

1 (c) Federally licensed or permitted activities
2 affecting land or water uses when such activities are in or
3 seaward of the jurisdiction of local governments required to
4 develop a coastal zone protection element as provided in s.
5 380.24 and when such activities involve:

6 1. Permits and licenses required under the Rivers and
7 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

8 2. Permits and licenses required under the Marine
9 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C.
10 ss. 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

11 3. Permits and licenses required under the Federal
12 Water Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et
13 seq., as amended, unless such permitting activities have been
14 delegated to the state pursuant to said act.

15 4. Permits and licenses relating to the transportation
16 of hazardous substance materials or transportation and dumping
17 which are issued pursuant to the Hazardous Materials
18 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
19 33 U.S.C. s. 1321, as amended.

20 5. Permits and licenses required under 15 U.S.C. ss.
21 717-717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C.
22 ss. 1331-1356 for construction and operation of interstate gas
23 pipelines and storage facilities.

24 6. Permits and licenses required for the siting and
25 construction of any new electrical power plants as defined in
26 s. 403.503(12), as amended, and the licensing and relicensing
27 of hydroelectric power plants under the Federal Power Act, 16
28 U.S.C. ss. 791a et seq., as amended.

29 7. Permits and licenses required under the Mining Law
30 of 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral
31 Lands Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the

1 Mineral Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et
2 seq., as amended; the Federal Land Policy and Management Act,
3 43 U.S.C. ss. 1701 et seq., as amended; the Mining in the
4 Parks Act, 16 U.S.C. ss. 1901 et seq., as amended; and the OCS
5 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, for
6 drilling, ~~and~~ mining, pipelines, geological and geophysical
7 activities, or rights-of-way on public lands, and permits and
8 licenses required under the Indian Mineral Development Act, 25
9 U.S.C. ss. 2101 et seq., as amended.

10 8. Permits and licenses for areas leased under the OCS
11 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
12 leases and approvals of exploration, development, and
13 production plans.

14 ~~9. Permits for pipeline rights of way for oil and gas~~
15 ~~transmissions.~~

16 ~~9.10.~~ Permits and licenses required ~~for deepwater~~
17 ~~ports~~ under the Deepwater Port Act of 1974, 33 U.S.C. ss. 1501
18 et seq. 33 U.S.C. s. 1503, as amended.

19 ~~10.11.~~ Permits required for the taking of marine
20 mammals under the Marine Mammal Protection Act of 1972, as
21 amended, 16 U.S.C. s. 1374.

22 (4) The department is authorized to adopt rules
23 establishing procedures for conducting consistency reviews of
24 activities, uses, and projects for which consistency review is
25 required pursuant to subsections (1), (2), and (3). Such rules
26 shall include procedures for the expeditious handling of
27 emergency repairs to existing facilities for which consistency
28 review is required. The department is also authorized to adopt
29 rules prescribing the data and information necessary ~~needed~~
30 for state ~~the~~ review of consistency certifications and
31 determinations. When an environmental impact statement or

1 environmental assessment required by the National
2 Environmental Policy Act has been prepared for a specific
3 activity, use, or project subject to federal consistency
4 review under this section, the environmental impact statement
5 or environmental assessment shall be data and information
6 necessary for the state's consistency review of that federal
7 activity, use, or project under this section.

8 Section 2. Paragraph (b) of subsection (19) of section
9 380.06, Florida Statutes, is amended to read:

10 380.06 Developments of regional impact.--

11 (19) SUBSTANTIAL DEVIATIONS.--

12 (b) Any proposed change to a previously approved
13 development of regional impact or development order condition
14 which, either individually or cumulatively with other changes,
15 exceeds any of the following criteria shall constitute a
16 substantial deviation and shall cause the development to be
17 subject to further development-of-regional-impact review
18 without the necessity for a finding of same by the local
19 government:

20 1. An increase in the number of parking spaces at an
21 attraction or recreational facility by 5 percent or 300
22 spaces, whichever is greater, or an increase in the number of
23 spectators that may be accommodated at such a facility by 5
24 percent or 1,000 spectators, whichever is greater.

25 2. A new runway, a new terminal facility, a 25-percent
26 lengthening of an existing runway, or a 25-percent increase in
27 the number of gates of an existing terminal, but only if the
28 increase adds at least three additional gates. However, if an
29 airport is located in two counties, a 10-percent lengthening
30 of an existing runway or a 20-percent increase in the number
31 of gates of an existing terminal is the applicable criteria.

