

By the Committees on Communications and Public Utilities; and  
Environmental Preservation and Conservation

579-2437-07

1 A bill to be entitled  
2 An act relating to the Department of  
3 Environmental Protection; amending s. 258.007,  
4 F.S.; deleting a penalty for a rule violation;  
5 creating s. 258.008, F.S.; creating penalties  
6 for the violation of rules adopted under ch.  
7 258, F.S., and for specified activities within  
8 the boundaries of a state park; providing for  
9 fines to be deposited into the State Park Trust  
10 Fund; providing for court costs under certain  
11 circumstances; amending s. 316.212, F.S.;  
12 allowing the operation of golf carts on roads  
13 within the state park system under certain  
14 conditions; amending s. 373.4142, F.S.;  
15 providing statewide consistency for water  
16 quality standards in the Northwest Florida  
17 Water Management District; amending s. 373.414,  
18 F.S.; providing that certain variance  
19 provisions apply in the Northwest Florida Water  
20 Management District; amending s. 373.4211,  
21 F.S.; ratifying the wetland rule and amending  
22 it to include certain plant species approved by  
23 the Environmental Regulation Commission;  
24 providing for delay of the ratification until  
25 certain conditions are met; amending s.  
26 403.031, F.S.; conforming the definition of the  
27 term "regulated air pollutant" to changes made  
28 in the federal Clean Air Act; amending s.  
29 403.067, F.S.; providing for the trading of  
30 water quality credits in the total maximum  
31 daily load program in areas that have adopted a

1 basin action plan; providing for rules and  
2 specifying what the rules must address;  
3 amending s. 403.0872, F.S.; conforming the  
4 requirements for air operation permits to  
5 changes made to Title V of the Clean Air Act to  
6 delete certain minor sources from the Title V  
7 permitting requirements; amending s. 403.088,  
8 F.S.; providing for the revision of water  
9 pollution operation permits; amending s.  
10 403.50663, F.S.; clarifying certain notice  
11 requirements; amending s. 403.50665, F.S.;  
12 providing for a local government to issue a  
13 statement of inconsistency with existing land  
14 use plans and zoning ordinances due to  
15 incompleteness of information necessary for an  
16 evaluation; amending s. 403.508, F.S.;  
17 clarifying certain hearing requirements for  
18 land use and certification hearings; amending  
19 s. 403.509, F.S.; clarifying certain provisions  
20 relating to certifications issued by the  
21 Department of Environmental Protection;  
22 amending s. 403.5113, F.S.; providing technical  
23 corrections to provisions requiring  
24 postcertification amendments and review;  
25 amending s. 403.5115, F.S.; clarifying certain  
26 public-notice requirements; amending s.  
27 403.5252, F.S.; clarifying provisions relating  
28 to the determination of completeness of an  
29 application for an electric transmission line;  
30 amending s. 403.527, F.S.; clarifying the time  
31 under which the department or the applicant may

1 request the cancellation of a certification  
2 hearing for a proposed transmission line;  
3 amending s. 403.5271, F.S.; clarifying the  
4 responsibilities of reviewing agencies to  
5 review the completeness of an application;  
6 amending s. 403.5317, F.S.; clarifying the  
7 provisions relating to a change in the  
8 condition of a certification; amending s.  
9 403.5363, F.S.; providing that notice of a  
10 cancellation of a certification hearing must be  
11 within a certain time; amending s. 376.30715,  
12 F.S.; defining the term "acquired" for purposes  
13 of transfers of certain property; repealing ch.  
14 325, F.S., consisting of ss. 325.2055, 325.221,  
15 325.222, and 325.223, F.S., relating to motor  
16 vehicle air conditioning refrigerants;  
17 repealing s. 403.0875, F.S., relating to citrus  
18 juice processing facilities; amending s.  
19 373.459, F.S.; repealing a provision that  
20 repealed a subsection concerning financial  
21 match requirements and certain expenditure  
22 limitations for surface water protection  
23 programs; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Subsection (2) of section 258.007, Florida  
28 Statutes, is amended to read:

29 258.007 Powers of division.--

30 (2) The division has authority to adopt rules pursuant  
31 to ss. 120.536(1) and 120.54 to implement provisions of law

1 | conferring duties on it, and to impose penalties for the  
2 | violation of any rule authorized by this section ~~shall be a~~  
3 | ~~misdemeanor and punishable accordingly.~~

4 |       Section 2. Section 258.008, Florida Statutes, is  
5 | created to read:

6 |       258.008 Prohibited activities; penalties.--

7 |       (1) Except as provided in subsection (3), any person  
8 | who violates or otherwise fails to comply with the rules  
9 | adopted under this chapter commits a noncriminal infraction  
10 | for which ejection from all property managed by the Division  
11 | of Recreation and Parks and a fine of up to \$1,000 may be  
12 | imposed by the division.

13 |       (2) In addition to penalties imposed under subsection  
14 | (1), any person who fails to sign a citation given under  
15 | subsection (1), fails to appear in court in response to such  
16 | citation, or fails to comply with the court's order commits a  
17 | misdemeanor of the second degree, punishable as provided in s.  
18 | 775.082 or s. 775.083.

19 |       (3) Any person who engages in any of the following  
20 | activities within the boundaries of a state park without first  
21 | obtaining the express permission of the Division of Recreation  
22 | and Parks commits a misdemeanor of the second degree,  
23 | punishable as provided in s. 775.082 or s. 775.083, and shall  
24 | be ejected from all property managed by the division:

25 |       (a) Cutting, carving, injuring, mutilating, moving,  
26 | displacing, or breaking off any water-bottom formation or  
27 | coral;

28 |       (b) Capturing, trapping, injuring, or harassing a wild  
29 | animal;

30 |       (c) Collecting plant or animal specimens;

31 |

1           (d) Leaving the designated public roads in a vehicle;  
2 or  
3           (e) Hunting.  
4           (4) Fines paid under this section shall be paid to the  
5 Department of Environmental Protection and deposited in the  
6 State Park Trust Fund. If a person who receives a citation  
7 elects to defend himself or herself in court, the county small  
8 claims court for the county in which the violation occurred  
9 shall have jurisdiction. Court costs shall be determined by  
10 and paid to the court as ordered by the court. A person who  
11 receives a citation but fails to pay the fine, sign and accept  
12 a citation, appear in court, or comply with the court's order  
13 may not enter any state park property until he or she has paid  
14 the fine, complied with the procedure, or complied with the  
15 order. The department may establish by rule the procedures for  
16 giving a citation, giving a notice of appearance in court,  
17 payment of fines, and listing of persons ejected from state  
18 parks; the amounts of fines for civil infractions up to  
19 \$1,000; definitions; time limits and deadlines; and any other  
20 matter necessary to implement this section.

21           Section 3. Section 316.212, Florida Statutes, is  
22 amended to read:

23           316.212 Operation of golf carts on certain  
24 roadways.--The operation of a golf cart upon the public roads  
25 or streets of this state is prohibited except as provided  
26 herein:

27           (1) A golf cart may be operated only upon a county  
28 road that has been designated by a county, or a municipal  
29 street that has been designated by a municipality, for use by  
30 golf carts. Prior to making such a designation, the  
31 responsible local governmental entity must first determine

1 that golf carts may safely travel on or cross the public road  
2 or street, considering factors including the speed, volume,  
3 and character of motor vehicle traffic using the road or  
4 street. Upon a determination that golf carts may be safely  
5 operated on a designated road or street, the responsible  
6 governmental entity shall post appropriate signs to indicate  
7 that such operation is allowed.

8 (2) A golf cart may be operated on a part of the State  
9 Highway System only under the following conditions:

10 (a) To cross a portion of the State Highway System  
11 which intersects a county road or municipal street that has  
12 been designated for use by golf carts if the Department of  
13 Transportation has reviewed and approved the location and  
14 design of the crossing and any traffic control devices needed  
15 for safety purposes.

16 (b) To cross, at midblock, a part of the State Highway  
17 System where a golf course is constructed on both sides of the  
18 highway if the Department of Transportation has reviewed and  
19 approved the location and design of the crossing and any  
20 traffic control devices needed for safety purposes.

21 (c) A golf cart may be operated on a state road that  
22 has been designated for transfer to a local government unit  
23 pursuant to s. 335.0415 if the Department of Transportation  
24 determines that the operation of a golf cart within the  
25 right-of-way of the road will not impede the safe and  
26 efficient flow of motor vehicular traffic. The department may  
27 authorize the operation of golf carts on such a road if:

28 1. The road is the only available public road along  
29 which golf carts may travel or cross or the road provides the  
30 safest travel route among alternative routes available; and  
31

1           2. The speed, volume, and character of motor vehicular  
2 traffic using the road is considered in making such a  
3 determination.

