

Bill No. CS for SB 678

Amendment No. Barcode 904848

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Pruitt and Dyer moved the following amendment:

Senate Amendment (with title amendment)

On page 1, line 13,

insert:

Section 1. Subsection (11) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.--

(11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

(a) The department shall not implement, without prior legislative approval, any additional regulatory authority pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part 130, if such implementation would result in water quality discharge regulation of activities not currently subject to regulation.

(b) Interim measures, best management practices, or other measures may be developed and voluntarily implemented pursuant to paragraph (7)(c) or paragraph (7)(d) for any water body or segment for which a total maximum daily load or

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1 allocation has not been established. The implementation of
2 such pollution control programs may be considered by the
3 department in the determination made pursuant to subsection
4 (4).

5 Section 2. Paragraphs (c) and (d) of subsection (3) of
6 section 403.121, Florida Statutes, are amended to read:

7 403.121 Enforcement; procedure; remedies.--The
8 department shall have the following judicial and
9 administrative remedies available to it for violations of this
10 chapter, as specified in s. 403.161(1).

11 (3) Except for violations involving hazardous wastes,
12 asbestos, or underground injection, administrative penalties
13 must be calculated according to the following schedule:

14 (c) For a dredge and fill or stormwater violation, the
15 department shall assess a penalty of \$1,000 for unpermitted or
16 unauthorized dredging or filling or unauthorized construction
17 of a stormwater management system against the person or
18 persons responsible for the illegal dredging or filling, or
19 unauthorized construction of a stormwater management system
20 plus \$2,000 if the dredging or filling occurs in an aquatic
21 preserve, Outstanding Florida Water, conservation easement, or
22 Class I or Class II surface water, plus \$1,000 if the area
23 dredged or filled is greater than one-quarter acre but less
24 than or equal to one-half acre, and plus \$1,000 if the area
25 dredged or filled is greater than one-half acre but less than
26 or equal to one acre. The administrative penalty schedule
27 shall not apply to a dredge and fill violation if the area
28 dredged or filled exceeds one acre. The department retains the
29 authority to seek the judicial imposition of civil penalties
30 for all dredge and fill violations involving more than one
31 acre. The department shall assess a penalty of \$3,000 for the

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1 failure to complete required mitigation, failure to record a
 2 required conservation easement, or for a water quality
 3 violation resulting from dredging or filling activities,
 4 stormwater construction activities or failure of a stormwater
 5 treatment facility. For stormwater management systems serving
 6 less than 5 acres, the department shall assess a penalty of
 7 \$2,000 for the failure to properly or timely construct a
 8 stormwater management system. In addition to the penalties
 9 authorized in this subsection, the department shall assess a
 10 penalty of \$5,000 per violation against the contractor or
 11 agent of the owner or tenant that conducts unpermitted or
 12 unauthorized dredging or filling. For purposes of this
 13 paragraph, the preparation or signing of a permit application
 14 by a person currently licensed under chapter 471 to practice
 15 as a professional engineer shall not make that person an agent
 16 of the owner or tenant.

17 (d) For mangrove trimming or alteration violations,
 18 the department shall assess a penalty of \$5,000 per violation
 19 against the contractor or agent of the owner or tenant that
 20 conducts mangrove trimming or alteration without a permit as
 21 required by s. 403.9328. For purposes of this paragraph, the
 22 preparation or signing of a permit application by a person
 23 currently licensed under chapter 471 to practice as a
 24 professional engineer shall not make that person an agent of
 25 the owner or tenant.

26
27 (Redesignate subsequent sections.)

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29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 On page 1, lines 2 and 3 delete those lines
2
3 and insert:
4 An act relating to pollution reduction;
5 amending s. 403.067, F.S.; authorizing the
6 development of interim measures or
7 best-management practices for specified water
8 bodies or segments for which total maximum
9 daily loads or allocations have not yet been
10 established; amending s. 403.121, F.S.;
11 providing that a professional engineer is not
12 the agent of an owner or tenant for purposes of
13 enforcing penalties for unpermitted dredging or
14 filling or mangrove trimming; amending s.
15 373.4595, F.S.;