1 3. An increase in the number of hospital beds by 5
2 percent or 60 beds, whichever is greater.

3 4. An increase in industrial development area by 5
4 percent or 32 acres, whichever is greater.

5 5. An increase in the average annual acreage mined by
6 5 percent or 10 acres, whichever is greater, or an increase in
7 the average daily water consumption by a mining operation by 5
8 percent or 300,000 gallons, whichever is greater. An increase
9 in the size of the mine by 5 percent or 750 acres, whichever
10 is less. An increase in the size of a heavy mineral mine as
11 defined in s. 378.403(7) shall constitute a substantial
12 deviation only if the average annual acreage mined is more
13 than 500 acres and consumes more than 3 million gallons of
14 water per day.

15 6. An increase in land area for office development by
16 5 percent or an increase of gross floor area of office
17 development by 5 percent or 60,000 gross square feet,
18 whichever is greater.

19 7. An increase in the storage capacity for chemical or
20 petroleum storage facilities by 5 percent, 20,000 barrels, or
21 7 million pounds, whichever is greater.

22 8. An increase of development at a waterport of wet
23 storage for 20 watercraft, dry storage for 30 watercraft, or
24 wet/dry storage for 60 watercraft in an area identified in the
25 state marina siting plan as an appropriate site for additional
26 waterport development or a 5-percent increase in watercraft
27 storage capacity, whichever is greater.

28 9. An increase in the number of dwelling units by 5
29 percent or 50 dwelling units, whichever is greater.

30 10. An increase in commercial development by 50,000
31 square feet of gross floor area or of parking spaces provided

1 for customers for 300 cars or a 5-percent increase of either
2 of these, whichever is greater.

3 11. An increase in hotel or motel facility units by 5
4 percent or 75 units, whichever is greater.

5 12. An increase in a recreational vehicle park area by
6 5 percent or 100 vehicle spaces, whichever is less.

7 13. A decrease in the area set aside for open space of
8 5 percent or 20 acres, whichever is less.

9 14. A proposed increase to an approved multiuse
10 development of regional impact where the sum of the increases
11 of each land use as a percentage of the applicable substantial
12 deviation criteria is equal to or exceeds 100 percent. The
13 percentage of any decrease in the amount of open space shall
14 be treated as an increase for purposes of determining when 100
15 percent has been reached or exceeded.

16 15. A 15-percent increase in the number of external
17 vehicle trips generated by the development above that which
18 was projected during the original
19 development-of-regional-impact review.

20 16. Any change which would result in development of
21 any area which was specifically set aside in the application
22 for development approval or in the development order for
23 preservation or special protection of endangered or threatened
24 plants or animals designated as endangered, threatened, or
25 species of special concern and their habitat, primary dunes,
26 or archaeological and historical sites designated as
27 significant by the Division of Historical Resources of the
28 Department of State. The further refinement of such areas by
29 survey shall be considered under sub-subparagraph (e)5.b.

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1 The substantial deviation numerical standards in subparagraphs
2 4., 6., 10., 14., excluding residential uses, and 15., are
3 increased by 100 percent for a project certified under s.
4 403.973 which creates jobs and meets criteria established by
5 the Office of Tourism, Trade, and Economic Development as to
6 its impact on an area's economy, employment, and prevailing
7 wage and skill levels. The substantial deviation numerical
8 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
9 increased by 50 percent for a project located wholly within an
10 urban infill and redevelopment area designated on the
11 applicable adopted local comprehensive plan future land use
12 map and not located within the coastal high hazard area.

13 Section 3. Section 376.121, Florida Statutes, is
14 amended to read:

15 376.121 Liability for damage to natural
16 resources.--The Legislature finds that extensive damage to the
17 state's natural resources is the likely result of a pollutant
18 discharge and that it is essential that the state adequately
19 assess and recover the cost of such damage from responsible
20 parties. It is the state's goal to recover the costs of
21 restoration from the responsible parties and to restore
22 damaged natural resources to their pre-discharge condition. In
23 many instances, however, restoration is not technically
24 feasible. In such instances, the state has the responsibility
25 to its citizens to recover the cost of all damage to natural
26 resources. To ensure that the public does not bear a
27 substantial loss as a result of the destruction of natural
28 resources, the procedures set out in this section shall be
29 used to assess the cost of damage to such resources. Natural
30 resources include coastal waters, wetlands, estuaries, tidal
31 flats, beaches, lands adjoining the seacoasts of the state,