4  
5 Upon its determination that golf carts may be operated on a  
6 given road, the department shall post appropriate signs on the  
7 road to indicate that such operation is allowed.

8           (3) Any other provision of this section to the  
9 contrary notwithstanding, a golf cart may be operated for the  
10 purpose of crossing a street or highway where a single mobile  
11 home park is located on both sides of the street or highway  
12 and is divided by that street or highway, provided that the  
13 governmental entity having original jurisdiction over such  
14 street or highway shall review and approve the location of the  
15 crossing and require implementation of any traffic controls  
16 needed for safety purposes. This subsection shall apply only  
17 to residents or guests of the mobile home park. Any other  
18 provision of law to the contrary notwithstanding, if notice is  
19 posted at the entrance and exit to any mobile home park that  
20 residents of the park utilize golf carts or electric vehicles  
21 within the confines of the park it shall not be necessary that  
22 the park have a gate or other device at the entrance and exit  
23 in order for such golf carts or electric vehicles to be  
24 lawfully operated in the park.

25           (4) Notwithstanding any other provisions of this  
26 section, a golf cart may be operated on a road that is part of  
27 the State Park Road System and where the posted speed limit is  
28 35 miles per hour or less, and where not otherwise prohibited  
29 by the Division of Recreation and Parks of the Department of  
30 Environmental Protection.

1           ~~(5)~~(4) A golf cart may be operated only during the  
2 hours between sunrise and sunset, unless the responsible  
3 governmental entity has determined that a golf cart may be  
4 operated during the hours between sunset and sunrise and the  
5 golf cart is equipped with headlights, brake lights, turn  
6 signals, and a windshield.

7           ~~(6)~~(5) A golf cart must be equipped with efficient  
8 brakes, reliable steering apparatus, safe tires, a rearview  
9 mirror, and red reflectorized warning devices in both the  
10 front and rear.

11           ~~(7)~~(6) A golf cart may not be operated on public roads  
12 or streets by any person under the age of 14.

13           ~~(8)~~(7) A local governmental entity may enact an  
14 ordinance regarding golf cart operation and equipment which is  
15 more restrictive than those enumerated in this section. Upon  
16 enactment of any such ordinance, the local governmental entity  
17 shall post appropriate signs or otherwise inform the residents  
18 that such an ordinance exists and that it shall be enforced  
19 within the local government's jurisdictional territory. An  
20 ordinance referred to in this section must apply only to an  
21 unlicensed driver.

22           ~~(9)~~(8) A violation of this section is a noncriminal  
23 traffic infraction, punishable pursuant to chapter 318 as a  
24 moving violation for infractions of subsection (1), subsection  
25 (2), subsection (3), subsection~~(5)~~(4), or a local ordinance  
26 corresponding thereto and enacted pursuant to subsection~~(8)~~  
27 ~~(7)~~, or punishable pursuant to chapter 318 as a nonmoving  
28 violation for infractions of subsection~~(6)~~(5), subsection  
29 ~~(7)~~(6), or a local ordinance corresponding thereto and  
30 enacted pursuant to subsection~~(8)~~(7).

31



1 Section 4. Section 373.4142, Florida Statutes, is  
2 amended to read:

3 373.4142 Water quality within stormwater treatment  
4 systems.--State surface water quality standards applicable to  
5 waters of the state, as defined in s. 403.031(13), shall not  
6 apply within a stormwater management system which is designed,  
7 constructed, operated, and maintained for stormwater treatment  
8 in accordance with a valid permit or noticed exemption issued  
9 pursuant to chapter ~~62-25~~ ~~17-25~~, Florida Administrative Code;  
10 a valid permit or exemption under s. 373.4145 within the  
11 Northwest Florida Water Management District; a valid permit  
12 issued on or subsequent to April 1, 1986, within the Suwannee  
13 River Water Management District or the St. Johns River Water  
14 Management District pursuant to this part; a valid permit  
15 issued on or subsequent to March 1, 1988, within the Southwest  
16 Florida Water Management District pursuant to this part; or a  
17 valid permit issued on or subsequent to January 6, 1982,  
18 within the South Florida Water Management District pursuant to  
19 this part. Such inapplicability of state water quality  
20 standards shall be limited to that part of the stormwater  
21 management system located upstream of a manmade water control  
22 structure permitted, or approved under a noticed exemption, to  
23 retain or detain stormwater runoff in order to provide  
24 treatment of the stormwater. The additional use of such a  
25 stormwater management system for flood attenuation or  
26 irrigation shall not divest the system of the benefits of this  
27 exemption. This section shall not affect the authority of the  
28 department and water management districts to require  
29 reasonable assurance that the water quality within such  
30 stormwater management systems will not adversely impact public  
31 health, fish and wildlife, or adjacent waters.

1           Section 5. Subsection (17) of section 373.414, Florida  
2 Statutes, is amended to read:

3           373.414 Additional criteria for activities in surface  
4 waters and wetlands.--

5           (17) The variance provisions of s. 403.201 are  
6 applicable to the provisions of this section or any rule  
7 adopted pursuant hereto. The governing boards and the  
8 department are authorized to review and take final agency  
9 action on petitions requesting such variances for those  
10 activities they regulate under this part and s. 373.4145.

11          Section 6. Subsection (27) is added to section  
12 373.4211, Florida Statutes, to read:

13          373.4211 Ratification of chapter 17-340, Florida  
14 Administrative Code, on the delineation of the landward extent  
15 of wetlands and surface waters.--Pursuant to s. 373.421, the  
16 Legislature ratifies chapter 17-340, Florida Administrative  
17 Code, approved on January 13, 1994, by the Environmental  
18 Regulation Commission, with the following changes:

19          (27) Pursuant to s. 373.421 and subsection (26), the  
20 Legislature ratifies amendments to chapter 62-340, Florida  
21 Administrative Code, approved on February 23, 2006, by the  
22 Environmental Regulation Commission. Rule 62-340.450(3)  
23 Facultative Species is amended by the addition of the  
24 following plant species: Ilex glabra and Pinus elliottii.  
25 However, this ratification and rule revision does not take  
26 effect until state and federal wetland jurisdiction  
27 delineation methodologies are aligned.

28          Section 7. Subsection (19) of section 403.031, Florida  
29 Statutes, is amended to read:

30          403.031 Definitions.--In construing this chapter, or  
31 rules and regulations adopted pursuant hereto, the following

1 words, phrases, or terms, unless the context otherwise  
2 indicates, have the following meanings:

3 (19) "Regulated air pollutant" means any pollutant  
4 regulated under the federal Clean Air Act.+

5 ~~(a) Nitrogen oxides or any volatile organic compound;~~

6 ~~(b) Any pollutant regulated under 42 U.S.C. s. 7411 or~~  
7 ~~s. 7412; or~~

8 ~~(c) Any pollutant for which a national primary ambient~~  
9 ~~air quality standard has been adopted.~~

10 Section 8. Subsections (7) and (8) of section 403.067,  
11 Florida Statutes, are amended to read:

12 403.067 Establishment and implementation of total  
13 maximum daily loads.--

14 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
15 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.--

16 (a) Basin management action plans.--

17 1. In developing and implementing the total maximum  
18 daily load for a water body, the department, or the department  
19 in conjunction with a water management district, may develop a  
20 basin management action plan that addresses some or all of the  
21 watersheds and basins tributary to the water body. Such a plan  
22 must ~~shall~~ integrate the appropriate management strategies  
23 available to the state through existing water quality  
24 protection programs to achieve the total maximum daily loads  
25 and may provide for phased implementation of these management  
26 strategies to promote timely, cost-effective actions as  
27 provided for in s. 403.151. The plan must ~~shall~~ establish a  
28 schedule for implementing the management strategies, establish  
29 a basis for evaluating the plan's effectiveness, and identify  
30 feasible funding strategies for implementing the plan's  
31 management strategies. The management strategies may include

1 regional treatment systems or other public works, where  
2 appropriate, and voluntary trading of water quality credits in  
3 areas that have adopted a basin management action plan to  
4 achieve the needed pollutant load reductions.

