

1                   A bill to be entitled  
2           An act relating to environmental protection;  
3           amending s. 201.15, F.S.; providing for  
4           distribution of proceeds from excise taxes on  
5           documents to pay debt service on Everglades  
6           restoration bonds; creating s. 215.619, F.S.;  
7           authorizing the issuance of Everglades  
8           restoration bonds to finance or refinance the  
9           cost of acquisition and improvement of land,  
10          water areas, and related property interests and  
11          resources for the purpose of implementing the  
12          Comprehensive Everglades Restoration Plan;  
13          providing procedures and limitations; providing  
14          for deposit of funds in the Save Our Everglades  
15          Trust Fund; amending s. 259.105, F.S.;  
16          specifying time period for transfer of certain  
17          Florida Forever Act funds into the Save Our  
18          Everglades Trust Fund; specifying use of funds;  
19          amending ss. 373.470 and 373.472, F.S.;  
20          authorizing the payment of debt service on  
21          Everglades restoration bonds from the Save Our  
22          Everglades Trust Fund; revising requirements  
23          for deposit of state and water management  
24          district funds into the Save Our Everglades  
25          Trust Fund; providing legislative intent that  
26          the issuance of Everglades restoration bonds is  
27          in the best interest of the state; amending s.  
28          373.1502, F.S.; providing that certain project  
29          components shall be exempt from permit  
30          requirements; specifying land procurement  
31          procedures; amending s. 373.114, F.S.;

1 providing that certain water management  
2 district orders and rules are not subject to  
3 specified review; amending s. 403.412, F.S.,  
4 the "Environmental Protection Act of 1971";  
5 revising requirements for initiating specified  
6 proceedings under that act; providing effective  
7 dates.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Subsection (1), paragraph (a) of subsection  
12 (2), and subsections (11) and (12) of section 201.15, Florida  
13 Statutes, are amended to read:

14 201.15 Distribution of taxes collected.--All taxes  
15 collected under this chapter shall be distributed as follows  
16 and shall be subject to the service charge imposed in s.  
17 215.20(1), except that such service charge shall not be levied  
18 against any portion of taxes pledged to debt service on bonds  
19 to the extent that the amount of the service charge is  
20 required to pay any amounts relating to the bonds:

21 (1) Sixty-two and sixty-three hundredths percent of  
22 the remaining taxes collected under this chapter shall be used  
23 for the following purposes:

24 (a) Amounts as shall be necessary to pay the debt  
25 service on, or fund debt service reserve funds, rebate  
26 obligations, or other amounts payable with respect to  
27 Preservation 2000 bonds issued pursuant to s. 375.051 and  
28 Florida Forever bonds issued pursuant to s. 215.618, shall be  
29 paid into the State Treasury to the credit of the Land  
30 Acquisition Trust Fund to be used for such purposes. The  
31 amount transferred to the Land Acquisition Trust Fund for such

1 purposes shall not exceed \$300 million in fiscal year  
2 1999-2000 and thereafter for Preservation 2000 bonds and bonds  
3 issued to refund Preservation 2000 bonds, and \$300 million in  
4 fiscal year 2000-2001 and thereafter for Florida Forever  
5 bonds. The annual amount transferred to the Land Acquisition  
6 Trust Fund for Florida Forever bonds shall not exceed \$30  
7 million in the first fiscal year in which bonds are issued.  
8 The limitation on the amount transferred shall be increased by  
9 an additional \$30 million in each subsequent fiscal year, but  
10 shall not exceed a total of \$300 million in any fiscal year  
11 for all bonds issued. It is the intent of the Legislature that  
12 all bonds issued to fund the Florida Forever Act be retired by  
13 December 31, 2030. Except for bonds issued to refund  
14 previously issued bonds, no series of bonds may be issued  
15 pursuant to this paragraph unless such bonds are approved and  
16 the debt service for the remainder of the fiscal year in which  
17 the bonds are issued is specifically appropriated in the  
18 General Appropriations Act. For purposes of refunding  
19 Preservation 2000 bonds, amounts designated within this  
20 section for Preservation 2000 and Florida Forever bonds may be  
21 transferred between the two programs to the extent provided  
22 for in the documents authorizing the issuance of the bonds.  
23 The Preservation 2000 bonds and Florida Forever bonds shall be  
24 equally and ratably secured by moneys distributable to the  
25 Land Acquisition Trust Fund pursuant to this section, except  
26 to the extent specifically provided otherwise by the documents  
27 authorizing the issuance of the bonds. No moneys transferred  
28 to the Land Acquisition Trust Fund pursuant to this paragraph,  
29 or earnings thereon, shall be used or made available to pay  
30 debt service on the Save Our Coast revenue bonds.  
31