1 and all living things except human beings. The Legislature
2 recognizes the difficulty historically encountered in
3 calculating the value of damaged natural resources. The value
4 of certain qualities of the state's natural resources is not
5 readily quantifiable, yet the resources and their qualities
6 have an intrinsic value to the residents of the state, and any
7 damage to natural resources and their qualities should not be
8 dismissed as nonrecoverable merely because of the difficulty
9 in quantifying their value. In order to avoid unnecessary
10 speculation and expenditure of limited resources to determine
11 these values, the Legislature hereby establishes a schedule
12 for compensation for damage to the state's natural resources
13 and the quality of said resources. As an alternative to the
14 compensation schedule described in subsections (4), (5), (6),
15 and (9), the department, when no responsible party is
16 identified, when a responsible party opts out of the formula
17 pursuant to paragraph (10)(a), or when the department conducts
18 a cooperative damage assessment with federal agencies, may use
19 methods of calculating natural resources damages in accordance
20 with federal rules implementing the Oil Pollution Act of 1990,
21 as amended.

22 (1) The department shall assess and recover from
23 responsible parties the compensation for the injury or
24 destruction of natural resources, including, but not limited
25 to, the death or injury of living things and damage to or
26 destruction of habitat, resulting from pollutant discharges
27 prohibited by s. 376.041. The amount of compensation and any
28 costs of assessing damage and recovering compensation received
29 by the department shall be deposited into the Florida Coastal
30 Protection Trust Fund pursuant to s. 376.12 and disbursed
31 according to subsection (11). Whoever violates, or causes to

1 | be violated, s. 376.041 shall be liable to the state for
2 | damage to natural resources.

3 | (2) The compensation schedule for damage to natural
4 | resources is based upon the cost of restoration and the loss
5 | of ecological, consumptive, intrinsic, recreational,
6 | scientific, economic, aesthetic, and educational values of
7 | such injured or destroyed resources. The compensation
8 | schedule takes into account:

9 | (a) The volume of the discharge.

10 | (b) The characteristics of the pollutant discharged.
11 | The toxicity, dispersibility, solubility, and persistence
12 | characteristics of a pollutant as affects the severity of the
13 | effects on the receiving environment, living things, and
14 | recreational and aesthetic resources. Pollutants have varying
15 | propensities to injure natural resources based upon their
16 | potential exposure and effects. Exposure to natural resources
17 | is determined by the dispersibility and degradability of the
18 | pollutant. Effects to natural resources result from
19 | mechanical injury and toxicity and include physical
20 | contamination, smothering, feeding prevention, immobilization,
21 | respiratory distress, direct mortality, lost recruitment of
22 | larvae and juveniles killed, changes in the food web, and
23 | chronic effects of sublethal levels of contaminates in tissues
24 | or the environment. For purposes of the compensation schedule,
25 | pollutants have been ranked for their propensity to cause
26 | injury to natural resources based upon a combination of their
27 | acute toxicity, mechanical injury, degradability, and
28 | dispersibility characteristics on a 1-to-3 relative scale with
29 | Category 1 containing the pollutants with the greatest
30 | propensity to cause injury to natural resources. The following
31 | pollutants are categorized:

- 1 1. Category 1: bunker and residual fuel.
- 2 2. Category 2: waste oils, crude oil, lubricating
- 3 oil, asphalt, and tars.
- 4 3. Category 3: hydraulic fluids, numbers 1 and 2
- 5 diesel fuels, heating oil, jet aviation fuels, motor gasoline,
- 6 including aviation gasoline, kerosene, stationary turbine
- 7 fuels, ammonia and its derivatives, and chlorine and its
- 8 derivatives.

9
10 The department shall adopt rules establishing the pollutant
11 category of pesticides and other pollutants as defined in s.
12 376.031 and not listed in this paragraph.

13 (c) The type and sensitivity of natural resources
14 affected by a discharge, determined by the following factors:

15 1. The location of a discharge. Inshore discharges
16 are discharges that occur within waters under the jurisdiction
17 of the department and within an area extending seaward from
18 the coastline of the state to a point 1 statute mile seaward
19 of the coastline. Nearshore discharges are discharges that
20 occur more than 1 statute mile, but within 3 statute miles,
21 seaward of the coastline. Offshore discharges are discharges
22 that occur more than 3 statute miles seaward of the coastline.