5         2. A basin management action plan ~~must shall~~ equitably  
6 allocate, pursuant to paragraph (6)(b), pollutant reductions  
7 to individual basins, as a whole to all basins, or to each  
8 identified point source or category of nonpoint sources, as  
9 appropriate. For nonpoint sources for which best management  
10 practices have been adopted, the initial requirement specified  
11 by the plan ~~must shall~~ be those practices developed pursuant  
12 to paragraph (c). In accordance with procedures adopted by  
13 rule under paragraph (8)(c), the plan must allow point or  
14 nonpoint sources that will achieve greater pollutant  
15 reductions than required by an adopted total maximum load or  
16 wasteload allocation to generate, register, and trade water  
17 quality credits for the excess reductions to enable other  
18 sources to achieve their allocation if the generation of water  
19 quality credits does not remove the obligation of a source or  
20 activity to meet applicable technology requirements or adopted  
21 best-management practices. The plan must allow trading between  
22 NPDES permittees and trading that may or may not involve NPDES  
23 permittees, where the generation or use of the credits involve  
24 an entity or activity not subject to department water  
25 discharge permits whose owner voluntarily elects to become  
26 subject to the requirements of this section. Where  
27 appropriate, the plan may take into account the benefits of  
28 ~~provide~~ pollutant load reduction achieved by point or nonpoint  
29 sources credits to dischargers that have implemented  
30 management strategies to reduce pollutant loads, including  
31 best management practices, prior to the development of the

1 basin management action plan. The plan must ~~shall~~ also  
2 identify the mechanisms that will address ~~by which~~ potential  
3 future increases in pollutant loading ~~will be addressed~~.

4 3. The basin management action planning process is  
5 intended to involve the broadest possible range of interested  
6 parties, with the objective of encouraging the greatest amount  
7 of cooperation and consensus possible. In developing a basin  
8 management action plan, the department shall assure that key  
9 stakeholders, including, but not limited to, applicable local  
10 governments, water management districts, the Department of  
11 Agriculture and Consumer Services, other appropriate state  
12 agencies, local soil and water conservation districts,  
13 environmental groups, regulated interests, and affected  
14 pollution sources, are invited to participate in the process.  
15 The department shall hold at least one public meeting in the  
16 vicinity of the watershed or basin to discuss and receive  
17 comments during the planning process and shall otherwise  
18 encourage public participation to the greatest practicable  
19 extent. Notice of the public meeting must ~~shall~~ be published  
20 in a newspaper of general circulation in each county in which  
21 the watershed or basin lies not less than 5 days nor more than  
22 15 days before the public meeting. A basin management action  
23 plan may ~~shall~~ not supplant or otherwise alter any assessment  
24 made under subsection (3) or subsection (4) or any calculation  
25 or initial allocation.

26 4. The department shall adopt all or any part of a  
27 basin management action plan and any amendment to such plan by  
28 secretarial order pursuant to chapter 120 to implement the  
29 provisions of this section.

30 5. The basin management action plan must ~~shall~~ include  
31 milestones for implementation and water quality improvement,

1 and an associated water quality monitoring component  
2 sufficient to evaluate whether reasonable progress in  
3 pollutant load reductions is being achieved over time. An  
4 assessment of progress toward these milestones ~~must shall~~ be  
5 conducted every 5 years, and revisions to the plan ~~must shall~~  
6 be made as appropriate. Revisions to the basin management  
7 action plan shall be made by the department in cooperation  
8 with basin stakeholders. Revisions to the management  
9 strategies required for nonpoint sources ~~must shall~~ follow the  
10 procedures set forth in subparagraph (c)4. Revised basin  
11 management action plans ~~must shall~~ be adopted pursuant to  
12 subparagraph 4.

13 6. The provisions of the department's rule relating to  
14 the equitable abatement of pollutants into surface waters may  
15 not be applied to water bodies or water body segments for  
16 which a basin management plan that takes into account future  
17 new or expanded activities or discharges has been adopted  
18 pursuant to this section.

19 (b) Total maximum daily load implementation.--

20 1. The department shall be the lead agency in  
21 coordinating the implementation of the total maximum daily  
22 loads through existing water quality protection programs.  
23 Application of a total maximum daily load by a water  
24 management district ~~must shall~~ be consistent with this section  
25 and ~~may shall~~ not require the issuance of an order or a  
26 separate action pursuant to s. 120.536(1) or s. 120.54 for the  
27 adoption of the calculation and allocation previously  
28 established by the department. Such programs may include, but  
29 are not limited to:

30 a. Permitting and other existing regulatory programs,  
31 including water-quality-based effluent limitations;

1           b. Nonregulatory and incentive-based programs,  
2 including best management practices, cost sharing, waste  
3 minimization, pollution prevention, agreements established  
4 pursuant to s. 403.061(21), and public education;

5           c. Other water quality management and restoration  
6 activities, for example surface water improvement and  
7 management plans approved by water management districts or  
8 basin management action plans developed pursuant to this  
9 subsection;

10           d. Trading of water quality credits ~~Pollutant trading~~  
11 or other equitable economically based agreements;

12           e. Public works including capital facilities; or

13           f. Land acquisition.

14           2. For a basin management action plan adopted pursuant  
15 to paragraph (a) ~~subparagraph (a)4.~~, any management strategies  
16 and pollutant reduction requirements associated with a  
17 pollutant of concern for which a total maximum daily load has  
18 been developed, including effluent limits set forth for a  
19 discharger subject to NPDES permitting, if any, must ~~shall~~ be  
20 included in a timely manner in subsequent NPDES permits or  
21 permit modifications for that discharger. The department may  
22 ~~shall~~ not impose limits or conditions implementing an adopted  
23 total maximum daily load in an NPDES permit until the permit  
24 expires, the discharge is modified, or the permit is reopened  
25 pursuant to an adopted basin management action plan.

26           a. Absent a detailed allocation, total maximum daily  
27 loads must ~~shall~~ be implemented through NPDES permit  
28 conditions that provide for ~~afford~~ a compliance schedule. In  
29 such instances, a facility's NPDES permit must ~~shall~~ allow  
30 time for the issuance of an order adopting the basin  
31 management action plan. The time allowed for the issuance of

1 an order adopting the plan must ~~shall~~ not exceed 5 years. Upon  
2 issuance of an order adopting the plan, the permit must ~~shall~~  
3 be reopened, as necessary, and permit conditions consistent  
4 with the plan must ~~shall~~ be established. Notwithstanding ~~the~~  
5 other provisions of this subparagraph, upon request by a NPDES  
6 permittee, the department as part of a permit issuance,  
7 renewal, or modification may establish individual allocations  
8 prior to the adoption of a basin management action plan.

9 b. For holders of NPDES municipal separate storm sewer  
10 system permits and other stormwater sources, implementation of  
11 a total maximum daily load or basin management action plan  
12 must ~~shall~~ be achieved, to the maximum extent practicable,  
13 through the use of best management practices or other  
14 management measures.

15 c. The basin management action plan does not relieve  
16 the discharger from any requirement to obtain, renew, or  
17 modify an NPDES permit or to abide by other requirements of  
18 the permit.

19 d. Management strategies set forth in a basin  
20 management action plan to be implemented by a discharger  
21 subject to permitting by the department must ~~shall~~ be  
22 completed pursuant to the schedule set forth in the basin  
23 management action plan. This implementation schedule may  
24 extend beyond the 5-year term of an NPDES permit.

25 e. Management strategies and pollution reduction  
26 requirements set forth in a basin management action plan for a  
27 specific pollutant of concern may ~~shall~~ not be subject to  
28 challenge under chapter 120 at the time they are incorporated,  
29 in an identical form, into a subsequent NPDES permit or permit  
30 modification.

31



1           f. For nonagricultural pollutant sources not subject  
2 to NPDES permitting but permitted pursuant to other state,  
3 regional, or local water quality programs, the pollutant  
4 reduction actions adopted in a basin management action plan  
5 ~~must shall~~ be implemented to the maximum extent practicable as  
6 part of those permitting programs.

7           g. A nonpoint source discharger included in a basin  
8 management action plan ~~must shall~~ demonstrate compliance with  
9 the pollutant reductions established under ~~pursuant to~~  
10 subsection (6) by either implementing the appropriate best  
11 management practices established pursuant to paragraph (c) or  
12 conducting water quality monitoring prescribed by the  
13 department or a water management district.

14           h. A nonpoint source discharger included in a basin  
15 management action plan may be subject to enforcement action by  
16 the department or a water management district based upon a  
17 failure to implement the responsibilities set forth in  
18 sub-subparagraph g.

19           i. A landowner, discharger, or other responsible  
20 person who is implementing applicable management strategies  
21 specified in an adopted basin management action plan may shall  
22 not be required by permit, enforcement action, or otherwise to  
23 implement additional management strategies to reduce pollutant  
24 loads to attain the pollutant reductions established pursuant  
25 to subsection (6) and ~~must shall~~ be deemed to be in compliance  
26 with this section. This subparagraph does not limit the  
27 authority of the department to amend a basin management action  
28 plan as specified in subparagraph (a)5.