1           (b) The remainder of the moneys distributed under this  
2 subsection, after the required payment under paragraph (a),  
3 shall be paid into the State Treasury to the credit of the  
4 Save Our Everglades Trust Fund in amounts necessary to pay  
5 debt service, provide reserves, and pay rebate obligations and  
6 other amounts due with respect to bonds issued under s.  
7 215.619.

8           ~~(c)(b)~~ The remainder of the moneys distributed under  
9 this subsection, after the required ~~payments~~ payment under  
10 ~~paragraphs~~ paragraph (a) and (b), shall be paid into the State  
11 Treasury to the credit of the Land Acquisition Trust Fund and  
12 may be used for any purpose for which funds deposited in the  
13 Land Acquisition Trust Fund may lawfully be used. Payments  
14 made under this paragraph shall continue until the cumulative  
15 amount credited to the Land Acquisition Trust Fund for the  
16 fiscal year under this paragraph and paragraph (2)(b) equals  
17 70 percent of the current official forecast for distributions  
18 of taxes collected under this chapter pursuant to subsection  
19 (2). As used in this paragraph, the term "current official  
20 forecast" means the most recent forecast as determined by the  
21 Revenue Estimating Conference. If the current official  
22 forecast for a fiscal year changes after payments under this  
23 paragraph have ended during that fiscal year, no further  
24 payments are required under this paragraph during the fiscal  
25 year.

26           ~~(d)(c)~~ The remainder of the moneys distributed under  
27 this subsection, after the required payments under paragraphs  
28 paragraph (a), (b), and (c), shall be paid into the State  
29 Treasury to the credit of the General Revenue Fund of the  
30 state to be used and expended for the purposes for which the  
31 General Revenue Fund was created and exists by law or to the

1 Ecosystem Management and Restoration Trust Fund or to the  
2 Marine Resources Conservation Trust Fund as provided in  
3 subsection (11).

4 (2) Seven and fifty-six hundredths percent of the  
5 remaining taxes collected under this chapter shall be used for  
6 the following purposes:

7 (a) Beginning in the month following the final payment  
8 for a fiscal year under paragraph (1)~~(c)(b)~~, available moneys  
9 shall be paid into the State Treasury to the credit of the  
10 General Revenue Fund of the state to be used and expended for  
11 the purposes for which the General Revenue Fund was created  
12 and exists by law or to the Ecosystem Management and  
13 Restoration Trust Fund or to the Marine Resources Conservation  
14 Trust Fund as provided in subsection (11). Payments made under  
15 this paragraph shall continue until the cumulative amount  
16 credited to the General Revenue Fund for the fiscal year under  
17 this paragraph equals the cumulative payments made under  
18 paragraph (1)~~(c)(b)~~ for the same fiscal year.

