

By Senator Saunders

37-1607-03

1                                   A bill to be entitled  
 2           An act relating to environmental control;  
 3           amending s. 403.087, F.S.; amending grounds  
 4           upon which the Department of Environmental  
 5           Protection may revoke a permit; amending s.  
 6           403.121, F.S.; providing that the department  
 7           may deny operation or construction permits to  
 8           certain violators who have not satisfied an  
 9           adjudicated final judgment or a final order of  
 10          the department; providing an effective date.

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 12 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

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

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

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

3           403.121 Enforcement; procedure; remedies.--The  
4 department shall have the following judicial and  
5 administrative remedies available to it for violations of this  
6 chapter, as specified in s. 403.161(1).

7           (13) In the exercise of its enforcement authority, the  
8 department may timely notify a violator that has committed an  
9 environmental crime or has willfully and knowingly violated an  
10 environmental statute or regulation, which crime or violation  
11 has resulted in significant and actual harm to human beings,  
12 that such a violation may be the grounds for denying future  
13 operation or construction permits for which the violator  
14 applies. After notice to the violator, the department may deny  
15 applications filed by the violator for future operation or  
16 construction permits, but only if the violator has failed to  
17 satisfy an adjudicated final judgment or a final order of the  
18 department and demonstrates an inability or unwillingness to  
19 comply with laws administered and rules adopted by the  
20 department. If a violator has been notified that applications  
21 for future permits may be denied as provided in this  
22 subsection, the violator must be given a reasonable  
23 opportunity to rehabilitate its behavior and eliminate this  
24 basis for denial by implementing an environmental management  
25 system or making other modifications in its training,  
26 education, or personnel management, after consulting with the  
27 department.

28           Section 3. This act shall take effect July 1, 2003.  
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SENATE SUMMARY

Provides grounds upon which the Department of Environmental Protection may deny operation or construction permits. Provides that the department may revoke permits for certain intentional violations.