

1 (1) Approve and promulgate current and long-range
2 plans developed to provide for air and water quality control
3 and pollution abatement.

4 (2) Hire only such employees as may be necessary to
5 effectuate the responsibilities of the department.

6 (3) Utilize the facilities and personnel of other
7 state agencies, including the Department of Health, and
8 delegate to any such agency any duties and functions as the
9 department may deem necessary to carry out the purposes of
10 this act.

11 (4) Cooperate with the Department of Agriculture and
12 Consumer Services in the implementation of best management
13 practices consistent with ss. 373.4595, 403.067, 576.045, and
14 597.004.

15 ~~(5)(4)~~ Secure necessary scientific, technical,
16 research, administrative, and operational services by
17 interagency agreement, by contract, or otherwise. All state
18 agencies, upon direction of the department, shall make these
19 services and facilities available.

20 ~~(6)(5)~~ Accept state appropriations and loans and
21 grants from the Federal Government and from other sources,
22 public or private, which loans and grants shall not be
23 expended for other than the purposes of this act.

24 ~~(7)(6)~~ Exercise general supervision of the
25 administration and enforcement of the laws, rules, and
26 regulations pertaining to air and water pollution.

27 ~~(8)(7)~~ Adopt rules pursuant to ss. 120.536(1) and
28 120.54 to implement the provisions of this act. Any rule
29 adopted pursuant to this act shall be consistent with the
30 provisions of federal law, if any, relating to control of
31 emissions from motor vehicles, effluent limitations,

1 pretreatment requirements, or standards of performance. No
2 county, municipality, or political subdivision shall adopt or
3 enforce any local ordinance, special law, or local regulation
4 requiring the installation of Stage II vapor recovery systems,
5 as currently defined by department rule, unless such county,
6 municipality, or political subdivision is or has been in the
7 past designated by federal regulation as a moderate, serious,
8 or severe ozone nonattainment area. Rules adopted pursuant to
9 this act shall not require dischargers of waste into waters of
10 the state to improve natural background conditions. Discharges
11 from steam electric generating plants existing or licensed
12 under this chapter on July 1, 1984, shall not be required to
13 be treated to a greater extent than may be necessary to assure
14 that the quality of nonthermal components of discharges from
15 nonrecirculated cooling water systems is as high as the
16 quality of the makeup waters; that the quality of nonthermal
17 components of discharges from recirculated cooling water
18 systems is no lower than is allowed for blowdown from such
19 systems; or that the quality of noncooling system discharges
20 which receive makeup water from a receiving body of water
21 which does not meet applicable department water quality
22 standards is as high as the quality of the receiving body of
23 water. The department may not adopt standards more stringent
24 than federal regulations, except as provided in s. 403.804.

25 ~~(9)(8)~~ Issue such orders as are necessary to
26 effectuate the control of air and water pollution and enforce
27 the same by all appropriate administrative and judicial
28 proceedings.

29 ~~(10)(9)~~ Adopt a comprehensive program for the
30 prevention, control, and abatement of pollution of the air and
31

1 | waters of the state, and from time to time review and modify
2 | such program as necessary.

3 | ~~(11)~~~~(10)~~ Develop a comprehensive program for the
4 | prevention, abatement, and control of the pollution of the
5 | waters of the state. In order to effect this purpose, a
6 | grouping of the waters into classes may be made in accordance
7 | with the present and future most beneficial uses. Such
8 | classifications may from time to time be altered or modified.
9 | However, before any such classification is made, or any
10 | modification made thereto, public hearings shall be held by
11 | the department.

12 | ~~(12)~~~~(11)~~ Establish ambient air quality and water
13 | quality standards for the state as a whole or for any part
14 | thereof, and also standards for the abatement of excessive and
15 | unnecessary noise. The department is authorized to establish
16 | reasonable zones of mixing for discharges into waters.