29           (c) Best management practices.--

30           1. The department, in cooperation with the water  
31 management districts and other interested parties, as

1 appropriate, may develop suitable interim measures, best  
2 management practices, or other measures necessary to achieve  
3 the level of pollution reduction established by the department  
4 for nonagricultural nonpoint pollutant sources in allocations  
5 developed pursuant to subsection (6) and this subsection.  
6 These practices and measures may be adopted by rule by the  
7 department and the water management districts ~~pursuant to ss.~~  
8 ~~120.536(1) and 120.54~~, and, where adopted by rule, shall be  
9 implemented by those parties responsible for nonagricultural  
10 nonpoint source pollution.

11         2. The Department of Agriculture and Consumer Services  
12 may develop and adopt by rule pursuant to ss. 120.536(1) and  
13 120.54 suitable interim measures, best management practices,  
14 or other measures necessary to achieve the level of pollution  
15 reduction established by the department for agricultural  
16 pollutant sources in allocations developed pursuant to  
17 subsection (6) and this subsection or for programs implemented  
18 pursuant to paragraph (11)(b). These practices and measures  
19 may be implemented by those parties responsible for  
20 agricultural pollutant sources and the department, the water  
21 management districts, and the Department of Agriculture and  
22 Consumer Services must ~~shall~~ assist with implementation. In  
23 the process of developing and adopting rules for interim  
24 measures, best management practices, or other measures, the  
25 Department of Agriculture and Consumer Services shall consult  
26 with the department, the Department of Health, the water  
27 management districts, representatives from affected farming  
28 groups, and environmental group representatives. Such rules  
29 must ~~shall~~ also incorporate provisions for a notice of intent  
30 to implement the practices and a system to assure the  
31

1 implementation of the practices, including recordkeeping  
2 requirements.

3           3. Where interim measures, best management practices,  
4 or other measures are adopted by rule, the effectiveness of  
5 such practices in achieving the levels of pollution reduction  
6 established in allocations developed by the department  
7 pursuant to subsection (6) and this subsection or in programs  
8 implemented pursuant to paragraph (11)(b) must ~~shall~~ be  
9 verified at representative sites by the department. The  
10 department must ~~shall~~ use best professional judgment in making  
11 the initial verification that the best management practices  
12 are reasonably expected to be effective and, where applicable,  
13 must ~~shall~~ notify the appropriate water management district or  
14 the Department of Agriculture and Consumer Services of its  
15 initial verification prior to the adoption of a rule proposed  
16 pursuant to this paragraph. Implementation, in accordance with  
17 rules adopted under this paragraph, of practices that have  
18 been initially verified to be effective, or verified to be  
19 effective by monitoring at representative sites, by the  
20 department, shall provide a presumption of compliance with  
21 state water quality standards and release from the provisions  
22 of s. 376.307(5) for those pollutants addressed by the  
23 practices, and the department is not authorized to institute  
24 proceedings against the owner of the source of pollution to  
25 recover costs or damages associated with the contamination of  
26 surface water or groundwater caused by those pollutants.  
27 Research projects funded by the department, a water management  
28 district, or the Department of Agriculture and Consumer  
29 Services to develop or demonstrate interim measures or best  
30 management practices shall be granted a presumption of  
31 compliance with state water quality standards and a release

1 from the provisions of s. 376.307(5). The presumption of  
2 compliance and release ~~is shall be~~ limited to the research  
3 site and only for those pollutants addressed by the interim  
4 measures or best management practices. Eligibility for the  
5 presumption of compliance and release ~~is shall be~~ limited to  
6 research projects on sites where the owner or operator of the  
7 research site and the department, a water management district,  
8 or the Department of Agriculture and Consumer Services have  
9 entered into a contract or other agreement that, at a minimum,  
10 specifies the research objectives, the cost-share  
11 responsibilities of the parties, and a schedule that details  
12 the beginning and ending dates of the project.

13 4. Where water quality problems are demonstrated,  
14 despite the appropriate implementation, operation, and  
15 maintenance of best management practices and other measures  
16 required by ~~according to~~ rules adopted under this paragraph,  
17 the department, a water management district, or the Department  
18 of Agriculture and Consumer Services, in consultation with the  
19 department, shall institute a reevaluation of the best  
20 management practice or other measure. Should the reevaluation  
21 determine that the best management practice or other measure  
22 requires modification, the department, a water management  
23 district, or the Department of Agriculture and Consumer  
24 Services, as appropriate, shall revise the rule to require  
25 implementation of the modified practice within a reasonable  
26 time period as specified in the rule.

27 5. Agricultural records relating to processes or  
28 methods of production, costs of production, profits, or other  
29 financial information held by the Department of Agriculture  
30 and Consumer Services pursuant to subparagraphs 3. and 4. or  
31 pursuant to any rule adopted pursuant to subparagraph 2. are

1 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
2 of the State Constitution. Upon request, records made  
3 confidential and exempt pursuant to this subparagraph shall be  
4 released to the department or any water management district if  
5 ~~provided that~~ the confidentiality specified by this  
6 subparagraph for such records is maintained.

7         6. The provisions of subparagraphs 1. and 2. do shall  
8 not preclude the department or water management district from  
9 requiring compliance with water quality standards or with  
10 current best management practice requirements set forth in any  
11 applicable regulatory program authorized by law to protect for  
12 ~~the purpose of protecting~~ water quality. Additionally,  
13 subparagraphs 1. and 2. are applicable only to the extent that  
14 they do not conflict with any rules adopted by the department  
15 which that are necessary to maintain a federally delegated or  
16 approved program.

17         (8) RULES.--The department is authorized to adopt  
18 rules pursuant to ss. 120.536(1) and 120.54 for:

19         (a) Delisting water bodies or water body segments from  
20 the list developed under subsection (4) pursuant to the  
21 guidance under subsection (5).†

22         (b) Administering Administration of funds to implement  
23 the total maximum daily load and basin management action  
24 planning programs.†

25         (c) Water quality credit Procedures for pollutant  
26 trading among the pollutant sources to a water body or water  
27 body segment. By July 1, 2007, rulemaking shall be initiated  
28 which provides for the following:, ~~including a mechanism for~~  
29 ~~the issuance and tracking of pollutant credits. Such~~  
30 ~~procedures may be implemented through permits or other~~  
31 ~~authorizations and must be legally binding. Prior to adopting~~

1 ~~rules for pollutant trading under this paragraph, and no later~~  
2 ~~than November 30, 2006, the Department of Environmental~~  
3 ~~Protection shall submit a report to the Governor, the~~  
4 ~~President of the Senate, and the Speaker of the House of~~  
5 ~~Representatives containing recommendations on such rules,~~  
6 ~~including the proposed basis for equitable economically based~~  
7 ~~agreements and the tracking and accounting of pollution~~  
8 ~~credits or other similar mechanisms. Such recommendations~~  
9 ~~shall be developed in cooperation with a technical advisory~~  
10 ~~committee that includes experts in pollutant trading and~~  
11 ~~representatives of potentially affected parties;~~

12 1. The process to be used to determine how credits are  
13 generated, quantified, and validated;

14 2. A publicly accessible water quality credit trading  
15 registry that tracks water quality credits and trades and  
16 lists the prices paid for such credits and that does not allow  
17 the department to participate in the establishment of such  
18 prices;

19 3. Limitations on the availability and use of water  
20 quality credits, including a list of eligible pollutants or  
21 parameters and minimum water quality requirements and, where  
22 appropriate, adjustments to reflect best-management practice  
23 performance uncertainties and water-segment-specific location  
24 factors;

25 4. The timing and duration of credits and allowance  
26 for credit transferability; and

27 5. Mechanisms for determining and ensuring compliance  
28 with trading procedures, including recordkeeping, monitoring,  
29 reporting, and inspections. Generators of traded credits are  
30 responsible for achieving the load reductions upon which the  
31 credits are based.

1 (d) The total maximum daily load calculation in  
2 accordance with paragraph (6)(a) immediately upon the  
3 effective date of this act, for those eight water segments  
4 within Lake Okeechobee proper as submitted to the United  
5 States Environmental Protection Agency pursuant to subsection  
6 (2). ~~;~~ and

7 (e) Implementation of other specific provisions.