23 2. The location of the discharge with respect to
24 special management areas designated because of their unique
25 habitats; living resources; recreational use; aesthetic
26 importance; and other ecological, educational, consumptive,
27 intrinsic, scientific, and economic values of the natural
28 resources located therein. Special management areas are state
29 parks; recreation areas; national parks, seashores, estuarine
30 research reserves, marine sanctuaries, wildlife refuges, and
31 national estuary program water bodies; state aquatic preserves

1 and reserves; classified shellfish harvesting areas; areas of
2 critical state concern; federally designated critical habitat
3 for endangered or threatened species; and outstanding Florida
4 waters.

5 3. The areal or linear extent of the natural resources
6 impacted.

7 (3) Compensation for damage to natural resources for
8 any discharge of less than 25 gallons of gasoline or diesel
9 fuel shall be \$50.

10 (4) Compensation schedule:

11 (a) The amount of compensation assessed under this
12 schedule is calculated by: multiplying \$1 per gallon or its
13 equivalent measurement of pollutant discharged, by the number
14 of gallons or its equivalent measurement, times the location
15 of the discharge factor, times the special management area
16 factor.

17 (b) Added to the amount obtained in paragraph (a) is
18 the value of the observable natural resources damaged, which
19 is calculated by multiplying the areal or linear coverage of
20 impacted habitat by the corresponding habitat factor, times
21 the special management area factor.

22 (c) The sum of paragraphs (a) and (b) is then
23 multiplied by the pollutant category factor.

24 (d) The final damage assessment figure is the sum of
25 the amount calculated in paragraph (c) plus the compensation
26 for death of endangered or threatened species, plus the cost
27 of conducting the damage assessment as determined by the
28 department.

29 (5)(a) The factors used in calculating the damage
30 assessment are:

31 1. Location of discharge factor:

1 a. Discharges that originate inshore have a factor of
2 eight. Discharges that originate nearshore have a factor of
3 five. Discharges that originate offshore have a factor of one.

4 b. Compensation for damage to natural resources
5 resulting from discharges that originate outside of state
6 waters but that traverse the state's boundaries and therefore
7 have an impact upon the state's natural resources shall be
8 calculated using a location factor of one.

9 c. Compensation for damage to natural resources
10 resulting from discharges of less than 10,000 gallons of
11 pollutants which originate within 100 yards of an established
12 terminal facility or point of routine pollutant transfer in a
13 designated port authority as defined in s. 315.02 shall be
14 assessed a location factor of one.

15 2. Special management area factor: Discharges that
16 originate in special management areas described in
17 subparagraph (2)(c)2. have a factor of two. Discharges that
18 originate outside a special management area described in
19 subparagraph (2)(c)2. have a location factor of one. For
20 discharges that originate outside of a special management area
21 but impact the natural resources within a special management
22 area, the value of the natural resources damaged within the
23 area shall be multiplied by the special management area factor
24 of two.

25 3. Pollutant category factor: Discharges of category 1
26 pollutants have a factor of eight. Discharges of category 2
27 pollutants have a factor of four. Discharges of category 3
28 pollutants have a factor of one.

29 4. Habitat factor: The amount of compensation for
30 damage to the natural resources of the state is established as
31 follows:

- 1 a. \$10 per square foot of coral reef impacted.
2 b. \$1 per square foot of mangrove or seagrass
3 impacted.
4 c. \$1 per linear foot of sandy beach impacted.
5 d. \$0.50 per square foot of live bottom, oyster reefs,
6 worm rock, perennial algae, saltmarsh, or freshwater tidal
7 marsh impacted.
8 e. \$0.05 per square foot of sand bottom or mud flats,
9 or combination thereof, impacted.

10 (b) The areal and linear coverage of habitat impacted
11 shall be determined by the department using a combination of
12 field measurements, aerial photogrammetry, and satellite
13 imagery. An area is impacted when the pollutant comes in
14 contact with the habitat.