17 | (a) When a receiving body of water fails to meet a
18 | water quality standard for pollutants set forth in department
19 | rules, a steam electric generating plant discharge of
20 | pollutants that is existing or licensed under this chapter on
21 | July 1, 1984, may nevertheless be granted a mixing zone,
22 | provided that:

23 | 1. The standard would not be met in the water body in
24 | the absence of the discharge;

25 | 2. The discharge is in compliance with all applicable
26 | technology-based effluent limitations;

27 | 3. The discharge does not cause a measurable increase
28 | in the degree of noncompliance with the standard at the
29 | boundary of the mixing zone; and

30 | 4. The discharge otherwise complies with the mixing
31 | zone provisions specified in department rules.

1 (b) No mixing zone for point source discharges shall
2 be permitted in Outstanding Florida Waters except for:

3 1. Sources that have received permits from the
4 department prior to April 1, 1982, or the date of designation,
5 whichever is later;

6 2. Blowdown from new power plants certified pursuant
7 to the Florida Electrical Power Plant Siting Act;

8 3. Discharges of water necessary for water management
9 purposes which have been approved by the governing board of a
10 water management district and, if required by law, by the
11 secretary; and

12 4. The discharge of demineralization concentrate which
13 has been determined permissible under s. 403.0882 and which
14 meets the specific provisions of s. 403.0882(4)(a) and (b), if
15 the proposed discharge is clearly in the public interest.

16 (c) The department, by rule, shall establish water
17 quality criteria for wetlands which criteria give appropriate
18 recognition to the water quality of such wetlands in their
19 natural state.

20
21 Nothing in this act shall be construed to invalidate any
22 existing department rule relating to mixing zones. The
23 department shall cooperate with the Department of Highway
24 Safety and Motor Vehicles in the development of regulations
25 required by s. 316.272(1).

26 ~~(13)~~~~(12)~~(a) Cause field studies to be made and samples
27 to be taken out of the air and from the waters of the state
28 periodically and in a logical geographic manner so as to
29 determine the levels of air quality of the air and water
30 quality of the waters of the state.

31

1 (b) Determine the source of the pollution whenever a
2 study is made or a sample collected which proves to be below
3 the air or water quality standard set for air or water.

4 (14)~~(13)~~ Require persons engaged in operations which
5 may result in pollution to file reports which may contain
6 information relating to locations, size of outlet, height of
7 outlet, rate and period of emission, and composition and
8 concentration of effluent and such other information as the
9 department shall prescribe to be filed relative to pollution.

10 (15)~~(14)~~ Establish a permit system whereby a permit
11 may be required for the operation, construction, or expansion
12 of any installation that may be a source of air or water
13 pollution and provide for the issuance and revocation of such
14 permits and for the posting of an appropriate bond to operate.

15 (a) Notwithstanding any other provision of this
16 chapter, the department may authorize, by rule, the Department
17 of Transportation to perform any activity requiring a permit
18 from the department covered by this chapter, upon
19 certification by the Department of Transportation that it will
20 meet all requirements imposed by statute, rule, or standard
21 for environmental control and protection as such statute,
22 rule, or standard applies to a governmental program. To this
23 end, the department may accept such certification of
24 compliance for programs of the Department of Transportation,
25 may conduct investigations for compliance, and, if a violation
26 is found to exist, may take all necessary enforcement action
27 pertaining thereto, including, but not limited to, the
28 revocation of certification. The authorization shall be by
29 rule of the department, shall be limited to the maintenance,
30 repair, or replacement of existing structures, and shall be
31 conditioned upon compliance by the Department of

1 Transportation with specific guidelines or requirements which
2 are set forth in the formal acceptance and deemed necessary by
3 the department to assure future compliance with this chapter
4 and applicable department rules. The failure of the Department
5 of Transportation to comply with any provision of the written
6 acceptance shall constitute grounds for its revocation by the
7 department.