8 Section 9. Subsection (1) of 403.0872, Florida  
9 Statutes, is amended to read:

10 403.0872 Operation permits for major sources of air  
11 pollution; annual operation license fee.--Provided that  
12 program approval pursuant to 42 U.S.C. s. 7661a has been  
13 received from the United States Environmental Protection  
14 Agency, beginning January 2, 1995, each major source of air  
15 pollution, including electrical power plants certified under  
16 s. 403.511, must obtain from the department an operation  
17 permit for a major source of air pollution under this section.  
18 This ~~operation~~ permit is the only department operation permit  
19 for a major source of air pollution required for such source;  
20 however provided, at the applicant's request, the department  
21 shall issue a separate acid rain permit for a major source of  
22 air pollution that is an affected source within the meaning of  
23 42 U.S.C. s. 7651a(1). Operation permits for major sources of  
24 air pollution, except general permits issued pursuant to s.  
25 403.814, must be issued in accordance with the procedures  
26 contained in this section and in accordance with chapter 120;  
27 however, to the extent that chapter 120 is inconsistent with  
28 the provisions of this section, the procedures contained in  
29 this section prevail.

30 (1) For purposes of this section, a major source of  
31 air pollution means a stationary source of air pollution, or

1 any group of stationary sources within a contiguous area and  
2 under common control, which emits any regulated air pollutant  
3 and which is ~~any of the following~~:

4 (a) A major source within the meaning of 42 U.S.C. s.  
5 7412(a)(1);

6 (b) A major stationary source or major emitting  
7 facility within the meaning of 42 U.S.C. s. 7602(j) or 42  
8 U.S.C. subchapter I, part C or part D;

9 (c) An affected source within the meaning of 42 U.S.C.  
10 s. 7651a(1);

11 (d) An air pollution source subject to standards or  
12 regulations under 42 U.S.C. s. 7411 or s. 7412; provided that  
13 a source is not a major source solely because of its  
14 regulation under 42 U.S.C. s. 7412(r); or

15 (e) A stationary air pollution source belonging to a  
16 category designated as a 40 C.F.R. part 70 source by  
17 regulations adopted by the administrator of the United States  
18 Environmental Protection Agency under 42 U.S.C. ss. 7661 et  
19 seq.

20  
21 The department shall exempt those facilities that are subject  
22 to this section solely because they are subject to  
23 requirements under 42 U.S.C. s. 7411 or s. 7412 ~~s. 7411~~ or  
24 solely because they are subject to reporting requirements  
25 under 42 U.S.C. s. 7412 for as long as the exemption is  
26 available under federal law.

27 Section 10. Paragraphs (e) and (f) of subsection (2)  
28 of section 403.088, Florida Statutes, are amended to read:

29 403.088 Water pollution operation permits;  
30 conditions.--

31 (2)



1 (e) However, if the discharge will not meet permit  
2 conditions or applicable statutes and rules, the department  
3 may issue, renew, revise, or reissue the operation permit if:

4 1. The applicant is constructing, installing, or  
5 placing into operation, or has submitted plans and a  
6 reasonable schedule for constructing, installing, or placing  
7 into operation, an approved pollution abatement facility or  
8 alternative waste disposal system;

9 2. The applicant needs permission to pollute the  
10 waters within the state for a period of time necessary to  
11 complete research, planning, construction, installation, or  
12 operation of an approved and acceptable pollution abatement  
13 facility or alternative waste disposal system;

14 3. There is no present, reasonable, alternative means  
15 of disposing of the waste other than by discharging it into  
16 the waters of the state;

17 4. The granting of an operation permit will be in the  
18 public interest; ~~or~~

19 5. The discharge will not be unreasonably destructive  
20 to the quality of the receiving waters; ~~or-~~

21 6. A water quality credit trade that meets the  
22 requirements of a total maximum daily load allocation has been  
23 approved in a final order issued under s. 403.067(7)(a)1.4.

24 (f) A permit issued, renewed, revised, or reissued  
25 pursuant to paragraph (e) shall be accompanied by an order  
26 establishing a schedule for achieving compliance with all  
27 permit conditions. Such permit may require compliance with  
28 the accompanying order.

29 Section 11. Subsection (3) of section 403.50663,  
30 Florida Statutes, is amended to read:

31 403.50663 Informational public meetings.--

1           (3) A local government or regional planning council  
2 that intends to conduct an informational public meeting must  
3 provide notice of the meeting to all parties not less than 15  
4 5 days prior to the meeting, and to the general public, in  
5 accordance with the provisions of s. 403.5115(5).

6           Section 12. Subsection (2) of section 403.50665,  
7 Florida Statutes, is amended to read:

8           403.50665 Land use consistency.--

9           (2) Within 45 days after the filing of the  
10 application, each local government shall file a determination  
11 with the department, the applicant, the administrative law  
12 judge, and all parties on the consistency of the site or any  
13 directly associated facilities with existing land use plans  
14 and zoning ordinances that were in effect on the date the  
15 application was filed, based on the information provided in  
16 the application. The local government may issue its  
17 determination up to 35 days later if the local government has  
18 requested additional information on land use and zoning  
19 consistency as part of the local government's statement on  
20 completeness of the application submitted pursuant to s.  
21 403.5066(1)(a). Incompleteness of information necessary for a  
22 local government to evaluate an application may be claimed by  
23 the local government as cause for a statement of inconsistency  
24 with existing land use plans and zoning ordinances. Notice of  
25 the consistency determination shall be published in accordance  
26 with the requirements of s. 403.5115.

27           Section 13. Section 403.508, Florida Statutes, is  
28 amended to read:

29           403.508 Land use and certification hearings, parties,  
30 participants.--

31

1           (1)(a) Within 5 days after the filing of ~~If~~ a petition  
2 for a hearing on land use has been filed pursuant to s.  
3 403.50665, the designated administrative law judge shall  
4 schedule ~~conduct~~ a land use hearing to be conducted in the  
5 county of the proposed site or directly associated facility,  
6 as applicable, as expeditiously as possible, but not later  
7 than 30 days after the department's receipt of the petition.  
8 The place of such hearing shall be as close as possible to the  
9 proposed site or directly associated facility. If a petition  
10 is filed, the hearing shall be held regardless of the status  
11 of the completeness of the application. ~~However,~~  
12 ~~incompleteness of information necessary for a local government~~  
13 ~~to evaluate an application may be claimed by the local~~  
14 ~~government as cause for a statement of inconsistency with~~  
15 ~~existing land use plans and zoning ordinances under s.~~  
16 ~~403.50665.~~  
17           (b) Notice of the land use hearing shall be published  
18 in accordance with the requirements of s. 403.5115.  
19           (c) The sole issue for determination at the land use  
20 hearing shall be whether or not the proposed site is  
21 consistent and in compliance with existing land use plans and  
22 zoning ordinances. If the administrative law judge concludes  
23 that the proposed site is not consistent or in compliance with  
24 existing land use plans and zoning ordinances, the  
25 administrative law judge shall receive at the hearing evidence  
26 on, and address in the recommended order any changes to or  
27 approvals or variances under, the applicable land use plans or  
28 zoning ordinances which will render the proposed site  
29 consistent and in compliance with the local land use plans and  
30 zoning ordinances.  
31

1           (d) The designated administrative law judge's  
2 recommended order shall be issued within 30 days after  
3 completion of the hearing and shall be reviewed by the board  
4 within 60 days after receipt of the recommended order by the  
5 board.

6           (e) If it is determined by the board that the proposed  
7 site does conform with existing land use plans and zoning  
8 ordinances in effect as of the date of the application, or as  
9 otherwise provided by this act, the responsible zoning or  
10 planning authority shall not thereafter change such land use  
11 plans or zoning ordinances so as to foreclose construction and  
12 operation of the proposed electrical power plant on the  
13 proposed site or directly associated facilities unless  
14 certification is subsequently denied or withdrawn.

15           (f) If it is determined by the board that the proposed  
16 site does not conform with existing land use plans and zoning  
17 ordinances, the board may, if it determines after notice and  
18 hearing and upon consideration of the recommended order on  
19 land use and zoning issues that it is in the public interest  
20 to authorize the use of the land as a site for an electrical  
21 power plant, authorize a variance or other necessary approval  
22 to the adopted land use plan and zoning ordinances required to  
23 render the proposed site consistent with local land use plans  
24 and zoning ordinances. The board's action shall not be  
25 controlled by any other procedural requirements of law. In the  
26 event a variance or other approval is denied by the board, it  
27 shall be the responsibility of the applicant to make the  
28 necessary application for any approvals determined by the  
29 board as required to make the proposed site consistent and in  
30 compliance with local land use plans and zoning ordinances. No  
31 further action may be taken on the complete application until

1 | the proposed site conforms to the adopted land use plan or  
2 | zoning ordinances or the board grants relief as provided under  
3 | this act.

