

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.
26 403.067, F.S.; providing for the trading of
27 water quality credits in the total maximum
28 daily load program in areas that have adopted a
29 basin action plan; providing for rules and
30 specifying what the rules must address;
31 amending s. 403.088, F.S.; providing for the

1 revision of water pollution operation permits;
2 amending s. 403.50663, F.S.; clarifying certain
3 notice requirements; amending s. 403.50665,
4 F.S.; providing for a local government to issue
5 a statement of inconsistency with existing land
6 use plans and zoning ordinances due to
7 incompleteness of information necessary for an
8 evaluation; amending s. 403.508, F.S.;
9 clarifying certain hearing requirements for
10 land use and certification hearings; amending
11 s. 403.509, F.S.; clarifying certain provisions
12 relating to certifications issued by the
13 Department of Environmental Protection;
14 amending s. 403.5113, F.S.; providing technical
15 corrections to provisions requiring
16 postcertification amendments and review;
17 amending s. 403.5115, F.S.; clarifying certain
18 public-notice requirements; amending s.
19 403.5252, F.S.; clarifying provisions relating
20 to the determination of completeness of an
21 application for an electric transmission line;
22 amending s. 403.527, F.S.; clarifying the time
23 under which the department or the applicant may
24 request the cancellation of a certification
25 hearing for a proposed transmission line;
26 amending s. 403.5271, F.S.; clarifying the
27 responsibilities of reviewing agencies to
28 review the completeness of an application;
29 amending s. 403.5317, F.S.; clarifying the
30 provisions relating to a change in the
31 condition of a certification; amending s.

1 403.5363, F.S.; providing that notice of a
 2 cancellation of a certification hearing must be
 3 within a certain time; amending s. 376.30715,
 4 F.S.; amending s. 373.459, F.S.; repealing a
 5 provision that repealed a subsection concerning
 6 financial match requirements and certain
 7 expenditure limitations for surface water
 8 protection programs; providing an effective
 9 date.

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

12
 13 Section 1. Subsection (2) of section 258.007, Florida
 14 Statutes, is amended to read:

15 258.007 Powers of division.--

16 (2) The division has authority to adopt rules pursuant
 17 to ss. 120.536(1) and 120.54 to implement provisions of law
 18 conferring duties on it, and to impose penalties for the
 19 violation of any rule authorized by this section ~~shall be a~~
 20 ~~misdemeanor and punishable accordingly.~~

21 Section 2. Section 258.008, Florida Statutes, is
 22 created to read:

23 258.008 Prohibited activities; penalties.--

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

30 (2) In addition to penalties imposed under subsection
 31 (1), any person who fails to sign a citation given under

1 subsection (1), fails to appear in court in response to such
2 citation, or fails to comply with the court's order commits a
3 misdemeanor of the second degree, punishable as provided in s.
4 775.082 or s. 775.083.

5 (3) Any person who engages in any of the following
6 activities within the boundaries of a state park without first
7 obtaining the express permission of the Division of Recreation
8 and Parks commits a misdemeanor of the second degree,
9 punishable as provided in s. 775.082 or s. 775.083, and shall
10 be ejected from all property managed by the division:

11 (a) Cutting, carving, injuring, mutilating, moving,
12 displacing, or breaking off any water-bottom formation or
13 coral;

14 (b) Capturing, trapping, or injuring a wild animal;

15 (c) Collecting plant or animal specimens;

16 (d) Leaving the designated public roads in a vehicle;

17 or

18 (e) Hunting.

19 (4) Fines paid under this section shall be paid to the
20 Department of Environmental Protection and deposited in the
21 State Park Trust Fund. If a person who receives a citation
22 elects to defend himself or herself in court, the county small
23 claims court for the county in which the violation occurred
24 shall have jurisdiction. Court costs shall be determined by
25 and paid to the court as ordered by the court. A person who
26 receives a citation but fails to pay the fine, sign and accept
27 a citation, appear in court, or comply with the court's order
28 may not enter any state park property until he or she has paid
29 the fine, complied with the procedure, or complied with the
30 order. The department may establish by rule the procedures for
31 giving a citation, giving a notice of appearance in court,

1 payment of fines, and listing of persons ejected from state
2 parks; the amounts of fines for civil infractions up to
3 \$1,000; definitions; time limits and deadlines; and any other
4 matter necessary to implement this section.

5 Section 3. Section 316.212, Florida Statutes, is
6 amended to read:

7 316.212 Operation of golf carts on certain
8 roadways.--The operation of a golf cart upon the public roads
9 or streets of this state is prohibited except as provided
10 herein:

11 (1) A golf cart may be operated only upon a county
12 road that has been designated by a county, or a municipal
13 street that has been designated by a municipality, for use by
14 golf carts. Prior to making such a designation, the
15 responsible local governmental entity must first determine
16 that golf carts may safely travel on or cross the public road
17 or street, considering factors including the speed, volume,
18 and character of motor vehicle traffic using the road or
19 street. Upon a determination that golf carts may be safely
20 operated on a designated road or street, the responsible
21 governmental entity shall post appropriate signs to indicate
22 that such operation is allowed.