19 (11) From the moneys specified in paragraphs (1)~~(d)(c)~~  
20 and (2)(a) and prior to deposit of any moneys into the General  
21 Revenue Fund, \$30 million shall be paid into the State  
22 Treasury to the credit of the Ecosystem Management and  
23 Restoration Trust Fund in fiscal year 2000-2001 and each  
24 fiscal year thereafter, to be used for the preservation and  
25 repair of the state's beaches as provided in ss.  
26 161.091-161.212, and \$2 million shall be paid into the State  
27 Treasury to the credit of the Marine Resources Conservation  
28 Trust Fund to be used for marine mammal care as provided in s.  
29 370.0603(3).

30 (12) The Department of Revenue may use the payments  
31 credited to trust funds pursuant to paragraphs (1)~~(c)(b)~~ and

1 (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and  
2 (10) to pay the costs of the collection and enforcement of the  
3 tax levied by this chapter. The percentage of such costs which  
4 may be assessed against a trust fund is a ratio, the numerator  
5 of which is payments credited to that trust fund under this  
6 section and the denominator of which is the sum of payments  
7 made under paragraphs (1)~~(c)(b)~~ and (2)(b) and subsections  
8 (3), (4), (5), (6), (7), (8), (9), and (10).

9 Section 2. Section 215.619, Florida Statutes, is  
10 created to read:

11 215.619 Bonds for Everglades restoration.--

12 (1) The issuance of Everglades restoration bonds to  
13 finance or refinance the cost of acquisition and improvement  
14 of land, water areas, and related property interests and  
15 resources for the purpose of implementing the Comprehensive  
16 Everglades Restoration Plan under s. 373.470 is authorized in  
17 accordance with s. 11(e), Art. VII of the State Constitution.  
18 Everglades restoration bonds, except refunding bonds, may be  
19 issued only in fiscal years 2002-2003 through 2009-2010 and  
20 may not be issued in an amount exceeding \$100 million per  
21 fiscal year unless the Department of Environmental Protection  
22 has requested additional amounts in order to achieve cost  
23 savings or accelerate the purchase of land. The duration of  
24 Everglades restoration bonds may not exceed 20 annual  
25 maturities, and those bonds must mature by December 31, 2030.  
26 Except for refunding bonds, a series of bonds may not be  
27 issued unless an amount equal to the debt service coming due  
28 in the year of issuance has been appropriated by the  
29 Legislature.

30 (2) The state covenants with the holders of Everglades  
31 restoration bonds that it will not take any action that will

1 materially and adversely affect the rights of the holders so  
2 long as the bonds are outstanding, including, but not limited  
3 to, a reduction in the portion of documentary stamp taxes  
4 distributable under s. 201.15(1) for payment of debt service  
5 on Preservation 2000 bonds, Florida Forever bonds, or  
6 Everglades restoration bonds.

7 (3) Everglades restoration bonds are payable from, and  
8 secured by a first lien on, taxes distributable under s.  
9 201.15(1)(b) and do not constitute a general obligation of, or  
10 a pledge of the full faith and credit of, the state.

11 Everglades restoration bonds are junior and subordinate to  
12 bonds secured by moneys distributable under s. 201.15(1)(a).

13 (4) The Department of Environmental Protection shall  
14 request the Division of Bond Finance of the State Board of  
15 Administration to issue Everglades restoration bonds under the  
16 State Bond Act in an amount supported by projected  
17 expenditures of the recipients of the proceeds of the bonds.  
18 The Department of Environmental Protection shall coordinate  
19 with the Division of Bond Finance to issue the bonds in a  
20 cost-effective manner consistent with cash needs.

21 (5) The proceeds of Everglades restoration bonds, less  
22 the costs of issuance, the costs of funding reserve accounts,  
23 and other costs with respect to the bonds, shall be deposited  
24 into the Save Our Everglades Trust Fund. The bond proceeds  
25 deposited into the Save Our Everglades Trust Fund shall be  
26 distributed by the Department of Environmental Protection as  
27 provided in s. 373.470.

