

Committee on Environmental Preservation and Conservation

CS/CS/CS/HB 999 — Environmental Regulation

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Reps. Patronis, Peters, and others (CS/CS/SB 1684 by Appropriations Committee; Environmental Preservation and Conservation Committee and Senator Altman)

The bill amends various statutes related to environmental regulations and permitting. Specifically, the bill:

- Allows the Department of Environmental Protection (DEP) to adopt rules requiring or incentivizing the electronic submission of forms, documents, fees, and/or reports;
- Provides that when reviewing an application for a development permit, local governments cannot request additional information more than three times, unless the applicant waives the limitation in writing;
- Expands the activities that qualify as “phosphate-related expenses” for the purpose of receiving severance tax proceeds;
- Provides that the Board of Trustees of the Internal Improvement Trust Fund (BOT) is authorized to issue leases or letters of consent to special event promoters and boat show owners to allow the installation of temporary structures;
- Defines “first-come, first-served basis” as it relates to marinas; provides requirements for the calculation of lease fees for certain marinas; and provides conditions for the discount and waiver of lease fees for certain marinas, boatyards, and marine retailers;
- Provides general permits for local governments to construct mooring fields and authorizes the BOT to delegate authority to the DEP to issue leases for mooring fields constructed under the general permit;
- Provides guidelines on the size of certain single- and multi-family docks over sovereign submerged lands that are exempt from paying lease fees;
- Provides that when there are competing consumptive use permit applications, and the water management district (WMD) or the DEP has deemed the applications complete, the WMD or the DEP has the right to approve or modify the application that best serves the public interest;
- Prohibits WMDs from reducing permitted allocations due to additional water supplies resulting from the development desalination plants;
- Authorizes WMDs and the DEP to notify a permittee by electronic mail of any change or suspension to a permit as a result of a water shortage in the district;
- Provides that the issuance of well permits is the sole responsibility of WMDs, delegated governments, or local county health departments, and prohibits other government entities from imposing additional or duplicative requirements, fees, or permitting programs associated with the boring or abandonment of groundwater wells;
- Provides that licensure of water well contractors by a WMD must be the only water well contractor license required for the location, construction, repair, or abandonment of water wells in the state or any political subdivision;

- Exempts farm ponds of a certain size and depth that are more than 50 feet from existing wetlands, and wetlands created solely by the unauthorized flooding or interference with the natural flow of surface water by an adjoining landowner, from regulatory requirements under part IV of ch. 373, F.S., relating to the management and storage of surface waters;
- Increases the funds available for the DEP to enter into contracts for preapproved advanced cleanup work each fiscal year from \$10 million to \$15 million. The bill increases the amount a particular facility may be preapproved for from \$500,000 to \$5 million of cleanup activity each fiscal year;
- Provides that a person can bring a cause of action for damages resulting from a discharge or some other condition of pollution covered by ss. 376.30-376.317, F.S. (relating generally to the discharge of pollutants or hazardous substances into or upon surface or groundwater), not authorized pursuant to ch. 403, F.S.;
- Extends the payment deadline for permit fees for major sources of air pollution from March 1 to April 1, annually, and requires the annual assessment fee for air pollution must be based on the amount of air pollutants actually emitted;
- Provides that a permit is not required for the restoration of seawalls when they are constructed within 18 inches seaward of the original location;
- Specifies that field procedures and lab methods for certain water quality testing must be adopted by rule or approved by order;
- Specifies that for a period of 90 days after it is submitted, a local government cannot use the registration information it receives from a recovered materials dealer to compete unfairly with the recovered materials dealer;
- Authorizes the DEP to establish permits for special events relating to boat shows;
- Authorizes expedited permitting for natural gas pipelines and for summary hearings, if challenged; and
- Ratifies and approves certain leases or state-owned uplands in the Everglades Agricultural Area approved by the BOT.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 39-1; House 106-10