8 (b) The provisions of chapter 120 shall be accorded
9 any person when substantial interests will be affected by an
10 activity proposed to be conducted by the Department of
11 Transportation pursuant to its certification and the
12 acceptance of the department. If a proceeding is conducted
13 pursuant to ss. 120.569 and 120.57, the department may
14 intervene as a party. Should an administrative law judge of
15 the Division of Administrative Hearings of the Department of
16 Management Services submit a recommended order pursuant to ss.
17 120.569 and 120.57, the department shall issue a final
18 department order adopting, rejecting, or modifying the
19 recommended order pursuant to such action.

20 ~~(16)~~~~(15)~~ Consult with any person proposing to
21 construct, install, or otherwise acquire a pollution control
22 device or system concerning the efficacy of such device or
23 system, or the pollution problem which may be related to the
24 source, device, or system. Nothing in any such consultation
25 shall be construed to relieve any person from compliance with
26 this act, rules and regulations of the department, or any
27 other provision of law.

28 ~~(17)~~~~(16)~~ Encourage voluntary cooperation by persons
29 and affected groups to achieve the purposes of this act.

30 ~~(18)~~~~(17)~~ Encourage local units of government to handle
31 pollution problems within their respective jurisdictions on a

1 cooperative basis and provide technical and consultative
2 assistance therefor.

3 ~~(19)~~~~(18)~~ Encourage and conduct studies,
4 investigations, and research relating to pollution and its
5 causes, effects, prevention, abatement, and control.

6 ~~(20)~~~~(19)~~ Make a continuing study of the effects of the
7 emission of air contaminants from motor vehicles on the
8 quality of the outdoor atmosphere of this state and the
9 several parts thereof and make recommendations to appropriate
10 public and private bodies with respect thereto.

11 ~~(21)~~~~(20)~~ Collect and disseminate information and
12 conduct educational and training programs relating to
13 pollution.

14 ~~(22)~~~~(21)~~ Advise, consult, cooperate, and enter into
15 agreements with other agencies of the state, the Federal
16 Government, other states, interstate agencies, groups,
17 political subdivisions, and industries affected by the
18 provisions of this act, rules, or policies of the department.
19 However, the secretary of the department shall not enter into
20 any interstate agreement relating to the transport of ozone
21 precursor pollutants, nor modify its rules based upon a
22 recommendation from the Ozone Transport Assessment Group or
23 any other such organization that is not an official
24 subdivision of the United States Environmental Protection
25 Agency but which studies issues related to the transport of
26 ozone precursor pollutants, without prior review and specific
27 legislative approval.

28 ~~(23)~~~~(22)~~ Adopt, modify, and repeal rules governing the
29 specifications, construction, and maintenance of industrial
30 reservoirs, dams, and containers which store or retain
31 industrial wastes of a deleterious nature.

1 ~~(24)~~(23) Adopt rules and regulations to ensure that no
2 detergents are sold in Florida after December 31, 1972, which
3 are reasonably found to have a harmful or deleterious effect
4 on human health or on the environment. Any regulations adopted
5 pursuant to this subsection shall apply statewide. Subsequent
6 to the promulgation of such rules and regulations, no county,
7 municipality, or other local political subdivision shall adopt
8 or enforce any local ordinance, special law, or local
9 regulation governing detergents which is less stringent than
10 state law or regulation. Regulations, ordinances, or special
11 acts adopted by a county or municipality governing detergents
12 shall be subject to approval by the department, except that
13 regulations, ordinances, or special acts adopted by any county
14 or municipality with a local pollution control program
15 approved pursuant to s. 403.182 shall be approved as an
16 element of the local pollution control program.

