

1 A bill to be entitled
2 An act relating to water resource management;
3 amending s. 373.4145, F.S.; postponing
4 scheduled July 1, 1999, repeal of certain
5 provisions of the interim wetlands permitting
6 program for the Northwest Florida Water
7 Management District; directing the Northwest
8 Florida Water Management District and the
9 Department of Environmental Protection to
10 develop a plan to implement an environmental
11 resource permitting program within the
12 jurisdiction of the district by a specified
13 date; requiring reports to the Legislature on
14 the progress of the planning efforts; providing
15 that certain jurisdictional declaratory
16 statements shall not expire until a specified
17 date; amending s. 252.937, F.S.; renaming the
18 Division of Water Facilities of the department
19 as the Division of Water Resource Management;
20 amending ss. 378.901 and 403.021, F.S.;
21 deleting references to the Division of
22 Environmental Resource Permitting; amending s.
23 86 of ch. 93-213, Laws of Florida; eliminating
24 repayment of funds appropriated for
25 administering the state NPDES program;
26 requiring reinstatement of certain suspended
27 payments in lieu of taxes; amending subsection
28 (2) of section 373.136, F.S.; allowing the
29 prevailing party to recover attorney's fees and
30 costs; providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsection (6) of section 373.4145, Florida
4 Statutes, is amended and subsection (7) is added to said
5 section, to read:

6 373.4145 Interim part IV permitting program for the
7 Northwest Florida Water Management District.--

8 (6) Subsections (1), (2), (3), and (4) shall be
9 repealed effective July 1, 2003 ~~1999~~.

10 (7)(a) The department and the Northwest Florida Water
11 Management District are directed to begin developing a plan by
12 which the permitting for activities proposed in surface waters
13 and wetlands shall fully comply with the provisions of part IV
14 of chapter 373, beginning July 1, 2003. The plan also shall
15 address the division of environmental resource permitting
16 responsibilities between the department and the Northwest
17 Florida Water Management District; the methodology of
18 delineating wetlands in the Northwest Florida Water Management
19 District; authority of the Northwest Florida Water Management
20 District to implement federal permitting programs related to
21 activities in surface waters and wetlands; and the chapter 70
22 implications of implementing the provisions of part IV of
23 chapter 373 within the jurisdiction of the Northwest Florida
24 Water Management District.

25 (b) The department and Northwest Florida Water
26 Management District shall jointly prepare an interim report on
27 their progress in developing the aforementioned plan, to be
28 presented March 1, 2001 to the Governor, the President of the
29 Senate, the Speaker of the House of Representatives, and the
30 chairs of the relevant substantive and fiscal committees. The

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1 department and district shall present a final report on March
2 1, 2003.

3 (c) Any jurisdictional declaratory statement issued
4 for a project within the geographic jurisdiction of the
5 Northwest Florida Water Management District that is valid on
6 July 1, 1999, and for which there has been issued a permit
7 pursuant to chapters 403 and 373 for a phase of that project
8 and which identified proposed future development, including
9 mitigation, that would require an additional permit pursuant
10 to chapters 403 and 373 shall not expire until January 1,
11 2002.

12 Section 2. Subsection (2) of section 252.937, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 252.937 Department powers and duties.--

15 (2) To ensure that this program is self-supporting,
16 the department shall provide administrative support, including
17 staff, facilities, materials, and services to implement this
18 part for specified stationary sources subject to s. 252.939
19 and shall provide necessary funding to local emergency
20 planning committees and county emergency management agencies
21 for work performed to implement this part. Each state agency
22 with regulatory, inspection, or technical assistance programs
23 for specified stationary sources subject to this part shall
24 enter into a memorandum of understanding with the department
25 which specifically outlines how each agency's staff,
26 facilities, materials, and services will be utilized to
27 support implementation. At a minimum, these agencies and
28 programs include: the Department of Environmental
29 Protection's Division of Air Resources Management and Division
30 of Water Resource Management ~~Facilities~~, and the Department of
31 Labor and Employment Security's Division of Safety. It is the

1 Legislature's intent to implement this part as efficiently and
2 economically as possible, using existing expertise and
3 resources, if available and appropriate.