28 (6) Lands purchased using bond proceeds under this  
29 paragraph which are later determined by the South Florida  
30 Water Management District and the Department of Environmental  
31 Protection as not needed to implement the Comprehensive Plan,

1 shall either be surplused at no less than appraised value, and  
2 the proceeds from the sale of such lands shall be deposited  
3 into the Save Our Everglades Trust Fund to be used to  
4 implement the Comprehensive Plan, or the South Florida Water  
5 Management District shall use a different source of funds to  
6 pay for or reimburse the Save Our Everglades Trust Fund for  
7 that portion of land not needed to implement the Comprehensive  
8 Plan.

9 (7) There may not be any sale, disposition, lease,  
10 easement, license, or other use of any land, water areas, or  
11 related property interests acquired or improved with proceeds  
12 of Everglades restoration bonds which would cause all or any  
13 portion of the interest on the bonds to be included in gross  
14 income for federal income tax purposes.

15 (8) Any complaint for validation of bonds issued under  
16 this section may be filed only in the circuit court of the  
17 county where the seat of state government is situated. The  
18 notice required to be published by s. 75.06 may be published  
19 only in the county where the complaint is filed, and the  
20 complaint and order of the circuit court need be served only  
21 on the state attorney of the circuit in which the action is  
22 pending.

23 Section 3. Paragraph (a) of subsection (11) of section  
24 259.105, Florida Statutes, is amended to read:

25 259.105 The Florida Forever Act.--

26 (11) For the purposes of funding projects pursuant to  
27 paragraph (3)(a), the Secretary of Environmental Protection  
28 shall ensure that each water management district receives the  
29 following percentage of funds annually:

30 (a) Thirty-five percent to the South Florida Water  
31 Management District, of which amount \$25 million for 2 years



1 beginning in fiscal year 2000-2001 shall be transferred by the  
2 Department of Environmental Protection into the Save Our  
3 Everglades Trust Fund and shall be used exclusively to  
4 implement the Comprehensive Plan under s. 373.470.

5 Section 4. Subsections (4), (5), and (6) of section  
6 373.470, Florida Statutes, are amended to read:

7 373.470 Everglades restoration.--

8 (4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED  
9 FOR DEPOSIT.--The following funds may be deposited into the  
10 Save Our Everglades Trust Fund created by s. 373.472 to  
11 finance implementation of the comprehensive plan:

12 (a) In fiscal year 2000-2001, funds described in s.  
13 259.101(3).

14 (b) Funds described in subsection (5).

15 (c) Federal funds appropriated by Congress for  
16 implementation of the comprehensive plan.

17 (d) Any additional funds appropriated by the  
18 Legislature for the purpose of implementing the comprehensive  
19 plan.

20 (e) Gifts designated for implementation of the  
21 comprehensive plan from individuals, corporations, or other  
22 entities.

23 (f) Funds made available pursuant to s. 201.15 for  
24 debt service for Everglades restoration bonds.

25 (5) SAVE OUR EVERGLADES TRUST FUND SUPPLEMENTED.--

26 (a)1. For fiscal year 2000-2001, \$50 million of state  
27 funds shall be deposited into the Save Our Everglades Trust  
28 Fund created by s. 373.472.

29 2. For each year of the 9 consecutive years beginning  
30 with fiscal year 2001-2002, \$75 million of state funds shall  
31

1 be deposited into the Save Our Everglades Trust Fund created  
2 by s. 373.472.

3 3. As an alternative to subparagraph 2., proceeds of  
4 bonds issued under s. 215.619 may be deposited into the Save  
5 Our Everglades Trust Fund created under s. 373.472. To  
6 enhance flexibility, funds to be deposited into the Save Our  
7 Everglades Trust Fund may consist of any combination of state  
8 funds and Everglades restoration bonds.

9 (b) For each year of the 2 ~~10~~ consecutive years  
10 beginning with fiscal year 2000-2001, the department shall  
11 deposit \$25 million of the funds allocated to the district by  
12 the department under s. 259.105(11)(a) into the Save Our  
13 Everglades Trust Fund created by s. 373.472.