17 ~~(25)~~(24)(a) Establish a permit system to provide for
18 spoil site approval, as may be requested and required by local
19 governmental agencies as defined in s. 403.1822(3), or
20 mosquito control districts as defined in s. 388.011(5), to
21 facilitate these agencies in providing spoil sites for the
22 deposit of spoil from maintenance dredging of navigation
23 channels, port harbors, turning basins, and harbor berths, as
24 part of a federal project, when the agency is acting as
25 sponsor of a contemplated dredge and fill operation involving
26 an established navigation channel, harbor, turning basin, or
27 harbor berth. A spoil site approval granted to the agency
28 shall be granted for a period of 10 to 25 years when such site
29 is not inconsistent with an adopted local governmental
30 comprehensive plan and the requirements of this chapter. The
31 department shall periodically review each permit to determine

1 compliance with the terms and conditions of the permit. Such
2 review shall be conducted at least once every 10 years.

3 (b) This subsection applies only to those maintenance
4 dredging operations permitted after July 1, 1980, where the
5 United States Army Corps of Engineers is the prime dredge and
6 fill agent and the local governmental agency is acting as
7 sponsor for the operation, and does not require the
8 redesignation of currently approved spoil sites under such
9 previous operations.

10 ~~(26)~~(25) Establish and administer a program for the
11 restoration and preservation of bodies of water within the
12 state. The department shall have the power to acquire lands,
13 to cooperate with other applicable state or local agencies to
14 enhance existing public access to such bodies of water, and to
15 adopt all rules necessary to accomplish this purpose.

16 ~~(27)~~(26)(a) Develop standards and criteria for waters
17 used for deepwater shipping which standards and criteria
18 consider existing water quality; appropriate mixing zones and
19 other requirements for maintenance dredging in previously
20 constructed deepwater navigation channels, port harbors,
21 turning basins, or harbor berths; and appropriate mixing zones
22 for disposal of spoil material from dredging and, where
23 necessary, develop a separate classification for such waters.
24 Such classification, standards, and criteria shall recognize
25 that the present dedicated use of these waters is for
26 deepwater commercial navigation.

27 (b) The provisions of paragraph (a) apply only to the
28 port waters, spoil disposal sites, port harbors, navigation
29 channels, turning basins, and harbor berths used for deepwater
30 commercial navigation in the ports of Jacksonville, Tampa,
31 Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm

1 Beach, Port Manatee, Port St. Joe, Panama City, St.
2 Petersburg, Port Bartow, Florida Power Corporation's Crystal
3 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

4 ~~(28)~~(27) Establish rules which provide for a special
5 category of water bodies within the state, to be referred to
6 as "Outstanding Florida Waters," which water bodies shall be
7 worthy of special protection because of their natural
8 attributes. Nothing in this subsection shall affect any
9 existing rule of the department.

10 ~~(29)~~(28) Perform any other act necessary to control
11 and prohibit air and water pollution, and to delegate any of
12 its responsibilities, authority, and powers, other than
13 rulemaking powers, to any state agency now or hereinafter
14 established.

15 ~~(30)~~(29) Adopt by rule special criteria to protect
16 Class II shellfish harvesting waters. Rules previously
17 adopted by the department in rule 17-4.28(8)(a), Florida
18 Administrative Code, are hereby ratified and determined to be
19 a valid exercise of delegated legislative authority and shall
20 remain in effect unless amended by the Environmental
21 Regulation Commission.

22 ~~(31)~~(30) Establish requirements by rule that
23 reasonably protect the public health and welfare from electric
24 and magnetic fields associated with existing 230 kV or greater
25 electrical transmission lines, new 230 kV and greater
26 electrical transmission lines for which an application for
27 certification under the Transmission Line Siting Act, ss.
28 403.52-403.5365, is not filed, new or existing electrical
29 transmission or distribution lines with voltage less than 230
30 kV, and substation facilities. Notwithstanding any other
31 provision in this chapter or any other law of this state or

1 | political subdivision thereof, the department shall have
2 | exclusive jurisdiction in the regulation of electric and
3 | magnetic fields associated with all electrical transmission
4 | and distribution lines and substation facilities. However,
5 | nothing herein shall be construed as superseding or repealing
6 | the provisions of s. 403.523(1) and (10).