15 (6) It is understood that a pollutant will, by its
16 very nature, result in damage to the flora and fauna of the
17 waters of the state and the adjoining land. Therefore,
18 compensation for such resources, which is difficult to
19 calculate, is included in the compensation schedule. Not
20 included, however, in this base figure is compensation for the
21 death of endangered or threatened species directly
22 attributable to the pollutant discharged. Compensation for the
23 death of any animal designated by rule as endangered by the
24 Fish and Wildlife Conservation Commission is \$10,000.
25 Compensation for the death of any animal designated by rule as
26 threatened by the Fish and Wildlife Conservation Commission is
27 \$5,000. These amounts are not intended to reflect the actual
28 value of said endangered or threatened species, but are
29 included for the purposes of this section.

30 (7) The owner or operator of the vessel or facility
31 responsible for a discharge may designate a representative or

1 agent to work with the department in assessing the amount of
2 damage to natural resources resulting from the discharge.

3 (8) When assessing the amount of damages to natural
4 resources, the department shall be assisted, if requested by
5 the department, by representatives of other state agencies and
6 local governments that would enhance the department's damage
7 assessment. The Fish and Wildlife Conservation Commission
8 shall assist the department in the assessment of damages to
9 wildlife impacted by a pollutant discharge and shall assist
10 the department in recovering the costs of such damages.

11 (9) Compensation for damage resulting from the
12 discharge of two or more pollutants shall be calculated for
13 the volume of each pollutant discharged. If the separate
14 volume for each pollutant discharged cannot be determined, the
15 highest multiplier for the pollutants discharged shall be
16 applied to the entire volume of the spill. Compensation for
17 commingled discharges that contact habitat shall be calculated
18 on a proportional basis of discharged volumes. The highest
19 multiplier for such commingled pollutants may only be applied
20 if a reasonable proportionality of the commingled pollutants
21 cannot be determined at the point of any contact with natural
22 resources.

23 (10) For cases in which the department is authorized
24 to use a method of natural resources damage assessment other
25 than the compensation schedules described in subsections (4),
26 (5), (6), and (9), the department may use the methods
27 described in federal rules implementing the Oil Pollution Act
28 of 1990, as amended. discharges of more than 30,000 gallons,
29 the department shall, in consultation with the Game and Fresh
30 Water Fish Commission, adopt rules by July 1, 1994, to assess
31 compensation for the damage to natural resources based upon

1 ~~the cost of restoring, rehabilitating, replacing, or acquiring~~
2 ~~the equivalent of the damaged natural resources; the~~
3 ~~diminution in the value of those resources pending~~
4 ~~restoration; and the reasonable cost of assessing those~~
5 ~~damages. The person responsible for a discharge shall be given~~
6 ~~an opportunity to consult with the department on the~~
7 ~~assessment design and restoration program.~~

8 (a) When a responsible party is identified and the
9 department is not conducting a cooperative damage assessment
10 with federal agencies ~~For discharges greater than 30,000~~
11 ~~gallons~~, the person responsible has the option to pay the
12 amount of compensation calculated pursuant to the compensation
13 schedule established in subsection (4) or pay the amount
14 determined by a damage assessment performed by the department.
15 If the person responsible for the discharge elects to have a
16 damage assessment performed, then such person shall notify the
17 department in writing of such decision within 30 ~~15~~ days after
18 identification ~~the discovery~~ of the discharge by the
19 department. The decision to have a damage assessment performed
20 to determine compensation for a discharge shall be final; the
21 person responsible for a discharge may not later elect to use
22 the compensation schedule for computing compensation. Failure
23 to make such notice shall result in the amount of compensation
24 for the total damage to natural resources being calculated
25 based on the compensation schedule. The compensation shall be
26 paid within 90 days after receipt of a written request from
27 the department.

28 (b) In the event the person responsible for a
29 discharge ~~greater than 30,000 gallons~~ elects to have a damage
30 assessment performed, said person shall pay to the department
31 an amount equal to the compensation calculated pursuant to

1 subsection (4) for the discharge using the lesser of the
2 volume of the discharge or a volume of 30,000 gallons. The
3 payment shall be made within 90 days after receipt of a
4 written request from the department.