14 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST  
15 FUND.--

16 (a) Except for funds appropriated for debt service,  
17 the department shall distribute funds in the Save Our  
18 Everglades Trust Fund to the district in accordance with a  
19 legislative appropriation and s. 373.026(8)(b) and (c).  
20 Distribution of funds from the Save Our Everglades Trust Fund  
21 shall be equally matched by the cumulative contributions from  
22 all local sponsors by fiscal year 2009-2010 by providing  
23 funding or credits toward project components. The dollar value  
24 of in-kind work by local sponsors in furtherance of the  
25 comprehensive plan and existing interest in public lands  
26 needed for a project component are credits towards the local  
27 sponsors' contributions.

28 (b) The department shall distribute funds in the Save  
29 Our Everglades Trust Fund to the district in accordance with a  
30 legislative appropriation for debt service for Everglades  
31 restoration bonds.

1           Section 5. Subsection (1) of section 373.472, Florida  
2 Statutes, is amended to read:

3           373.472 Save Our Everglades Trust Fund.--

4           (1) There is created within the Department of  
5 Environmental Protection the Save Our Everglades Trust Fund.  
6 Funds in the trust fund shall be expended to implement the  
7 comprehensive plan defined in s. 373.470(2)(a) and pay debt  
8 service for Everglades restoration bonds issued pursuant to s.  
9 215.619. The trust fund shall serve as the repository for  
10 state, local, and federal project contributions in accordance  
11 with s. 373.470(4).

12           Section 6. In accordance with s. 215.98(1), the  
13 Legislature determines that the issuance of Everglades  
14 restoration bonds under section 2 of this act is in the best  
15 interest of the state and should be implemented.

16           Section 7. Paragraph (h) is added to subsection (3) of  
17 section 373.1502, Florida Statutes, to read:

18           373.1502 Regulation of comprehensive plan project  
19 components.--

20           (3) REGULATION OF COMPREHENSIVE PLAN STRUCTURES AND  
21 FACILITIES.--

22           (h) Project components that would otherwise qualify as  
23 exempt pursuant to s. 373.406 shall not need permits under  
24 this section.

25           Section 8. Subsection (1) of section 373.114, Florida  
26 Statutes, is amended to read:

27           373.114 Land and Water Adjudicatory Commission; review  
28 of district rules and orders; department review of district  
29 rules.--

30           (1) Except as provided in subsection (2), the Governor  
31 and Cabinet, sitting as the Land and Water Adjudicatory

1 Commission, have the exclusive authority to review any order  
 2 or rule of a water management district, other than a rule  
 3 relating to an internal procedure of the district or a final  
 4 order resulting from an evidentiary hearing held under s.  
 5 120.569 or s. 120.57 or a rule that has been adopted after  
 6 issuance of a final order resulting from an evidentiary  
 7 hearing held under s. 120.56, to ensure consistency with the  
 8 provisions and purposes of this chapter. Subsequent to the  
 9 legislative ratification of the delineation methodology  
 10 pursuant to s. 373.421(1), this subsection also shall apply to  
 11 an order of the department, or a local government exercising  
 12 delegated authority, pursuant to ss. 373.403-373.443, except  
 13 an order pertaining to activities or operations subject to  
 14 conceptual plan approval pursuant to chapter 378 or a final  
 15 order resulting from an evidentiary hearing held under s.  
 16 120.569 or s. 120.57.