4 |         (2)(a) A certification hearing shall be held by the  
5 | designated administrative law judge no later than 265 days  
6 | after the application is filed with the department. The  
7 | certification hearing shall be held at a location in proximity  
8 | to the proposed site. ~~At the conclusion of the certification~~  
9 | ~~hearing, the designated administrative law judge shall, after~~  
10 | ~~consideration of all evidence of record, submit to the board a~~  
11 | ~~recommended order no later than 45 days after the filing of~~  
12 | ~~the hearing transcript.~~

13 |         (b) Notice of the certification hearing and notice of  
14 | the deadline for filing of notice of intent to be a party  
15 | shall be made in accordance with the requirements of s.  
16 | 403.5115.

17 |         (3)(a) Parties to the proceeding shall include:

- 18 |         1. The applicant.
- 19 |         2. The Public Service Commission.
- 20 |         3. The Department of Community Affairs.
- 21 |         4. The Fish and Wildlife Conservation Commission.
- 22 |         5. The water management district.
- 23 |         6. The department.
- 24 |         7. The regional planning council.
- 25 |         8. The local government.
- 26 |         9. The Department of Transportation.

27 |         (b) Any party listed in paragraph (a) other than the  
28 | department or the applicant may waive its right to participate  
29 | in these proceedings. If such listed party fails to file a  
30 | notice of its intent to be a party on or before the 90th day  
31 |

1 prior to the certification hearing, such party shall be deemed  
2 to have waived its right to be a party.

3 (c) Notwithstanding the provisions of chapter 120,  
4 upon the filing with the administrative law judge of a notice  
5 of intent to be a party no later than 75 days after the  
6 application is filed, the following shall also be parties to  
7 the proceeding:

8 1. Any agency not listed in paragraph (a) as to  
9 matters within its jurisdiction.

10 2. Any domestic nonprofit corporation or association  
11 formed, in whole or in part, to promote conservation or  
12 natural beauty; to protect the environment, personal health,  
13 or other biological values; to preserve historical sites; to  
14 promote consumer interests; to represent labor, commercial, or  
15 industrial groups; or to promote comprehensive planning or  
16 orderly development of the area in which the proposed  
17 electrical power plant is to be located.

18 (d) Notwithstanding paragraph (e), failure of an  
19 agency described in subparagraph (c)1. to file a notice of  
20 intent to be a party within the time provided herein shall  
21 constitute a waiver of the right of that agency to participate  
22 as a party in the proceeding.

23 (e) Other parties may include any person, including  
24 those persons enumerated in paragraph (c) who have failed to  
25 timely file a notice of intent to be a party, whose  
26 substantial interests are affected and being determined by the  
27 proceeding and who timely file a motion to intervene pursuant  
28 to chapter 120 and applicable rules. Intervention pursuant to  
29 this paragraph may be granted at the discretion of the  
30 designated administrative law judge and upon such conditions  
31

1 as he or she may prescribe any time prior to 30 days before  
2 the commencement of the certification hearing.

3 (f) Any agency, including those whose properties or  
4 works are being affected pursuant to s. 403.509(4), shall be  
5 made a party upon the request of the department or the  
6 applicant.

7 (4)(a) The order of presentation at the certification  
8 hearing, unless otherwise changed by the administrative law  
9 judge to ensure the orderly presentation of witnesses and  
10 evidence, shall be:

- 11 1. The applicant.
- 12 2. The department.
- 13 3. State agencies.
- 14 4. Regional agencies, including regional planning  
15 councils and water management districts.
- 16 5. Local governments.
- 17 6. Other parties.

18 (b) When appropriate, any person may be given an  
19 opportunity to present oral or written communications to the  
20 designated administrative law judge. If the designated  
21 administrative law judge proposes to consider such  
22 communications, then all parties shall be given an opportunity  
23 to cross-examine or challenge or rebut such communications.

24 (5) At the conclusion of the certification hearing,  
25 the designated administrative law judge shall, after  
26 consideration of all evidence of record, submit to the board a  
27 recommended order no later than 45 days after the filing of  
28 the hearing transcript.

29 (6)(a) No earlier than 29 days prior to the conduct of  
30 the certification hearing, the department or the applicant may  
31 request that the administrative law judge cancel the

1 certification hearing and relinquish jurisdiction to the  
2 department if all parties to the proceeding stipulate that  
3 there are no disputed issues of fact or law to be raised at  
4 the certification hearing, and if sufficient time remains for  
5 the applicant and the department to publish public notices of  
6 the cancellation of the hearing at least 3 days prior to the  
7 scheduled date of the hearing.

8 (b) The administrative law judge shall issue an order  
9 granting or denying the request within 5 days after receipt of  
10 the request.

11 (c) If the administrative law judge grants the  
12 request, the department and the applicant shall publish  
13 notices of the cancellation of the certification hearing, in  
14 accordance with s. 403.5115.

15 (d)1. If the administrative law judge grants the  
16 request, the department shall prepare and issue a final order  
17 in accordance with s. 403.509(1)(a).

18 2. Parties may submit proposed recommended orders to  
19 the department no later than 10 days after the administrative  
20 law judge issues an order relinquishing jurisdiction.

21 (7) The applicant shall pay those expenses and costs  
22 associated with the conduct of the hearings and the recording  
23 and transcription of the proceedings.

24 (8) In issuing permits under the federally approved  
25 new source review or prevention of significant deterioration  
26 permit program, the department shall observe the procedures  
27 specified under the federally approved state implementation  
28 plan, including public notice, public comment, public hearing,  
29 and notice of applications and amendments to federal, state,  
30 and local agencies, to assure that all such permits issued in  
31 coordination with the certification of a power plant under



1 | this act are federally enforceable and are issued after  
2 | opportunity for informed public participation regarding the  
3 | terms and conditions thereof. When possible, any hearing on a  
4 | federally approved or delegated program permit such as new  
5 | source review, prevention of significant deterioration permit,  
6 | or NPDES permit shall be conducted in conjunction with the  
7 | certification hearing held under this act. It is the intent of  
8 | the Legislature that the review, processing, and issuance of  
9 | such federally delegated or approved permits be closely  
10 | coordinated with the certification process established under  
11 | this part. In the event of a conflict between the  
12 | certification process and federally required procedures, the  
13 | applicable federal requirements shall control.

14 |       Section 14. Subsection (5) of section 403.509, Florida  
15 | Statutes, is amended to read:

16 |           403.509 Final disposition of application.--

17 |           (5) For certifications that are issued by the board,  
18 | in regard to the properties and works of any agency ~~that which~~  
19 | is a party to the certification hearing, the board shall have  
20 | the authority to decide issues relating to the use, the  
21 | connection thereto, or the crossing thereof, for the  
22 | electrical power plant and directly associated facilities and  
23 | to direct any such agency to execute, within 30 days after the  
24 | entry of certification, the necessary license or easement for  
25 | such use, connection, or crossing, subject only to the  
26 | conditions set forth in such certification. For certifications  
27 | that are issued by the department, in regard to the properties  
28 | and works of any agency that is a party to the proceeding, any  
29 | stipulation filed pursuant to s. 403.508(6)(a) must include a  
30 | stipulation regarding any issues relating to the use, the  
31 | connection thereto, or the crossing thereof, for the

1 electrical power plant and directly associated facilities. Any  
2 agency stipulating to the use, connection to, or crossing of  
3 its property must agree to execute, within 30 days after the  
4 entry of certification, the necessary license or easement for  
5 such use, connection, or crossing, subject only to the  
6 conditions set forth in such certification.

7 Section 15. Section 403.5113, Florida Statutes, is  
8 amended to read:

9 403.5113 Postcertification amendments and review.--

10 (1) POSTCERTIFICATION AMENDMENTS.--

11 (a) If, subsequent to certification by the board, a  
12 licensee proposes any material change to the application and  
13 revisions or amendments thereto, as certified, the licensee  
14 shall submit a written request for amendment and a description  
15 of the proposed change to the application to the department.  
16 Within 30 days after the receipt of the request for the  
17 amendment, the department shall determine whether the proposed  
18 change to the application requires a modification of the  
19 conditions of certification.

20 (b)(2) If the department concludes that the change  
21 would not require a modification of the conditions of  
22 certification, the department shall provide written  
23 notification of the determination on approval of the proposed  
24 amendment to the licensee, all agencies, and all other  
25 parties.

26 (c)(3) If the department concludes that the change  
27 would require a modification of the conditions of  
28 certification, the department shall provide written  
29 notification to the licensee that the proposed change to the  
30 application requires a request for modification pursuant to s.  
31 403.516.

1           ~~(2)(4)~~ POSTCERTIFICATION REVIEW.--Postcertification  
2           submittals filed by the licensee with one or more agencies are  
3           for the purpose of monitoring for compliance with the issued  
4           certification and must be reviewed by the agencies on an  
5           expedited and priority basis because each facility certified  
6           under this act is a critical infrastructure facility. In no  
7           event shall a postcertification review be completed in more  
8           than 90 days after complete information is submitted to the  
9           reviewing agencies.