4 Section 3. Paragraph (a) of subsection (1) of section
5 378.901, Florida Statutes, is amended to read:

6 378.901 Life-of-the-mine permit.--

7 (1) As used in this section, the term:

8 (a) "Bureau" means the Bureau of Mine Reclamation of
9 the Division of Water Resource Management ~~Environmental~~
10 ~~Resource Permitting~~ of the Department of Environmental
11 Protection.

12 Section 4. Paragraph (a) of subsection (9) of section
13 403.021, Florida Statutes, is amended to read:

14 403.021 Legislative declaration; public policy.--

15 (9)(a) The Legislature finds and declares that it is
16 essential to preserve and maintain authorized water depth in
17 the existing navigation channels, port harbors, turning
18 basins, and harbor berths of this state in order to provide
19 for the continued safe navigation of deepwater shipping
20 commerce. The department shall recognize that maintenance of
21 authorized water depths consistent with port master plans
22 developed pursuant to s. 163.3178(2)(k) is an ongoing,
23 continuous, beneficial, and necessary activity that is in the
24 public interest; and it shall develop a regulatory process
25 that shall enable the ports of this state to conduct such
26 activities in an environmentally sound, safe, expeditious, and
27 cost-efficient manner. It is the further intent of the
28 Legislature that the permitting and enforcement of dredging,
29 dredged-material management, and other related activities for
30 Florida's deepwater ports pursuant to this chapter and
31 chapters 161, 253, and 373 shall be consolidated within the

1 department's Division of Water Resource Management
2 ~~Environmental Resource Permitting~~ and, with the concurrence of
3 the affected deepwater port or ports, may be administered by a
4 district office of the department or delegated to an approved
5 local environmental program.

6 Section 5. Section 86 of chapter 93-213, Laws of
7 Florida, is amended to read:

8 Section 86. The Department of Environmental Regulation
9 is authorized 54 career service positions for administering
10 the state NPDES program. Twenty-five career service positions
11 are authorized for startup of the program beginning July 1,
12 1993, and the remaining 29 career service positions beginning
13 January 1, 1994. The state NPDES program staffing shall start
14 July 1, 1993, with completion targeted for 6 months following
15 United States Environmental Protection Agency authorization to
16 administer the National Pollutant Discharge Elimination System
17 program. Implementation of positions is subject to review and
18 final approval by the secretary of the Department of
19 Environmental Regulation. The sum of \$3.2 million is hereby
20 appropriated from the Pollution Recovery Trust Fund to cover
21 program startup costs. ~~Such funds are to be repaid from a~~
22 ~~fund the Legislature deems appropriate, no later than July 1,~~
23 ~~2000.~~

24 Section 6. If the Department of Environmental
25 Protection or a water management district has made a payment
26 in lieu of taxes to a governmental entity and subsequently
27 suspended such payment, the department or water management
28 district shall reinstitute appropriate payments and continue
29 the payments in consecutive years until the governmental
30 entity has received a total of 10 payments for each tax loss.

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1 Section 7. Subsection (2) of section 373.136, Florida
2 Statutes, is amended to read:

3 (2) Any persons who prevail in an action or legal
4 proceeding brought against them by the department, the
5 governing board of any water management district, any local
6 board, or a local government to which authority has been
7 delegated under . 373.103(8). pursuant to this chapter shall be
8 entitled to recover reasonable attorney's fees and costs.

9 (3) Any action by a citizen of the state to seek
10 judicial enforcement of any of the provisions of this chapter
11 shall be governed by the Florida Environmental Protection Act,
12 s. 403.412.

13 Section 8. This act shall take effect upon becoming a
14 law.