17 (a) Such review may be initiated by the department or  
 18 by a party to the proceeding below by filing a request for  
 19 review with the Land and Water Adjudicatory Commission and  
 20 serving a copy on the department and on any person named in  
 21 the rule or order within 20 days after adoption of the rule or  
 22 the rendering of the order. For the purposes of this section,  
 23 the term "party" means any affected person who submitted oral  
 24 or written testimony, sworn or unsworn, of a substantive  
 25 nature which stated with particularity objections to or  
 26 support for the rule or order that are cognizable within the  
 27 scope of the provisions and purposes of this chapter, ~~or any~~  
 28 ~~person who participated as a party in a proceeding instituted~~  
 29 ~~pursuant to chapter 120.~~ In order for the commission to  
 30 accept a request for review initiated by a party below, with  
 31 regard to a specific order, three ~~four~~ members of the

1 commission must determine on the basis of the record below  
2 that the activity authorized by the order would substantially  
3 affect natural resources of statewide or regional  
4 significance. Review of an order may also be accepted if three  
5 ~~four~~ members of the commission determine that the order raises  
6 issues of policy, statutory interpretation, or rule  
7 interpretation that have regional or statewide significance  
8 from the standpoint of agency precedent. The party requesting  
9 the commission to review an order must allege with  
10 particularity, and the commission must find, that:

11 1. The order is in conflict with statutory  
12 requirements; or

13 2. The order is in conflict with the requirements of a  
14 duly adopted rule.

15 (b) Review by the Land and Water Adjudicatory  
16 Commission is appellate in nature and shall be based solely on  
17 the record below unless the commission determines that a  
18 remand for a formal evidentiary proceeding is necessary to  
19 develop additional findings of fact. If there ~~is~~ ~~was~~ no  
20 evidentiary administrative proceeding resulting from a remand  
21 or referral for findings of fact by the commission, then  
22 below, the facts contained in the proposed agency action or  
23 proposed water management district action, including any  
24 technical staff report, shall be deemed undisputed. The  
25 matter shall be heard by the commission not more than 60 days  
26 after receipt of the request for review, unless waived by the  
27 parties; provided, however, such time limit shall be tolled by  
28 a referral or remand pursuant to this paragraph. The  
29 commission may refer a request for review to the Division of  
30 Administrative Hearings for the production of findings of  
31 fact, limited to those needed to render the decision

1 requested, to supplement the record, if a majority of the  
 2 commission determines that supplementary findings of fact are  
 3 essential to determine the consistency of a rule or order with  
 4 the provisions and purposes of this chapter. Alternatively,  
 5 the commission may remand the matter to the agency below for  
 6 additional findings of fact, limited to those needed to render  
 7 the decision requested, to supplement the record, if a  
 8 majority of the commission determines that supplementary  
 9 findings of fact are essential to determine the consistency of  
 10 a rule or order with the provisions and purposes of this  
 11 chapter. Such proceedings must be conducted and the findings  
 12 transmitted to the commission within 90 days of the remand or  
 13 referral.

14 (c) If the Land and Water Adjudicatory Commission  
 15 determines that a rule of a water management district is not  
 16 consistent with the provisions and purposes of this chapter,  
 17 it may require the water management district to initiate  
 18 rulemaking proceedings to amend or repeal the rule. If the  
 19 commission determines that an order is not consistent with the  
 20 provisions and purposes of this chapter, the commission may  
 21 rescind or modify the order or remand the proceeding for  
 22 further action consistent with the order of the Land and Water  
 23 Adjudicatory Commission only if the commission determines that  
 24 the activity authorized by the order would substantially  
 25 affect natural resources of statewide or regional  
 26 significance. In the case of an order which does not itself  
 27 substantially affect natural resources of statewide or  
 28 regional significance, but which raises issues of policy that  
 29 have regional or statewide significance from the standpoint of  
 30 agency precedent, the commission may direct the district to  
 31 initiate rulemaking to amend its rules to assure that future

1 actions are consistent with the provisions and purposes of  
2 this chapter without modifying the order.

3 (d) In a review under this section of a construction  
4 permit issued pursuant to a conceptual permit under part IV,  
5 which conceptual permit is issued after July 1, 1993, a party  
6 to the review may not raise an issue which was or could have  
7 been raised in a review of the conceptual permit under this  
8 section.