10           Section 16. Section 403.5115, Florida Statutes, is  
11           amended to read:

12           403.5115 Public notice.--

13           (1) The following notices are to be published by the  
14           applicant:

15           (a) Notice of the filing of a notice of intent under  
16           s. 403.5063, which shall be published within 21 days after the  
17           filing of the notice. The notice shall be published as  
18           specified by subsection (2), except that the newspaper notice  
19           shall be one-fourth page in size in a standard size newspaper  
20           or one-half page in size in a tabloid size newspaper.

21           (b) Notice of filing of the application, which shall  
22           include a description of the proceedings required by this act,  
23           within 21 days after the date of the application filing. Such  
24           notice shall give notice of the provisions of s. 403.511(1)  
25           and (2).

26           (c) Notice of the land use determination made pursuant  
27           to s. 403.50665(1) within 21 days after the determination is  
28           filed.

29           (d) Notice of the land use hearing, which shall be  
30           published as specified in subsection (2), no later than 15  
31           days before the hearing.

1 (e) Notice of the certification hearing and notice of  
2 the deadline for filing notice of intent to be a party, which  
3 shall be published as specified in subsection (2), at least 65  
4 days before the date set for the certification hearing.

5 (f) Notice of the cancellation of the certification  
6 hearing, if applicable, no later than 3 days before the date  
7 of the originally scheduled certification hearing.

8 (g) Notice of modification when required by the  
9 department, based on whether the requested modification of  
10 certification will significantly increase impacts to the  
11 environment or the public. Such notice shall be published as  
12 specified under subsection (2):

13 1. Within 21 days after receipt of a request for  
14 modification. The newspaper notice shall be of a size as  
15 directed by the department commensurate with the scope of the  
16 modification.

17 2. If a hearing is to be conducted in response to the  
18 request for modification, then notice shall be published no  
19 later than 30 days before the hearing.

20 (h) Notice of a supplemental application, which shall  
21 be published as specified in paragraph (b) and subsection (2).

22 (i) Notice of existing site certification pursuant to  
23 s. 403.5175. Notices shall be published as specified in  
24 paragraph (b) and subsection (2).

25 (2) Notices provided by the applicant shall be  
26 published in newspapers of general circulation within the  
27 county or counties in which the proposed electrical power  
28 plant will be located. The newspaper notices shall be at least  
29 one-half page in size in a standard size newspaper or a full  
30 page in a tabloid size newspaper. These notices shall include  
31 a map generally depicting the project and all associated

1 facilities corridors. A newspaper of general circulation shall  
2 be the newspaper which has the largest daily circulation in  
3 that county and has its principal office in that county. If  
4 the newspaper with the largest daily circulation has its  
5 principal office outside the county, the notices shall appear  
6 in both the newspaper having the largest circulation in that  
7 county and in a newspaper authorized to publish legal notices  
8 in that county.

9 (3) All notices published by the applicant shall be  
10 paid for by the applicant and shall be in addition to the  
11 application fee.

12 (4) The department shall arrange for publication of  
13 the following notices in the manner specified by chapter 120  
14 and provide copies of those notices to any persons who have  
15 requested to be placed on the departmental mailing list for  
16 this purpose for each case for which an application has been  
17 received by the department:

18 (a) Notice of the filing of the notice of intent  
19 within 15 days after receipt of the notice.

20 (b) Notice of the filing of the application, no later  
21 than 21 days after the application filing.

22 (c) Notice of the land use determination made pursuant  
23 to s. 403.50665(1) within 21 days after the determination is  
24 filed.

25 (d) Notice of the land use hearing before the  
26 administrative law judge, if applicable, no later than 10 ~~15~~  
27 days before the hearing.

28 (e) Notice of the land use hearing before the board,  
29 if applicable.

30 (f) Notice of the certification hearing at least 45  
31 days before the date set for the certification hearing.

1 (g) Notice of the cancellation of the certification  
2 hearing, if applicable, no later than 3 days prior to the date  
3 of the originally scheduled certification hearing.

4 (h) Notice of the hearing before the board, if  
5 applicable.

6 (i) Notice of stipulations, proposed agency action, or  
7 petitions for modification.

8 (5) A local government or regional planning council  
9 that proposes to conduct an informational public meeting  
10 pursuant to s. 403.50663 must publish notice of the meeting in  
11 a newspaper of general circulation within the county or  
12 counties in which the proposed electrical power plant will be  
13 located no later than 7 days prior to the meeting. A newspaper  
14 of general circulation is the newspaper that has the largest  
15 daily circulation in that county and has its principal office  
16 in that county. If the newspaper having the largest daily  
17 circulation has its principal office outside the county, the  
18 notices must appear in both the newspaper having the largest  
19 circulation in that county and in a newspaper authorized to  
20 publish legal notices in that county.

21 Section 17. Subsection (1) of section 403.5252,  
22 Florida Statutes, is amended to read:

23 403.5252 Determination of completeness.--

24 (1)(a) Within 30 days after the filing ~~distribution~~ of  
25 an application, the affected agencies shall file a statement  
26 with the department containing the recommendations of each  
27 agency concerning the completeness of the application for  
28 certification.

29 (b) Within ~~37~~ 7 days after the filing ~~receipt~~ of the  
30 application ~~completeness statements of each agency~~, the  
31 department shall file a statement with the Division of

1 Administrative Hearings, with the applicant, and with all  
2 parties declaring its position with regard to the completeness  
3 of the application. The statement of the department shall be  
4 based upon its consultation with the affected agencies.

5 Section 18. Subsection (6) of section 403.527, Florida  
6 Statutes, is amended to read:

7 403.527 Certification hearing, parties,  
8 participants.--

9 (6)(a) No later than 29 ~~25~~ days before the  
10 certification hearing, the department or the applicant may  
11 request that the administrative law judge cancel the  
12 certification hearing and relinquish jurisdiction to the  
13 department if all parties to the proceeding stipulate that  
14 there are no disputed issues of material fact or law to be  
15 raised at the certification hearing.

16 (b) The administrative law judge shall issue an order  
17 granting or denying the request within 5 days.

18 (c) If the administrative law judge grants the  
19 request, the department and the applicant shall publish  
20 notices of the cancellation of the certification hearing in  
21 accordance with s. 403.5363.

22 (d)1. If the administrative law judge grants the  
23 request, the department shall prepare and issue a final order  
24 in accordance with s. 403.529(1)(a).

25 2. Parties may submit proposed final orders to the  
26 department no later than 10 days after the administrative law  
27 judge issues an order relinquishing jurisdiction.

28 Section 19. Subsection (1) of section 403.5271,  
29 Florida Statutes, is amended to read:

30 403.5271 Alternate corridors.--  
31

1           (1) No later than 45 days before the originally  
2 scheduled certification hearing, any party may propose  
3 alternate transmission line corridor routes for consideration  
4 under the provisions of this act.

5           (a) A notice of a proposed alternate corridor must be  
6 filed with the administrative law judge, all parties, and any  
7 local governments in whose jurisdiction the alternate corridor  
8 is proposed. The filing must include the most recent United  
9 States Geological Survey 1:24,000 quadrangle maps specifically  
10 delineating the corridor boundaries, a description of the  
11 proposed corridor, and a statement of the reasons the proposed  
12 alternate corridor should be certified.

13           (b)1. Within 7 days after receipt of the notice, the  
14 applicant and the department shall file with the  
15 administrative law judge and all parties a notice of  
16 acceptance or rejection of a proposed alternate corridor for  
17 consideration. If the alternate corridor is rejected by the  
18 applicant or the department, the certification hearing and the  
19 public hearings shall be held as scheduled. If both the  
20 applicant and the department accept a proposed alternate  
21 corridor for consideration, the certification hearing and the  
22 public hearings shall be rescheduled, if necessary.

23           2. If rescheduled, the certification hearing shall be  
24 held no more than 90 days after the previously scheduled  
25 certification hearing, unless the data submitted under  
26 paragraph (d) is determined to be incomplete, in which case  
27 the rescheduled certification hearing shall be held no more  
28 than 105 days after the previously scheduled certification  
29 hearing. If additional time is needed due to the alternate  
30 corridor crossing a local government jurisdiction that was not  
31 previously affected, the remainder of the schedule listed



1 below shall be appropriately adjusted by the administrative  
2 law judge to allow that local government to prepare a report  
3 pursuant to s. 403.526(2)(a)5.

4 (c) Notice of the filing of the alternate corridor, of  
5 the revised time schedules, of the deadline for newly affected  
6 persons and agencies to file notice of intent to become a  
7 party, of the rescheduled hearing date, and of the proceedings  
8 shall be published in accordance with s. 403.5363.