7 | ~~(32)~~~~(31)~~ Adopt rules necessary to obtain approval from
8 | the United States Environmental Protection Agency to
9 | administer the Federal National Pollution Discharge
10 | Elimination System (NPDES) permitting program in Florida under
11 | ss. 318, 402, and 405 of the Federal Clean Water Act, Pub. L.
12 | No. 92-500, as amended. This authority shall be implemented
13 | consistent with the provisions of part II, which shall be
14 | applicable to facilities certified thereunder. The department
15 | shall establish all rules, standards, and requirements that
16 | regulate the discharge of pollutants into waters of the United
17 | States as defined by and in a manner consistent with federal
18 | regulations; provided, however, that the department may adopt
19 | a standard that is stricter or more stringent than one set by
20 | the United States Environmental Protection Agency if approved
21 | by the Governor and Cabinet in accordance with the procedures
22 | of s. 403.804(2).

23 | ~~(33)~~~~(32)~~ Coordinate the state's stormwater program.

24 | ~~(34)~~~~(33)~~ Establish and administer programs providing
25 | appropriate incentives that have the following goals, in order
26 | of importance:

27 | (a) Preventing and reducing pollution at its source.

28 | (b) Recycling contaminants that have the potential to
29 | pollute.

30 | (c) Treating and neutralizing contaminants that are
31 | difficult to recycle.

1 (d) Disposing of contaminants only after other options
2 have been used to the greatest extent practicable.

3 ~~(35)~~~~(34)~~ Adopt rules which may include stricter
4 permitting and enforcement provisions within Outstanding
5 Florida Waters, aquatic preserves, areas of critical state
6 concern, and areas subject to chapter 380 resource management
7 plans adopted by rule by the Administration Commission, when
8 the plans for an area include waters that are particularly
9 identified as needing additional protection, which provisions
10 are not inconsistent with the applicable rules adopted for the
11 management of such areas by the department and the Governor
12 and Cabinet.

13 ~~(36)~~~~(35)~~ Exercise the duties, powers, and
14 responsibilities required of the state under the federal Clean
15 Air Act, 42 U.S.C. ss. 7401 et seq. The department shall
16 implement the programs required under that act in conjunction
17 with its other powers and duties. Nothing in this subsection
18 shall be construed to repeal or supersede any of the
19 department's existing rules.

20 ~~(37)~~~~(36)~~ Establish statewide standards for persons
21 engaged in determining visible air emissions and to require
22 these persons to obtain training to meet such standards.

23 ~~(38)~~~~(37)~~ Enter into a memorandum of agreement with the
24 Florida Ports Council which provides a supplemental permitting
25 process for the issuance of a joint coastal permit pursuant to
26 s. 161.055 or environmental resource permit pursuant to part
27 IV of chapter 373, to a port listed in s. 311.09(1), for
28 maintenance dredging and the management of dredged materials
29 from maintenance dredging of all navigation channels, port
30 harbors, turning basins, and harbor berths. Such permit shall
31 be issued for a period of 5 years and shall be annually

1 extended for an additional year if the port is in compliance
2 with all permit conditions at the time of extension. The
3 department is authorized to adopt rules to implement this
4 subsection.

5 (39)~~(38)~~ Enter into a memorandum of agreement with the
6 Florida Ports Council which provides a supplemental permitting
7 process for the issuance of a conceptual joint coastal permit
8 pursuant to s. 161.055 or environmental resource permit
9 pursuant to part IV of chapter 373, to a port listed in s.
10 311.09(1), for dredging and the management of materials from
11 dredging and for other related activities necessary for
12 development, including the expansion of navigation channels,
13 port harbors, turning basins, harbor berths, and associated
14 facilities. Such permit shall be issued for a period of up to
15 15 years. The department is authorized to adopt rules to
16 implement this subsection.