5 (c) After completion of the damage assessment, the
6 department shall advise the person responsible for the
7 discharge of the amount of compensation due to the state. A
8 credit shall be given for the amount paid pursuant to
9 paragraph (b). Payment shall be made within 90 days after
10 receipt of a written request from the department. ~~In no event~~
11 ~~shall the total compensation paid pursuant to this section be~~
12 ~~less than the dollar amount calculated pursuant to paragraph~~
13 ~~(b).~~

14 (11)(a) Moneys recovered by the department as
15 compensation for damage to natural resources shall be expended
16 only for the following purposes:

17 1. To the maximum extent practicable, the restoration
18 of natural resources damaged by the discharge for which
19 compensation is paid.

20 2. Restoration of damaged resources.

21 3. Developing restoration and enhancement techniques
22 for natural resources.

23 4. Investigating methods for improving and refining
24 techniques for containment, abatement, and removal of
25 pollutants from the environment, especially from mangrove
26 forests, corals, seagrasses, benthic communities, rookeries,
27 nurseries, and other habitats which are unique to Florida's
28 coastal environment.

29 5. Developing and updating the "Sensitivity of Coastal
30 Environments and Wildlife to Spilled Oil in Florida" atlas.

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1 6. Investigating the long-term effects of pollutant
2 discharges on natural resources, including pelagic organisms,
3 critical habitats, and marine ecosystems.

4 7. Developing an adequate wildlife rescue and
5 rehabilitation program.

6 8. Expanding and enhancing the state's pollution
7 prevention and control education program.

8 9. Restoring natural resources previously impacted by
9 pollutant discharges, but never completely restored.

10 10. Funding alternative projects selected by the Board
11 of Trustees of the Internal Improvement Trust Fund. Any such
12 project shall be selected on the basis of its anticipated
13 benefits to the marine natural resources available to the
14 residents of this state who previously benefited from the
15 injured or destroyed nonrestorable natural resources.

16 (b) All interest earned from investment of moneys
17 recovered by the department for damage to natural resources
18 shall be expended only for the activities described in
19 paragraph (a).

20 (c) The person or parties responsible for a discharge
21 for which the department has requested compensation for damage
22 pursuant to this section shall pay the department, within 90
23 days after receipt of the request, the entire amount due to
24 the state. In the event that payment is not made within the 90
25 days, the person or parties are liable for interest on the
26 outstanding balance, which interest shall be calculated at the
27 rate prescribed under s. 55.03.

28 (12) Any determination or assessment of damage to
29 natural resources for the purposes of this section by the
30 department in accordance with the compensation sections or in
31 accordance with the rules adopted under subsection (10) shall

1 have the force and effect of rebuttable presumption on behalf
2 of the department in any administrative or judicial
3 proceeding.

4 (13) There shall be no double recovery under this law
5 for natural resource damage resulting from a discharge,
6 including the costs of damage assessment or restoration,
7 rehabilitation, replacement, or acquisition for the same
8 incident and natural resource. The department shall meet with
9 and develop memoranda of understanding with appropriate
10 federal trustees as defined in Pub. L. No. 101-380 (Oil
11 Pollution Act of 1990) to provide further assurances of no
12 double recovery.

13 (14) The department must review the amount of
14 compensation assessed pursuant to the damage assessment
15 formula established in this section and report its findings to
16 the 1995 Legislature. Thereafter, the department must conduct
17 such a review and report its findings to the Legislature
18 biennially.

19 (15) The department shall adopt rules necessary or
20 convenient for carrying out the duties, obligations, powers,
21 and responsibilities set forth in this section.

22 Section 4. This act shall take effect upon becoming a
23 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2510

4 The committee substitute specifies that the state may review
5 permits and licenses required for the siting and construction
6 of any new electrical power plants and the licensing and
6 relicensing of hydroelectric power plants under the Federal
6 Power Act.

7 When an environmental impact statement or an environmental
8 assessment required by the National Environmental Policy Act
8 has been prepared for a specific activity, use, or project
9 that is subject to federal consistency review, the
9 environmental impact statement or environmental assessment
10 shall be the data and information necessary for the state's
10 review of the consistency of that activity, use, or project.

11 An increase in the size of a heavy mineral mine as defined in
12 s. 378.403(7), F.S., will only constitute a substantial
12 deviation subject to an additional
13 development-of-regional-impact review if the average annual
13 acreage mined is more than 500 acres and consumes more than 3
14 million gallons of water per day.

14 The Department of Environmental Protection is authorized to
15 use methods established pursuant to the federal regulation
15 implementing the Oil Pollution Act of 1990, as amended, to
16 assess the damages to natural resources from pollution.

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