9 (d) Within 21 days after acceptance of an alternate  
10 corridor by the department and the applicant, the party  
11 proposing an alternate corridor shall have the burden of  
12 providing all data to the agencies listed in s. 403.526(2) and  
13 newly affected agencies necessary for the preparation of a  
14 supplementary report on the proposed alternate corridor.

15 (e)1. Reviewing agencies shall advise the department  
16 of any issues concerning completeness no later than 15 days  
17 after the submittal of the data required by paragraph (d).  
18 Within 22 days after receipt of the data, the department shall  
19 issue a determination of completeness.

20 2. If the department determines that the data required  
21 by paragraph (d) is not complete, the party proposing the  
22 alternate corridor must file such additional data to correct  
23 the incompleteness. This additional data must be submitted  
24 within 14 days after the determination by the department.

25 3. Reviewing agencies may advise the department of any  
26 issues concerning completeness of the additional data within  
27 10 days after the filing by the applicant. If the department,  
28 within 14 days after receiving the additional data, determines  
29 that the data remains incomplete, the incompleteness of the  
30 data is deemed a withdrawal of the proposed alternate  
31

1 | corridor. The department may make its determination based on  
2 | recommendations made by other affected agencies.

3 |         (f) The agencies listed in s. 403.526(2) and any newly  
4 | affected agencies shall file supplementary reports with the  
5 | applicant and the department which address the proposed  
6 | alternate corridors no later than 24 days after the data  
7 | submitted pursuant to paragraph (d) or paragraph (e) is  
8 | determined to be complete.

9 |         (g) The agency reports on alternate corridors must  
10 | include all information required by s. 403.526(2).

11 |         (h) When an agency whose agency head is a collegial  
12 | body, such as a commission, board, or council, is required to  
13 | submit a report pursuant to this section and is required by  
14 | its own internal procedures to have the report reviewed by its  
15 | agency head prior to finalization, the agency may submit to  
16 | the department a draft version of the report by the deadline  
17 | indicated in paragraph (f), and shall submit a final version  
18 | of the report after review by the agency head no later than 7  
19 | days after the deadline indicated in paragraph (f).

20 |         (i) The department shall file with the administrative  
21 | law judge, the applicant, and all parties a project analysis  
22 | consistent with s. 403.526(3) no more than 16 days after  
23 | submittal of agency reports on the proposed alternate  
24 | corridor.

25 |         Section 20. Section 403.5317, Florida Statutes, is  
26 | amended to read:

27 |         403.5317 Postcertification activities.--

28 |         (1)(a) If, subsequent to certification, a licensee  
29 | proposes any material change to the application or prior  
30 | amendments, the licensee shall submit to the department a  
31 | written request for amendment and description of the proposed

1 | change to the application. The department shall, within 30  
2 | days after the receipt of the request for the amendment,  
3 | determine whether the proposed change to the application  
4 | requires a modification of the conditions of certification.

5 |         (b) If the department concludes that the change would  
6 | not require a modification of the conditions of certification,  
7 | the department shall notify, in writing, the licensee, all  
8 | agencies, and all parties of the determination on ~~approval of~~  
9 | the amendment.

10 |         (c) If the department concludes that the change would  
11 | require a modification of the conditions of certification, the  
12 | department shall notify the licensee that the proposed change  
13 | to the application requires a request for modification under  
14 | s. 403.5315.

15 |         (2) Postcertification submittals filed by a licensee  
16 | with one or more agencies are for the purpose of monitoring  
17 | for compliance with the issued certification. Each submittal  
18 | must be reviewed by each agency on an expedited and priority  
19 | basis because each facility certified under this act is a  
20 | critical infrastructure facility. Postcertification review may  
21 | not be completed more than 90 days after complete information  
22 | for a segment of the certified transmission line is submitted  
23 | to the reviewing agencies.

24 |         Section 21. Subsection (3) of section 403.5363,  
25 | Florida Statutes, is amended to read:

26 |         403.5363 Public notices; requirements.--

27 |         (3) The department shall arrange for the publication  
28 | of the following notices in the manner specified by chapter  
29 | 120:

30 |         (a) The notice of the filing of an application and the  
31 | date by which a person intending to become a party must file a

1 petition to intervene or a notice of intent to be a party. The  
2 notice must be published no later than 21 days after the  
3 application has been filed.

4 (b) The notice of any administrative hearing for  
5 certification, if applicable. The notice must be published not  
6 less than 65 days before the date set for a hearing, except  
7 that notice for a rescheduled certification hearing after  
8 acceptance of an alternative corridor must be published not  
9 less than 50 days before the date set for the hearing.

10 (c) The notice of the cancellation of a certification  
11 hearing, if applicable. The notice must be published not later  
12 than ~~3~~ 7 days before the date of the originally scheduled  
13 certification hearing.

14 (d) The notice of the hearing before the siting board,  
15 if applicable.

16 (e) The notice of stipulations, proposed agency  
17 action, or a petition for modification.

18 Section 22. Section 376.30715, Florida Statutes, is  
19 amended to read:

20 376.30715 Innocent victim petroleum storage system  
21 restoration.--A contaminated site acquired by the current  
22 property owner prior to July 1, 1990, which has ceased  
23 operating as a petroleum storage or retail business prior to  
24 January 1, 1985, is eligible for financial assistance pursuant  
25 to s. 376.305(6), notwithstanding s. 376.305(6)(a). For the  
26 purposes of this section, the term "acquired" means the  
27 acquisition of the title to the property; however, a  
28 subsequent transfer of the property to a spouse, a surviving  
29 spouse in trust or free of trust, or to a revocable trust  
30 created for the benefit of the settlor shall not disqualify  
31 the site from financial assistance pursuant to s. 376.305(6).

1 Eligible sites shall be ranked in accordance with s.  
2 376.3071(5).

3 Section 23. Chapter 325, Florida Statutes, consisting  
4 of ss. 325.2055, 325.221, 325.222, and 325.223, Florida  
5 Statutes, is repealed.

6 Section 24. Section 403.0875, Florida Statutes, is  
7 repealed.

8 Section 25. Subsection (6) of section 373.459, Florida  
9 Statutes, is amended to read:

10 373.459 Funds for surface water improvement and  
11 management.--

12 (6)~~(a)~~ The match requirement of subsection (2) shall  
13 not apply to the Suwannee River Water Management District, the  
14 Northwest Florida Water Management District, or a financially  
15 disadvantaged small local government as defined in s.  
16 403.885(5).

17 ~~(b) Notwithstanding the requirements of subsection~~  
18 ~~(3), the Ecosystem Management and Restoration Trust Fund and~~  
19 ~~the Water Protection and Sustainability Trust Fund shall be~~  
20 ~~used for the deposit of funds appropriated by the Legislature~~  
21 ~~for the purposes of ss. 373.451-373.4595. The department shall~~  
22 ~~administer all funds appropriated to or received for surface~~  
23 ~~water improvement and management activities. Expenditure of~~  
24 ~~the moneys shall be limited to the costs of details planning~~  
25 ~~and plan and program implementation for priority surface water~~  
26 ~~bodies. Moneys from the funds shall not be expended for~~  
27 ~~planning for, or construction or expansion of, treatment~~  
28 ~~facilities for domestic or industrial waste disposal.~~

29 ~~(c) Notwithstanding the requirements of subsection~~  
30 ~~(4), the department shall authorize the release of money from~~

31

1 ~~the funds in accordance with the provisions of s. 373.501(2)~~  
2 ~~and procedures in s. 373.59(4) and (5).~~

3 ~~(d) Notwithstanding the requirements of subsection~~  
4 ~~(5), moneys in the Ecosystem Restoration and Management Trust~~  
5 ~~Fund that are not needed to meet current obligations incurred~~  
6 ~~under this section shall be transferred to the State Board of~~  
7 ~~Administration, to the credit of the trust fund, to be~~  
8 ~~invested in the manner provided by law. Interest received on~~  
9 ~~such investments shall be credited to the trust fund.~~

10 ~~(e) This subsection expires July 1, 2007.~~

11 Section 26. This act shall take effect July 1, 2007.

12

13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14 COMMITTEE SUBSTITUTE FOR  
15 CS for Senate Bill 2054

16

16 Committee Substitute for Committee Substitute for Senate Bill  
17 2054 removes the requirement that new and replacement fire  
18 hydrants have a certain internal check-value device installed  
19 in all new and replacement fire hydrants, and eliminates  
provisions relating to money held in the Ecosystem Management  
and Restoration Trust Fund and the water protection and  
sustainability trust fund.

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