17 (40)~~(39)~~ Enter into a memorandum of agreement with the
18 Florida Inland Navigation District and the West Coast Inland
19 Navigation District, or their successor agencies, to provide a
20 supplemental process for issuance of joint coastal permits
21 pursuant to s. 161.055 or environmental resource permits
22 pursuant to part IV of chapter 373 for regional waterway
23 management activities, including, but not limited to,
24 maintenance dredging, spoil disposal, public recreation, inlet
25 management, beach nourishment, and environmental protection
26 directly related to public navigation and the construction,
27 maintenance, and operation of Florida's inland waterways. The
28 department is authorized to adopt rules to implement this
29 subsection.

30 (41)~~(40)~~ Serve as the state's single point of contact
31 for performing the responsibilities described in Presidential

1 Executive Order 12372, including administration and operation
2 of the Florida State Clearinghouse. The Florida State
3 Clearinghouse shall be responsible for coordinating
4 interagency reviews of the following: federal activities and
5 actions subject to the federal consistency requirements of s.
6 307 of the Coastal Zone Management Act; documents prepared
7 pursuant to the National Environmental Policy Act, 42 U.S.C.
8 ss. 4321 et seq., and the Outer Continental Shelf Lands Act,
9 43 U.S.C. ss. 1331 et seq.; applications for federal funding
10 pursuant to s. 216.212; and other notices and information
11 regarding federal activities in the state, as appropriate. The
12 Florida State Clearinghouse shall ensure that state agency
13 comments and recommendations on the environmental, social, and
14 economic impact of proposed federal actions are communicated
15 to federal agencies, applicants, local governments, and
16 interested parties.

17
18 The department shall implement such programs in conjunction
19 with its other powers and duties and shall place special
20 emphasis on reducing and eliminating contamination that
21 presents a threat to humans, animals or plants, or to the
22 environment.

23 Section 2. Section 403.0613, Florida Statutes, is
24 created to read:

25 403.0613 Voluntary alternatives to meet water quality
26 standards.--

27 (1) The department is authorized to enter into
28 voluntary agreements with industry, business associations,
29 other government agencies, and interested parties to address
30 water resource issues throughout a watershed or basin. Any
31 agreement entered into pursuant to this section constitutes an

1 order of the department and is subject to chapter 120.

2 Implementation of such agreements shall not interfere with the
3 department's obligations under any delegated or approved
4 federal program but may be used in conjunction with any of
5 these federal programs.

6 (2) The department shall post any agreement under this
7 section on its Internet site, and shall make any public record
8 generated under such agreement, including water quality
9 monitoring data, available to the public upon request.

10 (3) Any agreements entered into prior to the effective
11 date of this act, including, but not limited to, the Suwannee
12 River Basin Partnership Agreement of January 1999 and any
13 subsequent dairy administrative agreements are hereby
14 authorized by ss. 403.061 and 403.0611, and are hereby
15 ratified.

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

18
19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 Senate Bill 1518

22 The committee substitute authorizes the Department of
23 Environmental Protection (DEP) to cooperate with the
24 Department of Agriculture and Consumer Services in the
25 implementation of best management practices consistent with
26 ss. 373.4595, 403.067, 576.045, and 597.004, F.S. The DEP is
27 authorized to enter into voluntary agreements with industry,
28 business associations, other government agencies, and
29 interested parties to address water resource issues throughout
30 a watershed or basin. Any agreement entered into pursuant to
31 s. 403.0613, F.S., constitutes an order of the department and
is subject to ch. 120, F.S. Implementation of such agreements
shall not interfere with the department's obligations under
any delegated or approved federal program but may be used in
conjunction with any of these federal programs. Any agreements
entered into prior to the effective date of this act,
including but not limited to, the Suwannee River Partnership
Agreement of January 1999 and any subsequent dairy
Administrative Agreements are authorized by s. 403.061, F.S.,
and s. 403.0611, F.S., and are ratified.