9 (e) A request for review under this section shall not  
10 be a precondition to the seeking of judicial review pursuant  
11 to s. 120.68 or the seeking of an administrative determination  
12 of rule validity pursuant to s. 120.56.

13 (f) The Florida Land and Water Adjudicatory Commission  
14 may adopt rules to set forth its procedures for reviewing an  
15 order or rule of a water management district consistent with  
16 the provisions of this section.

17 (g) For the purpose of this section, it shall be  
18 presumed that activity authorized by an order will not affect  
19 resources of statewide or regional significance if the  
20 proposed activity:

- 21 1. Occupies an area less than 10 acres in size, and
- 22 2. Does not create impervious surfaces greater than 2  
23 acres in size, and
- 24 3. Is not located within 550 feet of the shoreline of  
25 a named body of water designated as Outstanding Florida  
26 Waters, and
- 27 4. Does not adversely affect threatened or endangered  
28 species.

29  
30 This paragraph shall not operate to hold that any activity  
31 that exceeds these limits is presumed to affect resources of

1 statewide or regional significance. The determination of  
2 whether an activity will substantially affect resources of  
3 statewide or regional significance shall be made on a  
4 case-by-case basis, based upon facts contained in the record  
5 below.

6 Section 9. Subsection (5) of section 403.412, Florida  
7 Statutes, is amended, present subsection (6) is renumbered as  
8 subsection (8), and new subsections (6) and (7) are added to  
9 said section to read:

10 403.412 Environmental Protection Act.--

11 (5) In any administrative, licensing, or other  
12 proceedings authorized by law for the protection of the air,  
13 water, or other natural resources of the state from pollution,  
14 impairment, or destruction, the Department of Legal Affairs, a  
15 political subdivision or municipality of the state, or a  
16 citizen of the state shall have standing to intervene as a  
17 party on the filing of a verified pleading asserting that the  
18 activity, conduct, or product to be licensed or permitted has  
19 or will have the effect of impairing, polluting, or otherwise  
20 injuring the air, water, or other natural resources of the  
21 state. As used in this section and as it relates to citizens,  
22 the term "intervene" means to join an ongoing s. 120.569 or s.  
23 120.57 proceeding; this section does not authorize a citizen  
24 to institute, initiate, petition for, or request a proceeding  
25 under s. 120.569 or s. 120.57. Nothing herein limits or  
26 prohibits a citizen whose substantial interests will be  
27 determined or affected by a proposed agency action from  
28 initiating a formal administrative proceeding under s. 120.569  
29 or s. 120.57. A citizen's substantial interests will be  
30 considered to be determined or affected if the party  
31 demonstrates it may suffer an injury in fact which is of



1 sufficient immediacy and is of the type and nature intended to  
2 be protected by this chapter. No demonstration of special  
3 injury different in kind from the general public at large is  
4 required. A sufficient demonstration of a substantial interest  
5 may be made by a petitioner who establishes that the proposed  
6 activity, conduct, or product to be licensed or permitted  
7 affects the petitioner's use or enjoyment of air, water, or  
8 natural resources protected by this chapter.

9 (6) Any Florida corporation not for profit which has  
10 at least 25 current members residing within the county where  
11 the activity is proposed, and which was formed for the purpose  
12 of the protection of the environment, fish and wildlife  
13 resources, and protection of air and water quality, may  
14 initiate a hearing pursuant to s. 120.569 or s. 120.57,  
15 provided that the Florida corporation not for profit was  
16 formed at least one year prior to the date of the filing of  
17 the application for a permit, license, or authorization that  
18 is the subject of the notice of proposed agency action.

19 (7) In a matter pertaining to a federally delegated or  
20 approved program, a citizen of the state may initiate an  
21 administrative proceeding under this subsection if the citizen  
22 meets the standing requirements for judicial review of a case  
23 or controversy pursuant to Article III of the United States  
24 Constitution.

25 Section 10. Except as otherwise provided herein, this  
26 act shall take effect July 1, 2002.