply to  
 1031 the representative of the Department of Environmental  
 1032 Protection, the Department of Agriculture and Consumer Services,  
 1033 the water management districts, the University of Florida  
 1034 Institute for Food and Agricultural Sciences, or the University  
 1035 of Florida Water Institute.



1036 (k) Private sector members of the council may not receive  
1037 per diem or reimbursement for travel expenses from the state.

1038 (4) The council shall operate as follows:

1039 (a) The two members representing the Department of  
1040 Agriculture and Consumer Services and the Department of  
1041 Environmental Protection shall serve as co-chairs of the  
1042 council. The representative of the Department of Agriculture and  
1043 Consumer Services shall call the first meeting of the council.

1044 (b) The council shall be staffed and funded jointly by the  
1045 Department of Agriculture and Consumer Services and the  
1046 Department of Environmental Protection.

1047 (c) The council is assigned to the Department of  
1048 Agriculture and Consumer Services for administrative purposes.

1049 (d) At least eight voting members must be present for the  
1050 council to conduct business. Members may not vote by proxy.  
1051 Except as provided in this section, Roberts Rules of Order Newly  
1052 Revised apply to all meetings and actions taken by the council.

1053 (e) The council's first meeting must be held within 30  
1054 days after all primary members are appointed, and the council  
1055 must conduct a minimum of 10 public meetings. The location of  
1056 the council's public meetings must be geographically distributed  
1057 throughout the state with the final meeting held in Tallahassee  
1058 during a regularly scheduled legislative committee week before  
1059 January 1, 2016.

1060 (f) The council shall submit a written report, including  
1061 its recommendations and findings, which must be approved by an  
1062 affirmative vote of at least eight voting members of the  
1063 council, to the Governor, the President of the Senate, the



1064 Speaker of the House of Representatives, the Commissioner of  
 1065 Agriculture, and the Secretary of Environmental Protection on or  
 1066 before January 15, 2016.

1067 (5) The council is dissolved January 15, 2016, or upon  
 1068 submission of the report pursuant to paragraph (4) (f), whichever  
 1069 occurs first.

1070 Section 29. (1) Between July 1, 2013, and June 30, 2016,  
 1071 local governments may not adopt new ordinances to regulate  
 1072 nonagricultural fertilizer or its use. However, a local  
 1073 government may adopt by ordinance the Department of  
 1074 Environmental Protection's Model Ordinance for Florida-Friendly  
 1075 Fertilizer Use on Urban Landscapes 2010.

1076 (2) An ordinance adopted after March 4, 2013, and before  
 1077 July 1, 2013, to regulate nonagricultural fertilizer or its use  
 1078 shall not be enforced before July 1, 2016, unless it is the  
 1079 Department of Environmental Protection's Model Ordinance for  
 1080 Florida-Friendly Fertilizer Use on Urban Landscapes 2010.

1081 Section 30. This act shall take effect July 1, 2013.