



HB 1531

2003

1 A bill to be entitled

2 An act relating to environmental permitting; amending s.  
3 403.087, F.S.; revising requirements with respect to the  
4 revocation of a permit issued under the act if the  
5 Department of Environmental Protection finds that the  
6 permit holder acted intentionally under certain  
7 circumstances; amending s. 403.121, F.S.; providing for  
8 the future denial of operation or construction permits  
9 under certain circumstances; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Subsection (7) of section 403.087, Florida  
14 Statutes, is amended to read:

15 403.087 Permits; general issuance; denial; revocation;  
16 prohibition; penalty.--

17 (7) A permit issued pursuant to this section shall not  
18 become a vested right in the permittee. The department may  
19 revoke any permit issued by it if it finds that the permit holder  
20 intentionally:

21 (a) Has submitted false or inaccurate information in his  
22 or her application;

23 (b) Has violated law, department orders, rules, ~~or~~  
24 regulations, or permit conditions, and has refused to correct or  
25 cure such violations when requested to do so;

26 (c) Has failed to submit operational reports or other  
27 information required by department rule or regulation and has  
28 refused to submit such reports or information when requested to  
29 do so; or

30 (d) Has refused lawful inspection under s. 403.091.



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31 Section 2. Subsection (13) is added to section 403.121,  
32 Florida Statutes, to read:

33 403.121 Enforcement; procedure; remedies.--The department  
34 shall have the following judicial and administrative remedies  
35 available to it for violations of this chapter, as specified in  
36 s. 403.161(1).

37 (13) In the exercise of its enforcement authority, the  
38 department may timely notify a violator upon the commission of  
39 an environmental crime of the willful and knowing violation of  
40 an environmental statute or regulation resulting in significant  
41 and actual harm to humans, that such violation may be the basis  
42 for future denial of operation or construction permits for which  
43 the violator may apply. If it so notifies the violator, the  
44 department may deny applications filed by the violator for  
45 future operation or construction permits, but only if the  
46 violator has failed to satisfy an adjudicated final judgment or  
47 final order of the department and demonstrates an inability or  
48 unwillingness to comply with departmental statutory or regulator  
49 criteria. A violator who is notified that future permits may be  
50 denied due to a particular noncompliance event shall be given a  
51 reasonable opportunity to rehabilitate its behavior and  
52 eliminate this basis for denial by implementation of an  
53 environmental management system or other training, education,  
54 and personal modifications after consultation with the  
55 department.

56 Section 3. This act shall take effect upon becoming a law.