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

25 (a) To cross a portion of the State Highway System
26 which intersects a county road or municipal street that has
27 been designated for use by golf carts if the Department of
28 Transportation has reviewed and approved the location and
29 design of the crossing and any traffic control devices needed
30 for safety purposes.

31

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

6 (c) A golf cart may be operated on a state road that
7 has been designated for transfer to a local government unit
8 pursuant to s. 335.0415 if the Department of Transportation
9 determines that the operation of a golf cart within the
10 right-of-way of the road will not impede the safe and
11 efficient flow of motor vehicular traffic. The department may
12 authorize the operation of golf carts on such a road if:

13 1. The road is the only available public road along
14 which golf carts may travel or cross or the road provides the
15 safest travel route among alternative routes available; and

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

19
20 Upon its determination that golf carts may be operated on a
21 given road, the department shall post appropriate signs on the
22 road to indicate that such operation is allowed.

23 (3) Any other provision of this section to the
24 contrary notwithstanding, a golf cart may be operated for the
25 purpose of crossing a street or highway where a single mobile
26 home park is located on both sides of the street or highway
27 and is divided by that street or highway, provided that the
28 governmental entity having original jurisdiction over such
29 street or highway shall review and approve the location of the
30 crossing and require implementation of any traffic controls
31 needed for safety purposes. This subsection shall apply only

1 to residents or guests of the mobile home park. Any other
2 provision of law to the contrary notwithstanding, if notice is
3 posted at the entrance and exit to any mobile home park that
4 residents of the park utilize golf carts or electric vehicles
5 within the confines of the park it shall not be necessary that
6 the park have a gate or other device at the entrance and exit
7 in order for such golf carts or electric vehicles to be
8 lawfully operated in the park.

9 (4) Notwithstanding any other provisions of this
10 section, a golf cart may be operated on a road that is part of
11 the State Park Road System and where the posted speed limit is
12 35 miles per hour or less, and where not otherwise prohibited
13 by the Division of Recreation and Parks of the Department of
14 Environmental Protection.

15 ~~(5)(4)~~ A golf cart may be operated only during the
16 hours between sunrise and sunset, unless the responsible
17 governmental entity has determined that a golf cart may be
18 operated during the hours between sunset and sunrise and the
19 golf cart is equipped with headlights, brake lights, turn
20 signals, and a windshield.

21 ~~(6)(5)~~ A golf cart must be equipped with efficient
22 brakes, reliable steering apparatus, safe tires, a rearview
23 mirror, and red reflectorized warning devices in both the
24 front and rear.

25 ~~(7)(6)~~ A golf cart may not be operated on public roads
26 or streets by any person under the age of 14.

27 ~~(8)(7)~~ A local governmental entity may enact an
28 ordinance regarding golf cart operation and equipment which is
29 more restrictive than those enumerated in this section. Upon
30 enactment of any such ordinance, the local governmental entity
31 shall post appropriate signs or otherwise inform the residents

1 that such an ordinance exists and that it shall be enforced
 2 within the local government's jurisdictional territory. An
 3 ordinance referred to in this section must apply only to an
 4 unlicensed driver.

5 ~~(9)(8)~~ A violation of this section is a noncriminal
 6 traffic infraction, punishable pursuant to chapter 318 as a
 7 moving violation for infractions of subsection (1), subsection
 8 (2), subsection (3), subsection ~~(5)(4)~~, or a local ordinance
 9 corresponding thereto and enacted pursuant to subsection ~~(8)~~
 10 ~~(7)~~, or punishable pursuant to chapter 318 as a nonmoving
 11 violation for infractions of subsection ~~(6)(5)~~, subsection
 12 ~~(7)(6)~~, or a local ordinance corresponding thereto and
 13 enacted pursuant to subsection ~~(8)(7)~~.

14 Section 4. Section 373.4142, Florida Statutes, is
 15 amended to read:

16 373.4142 Water quality within stormwater treatment
 17 systems.--State surface water quality standards applicable to
 18 waters of the state, as defined in s. 403.031(13), shall not
 19 apply within a stormwater management system which is designed,
 20 constructed, operated, and maintained for stormwater treatment
 21 in accordance with a valid permit or noticed exemption issued
 22 pursuant to chapter ~~62-25~~ ~~17-25~~, Florida Administrative Code;
 23 a valid permit or exemption under s. 373.4145 within the
 24 Northwest Florida Water Management District; a valid permit
 25 issued on or subsequent to April 1, 1986, within the Suwannee
 26 River Water Management District or the St. Johns River Water
 27 Management District pursuant to this part; a valid permit
 28 issued on or subsequent to March 1, 1988, within the Southwest
 29 Florida Water Management District pursuant to this part; or a
 30 valid permit issued on or subsequent to January 6, 1982,
 31 within the South Florida Water Management District pursuant to

1 | this part. Such inapplicability of state water quality
2 | standards shall be limited to that part of the stormwater
3 | management system located upstream of a manmade water control
4 | structure permitted, or approved under a noticed exemption, to
5 | retain or detain stormwater runoff in order to provide
6 | treatment of the stormwater. The additional use of such a
7 | stormwater management system for flood attenuation or
8 | irrigation shall not divest the system of the benefits of this
9 | exemption. This section shall not affect the authority of the
10 | department and water management districts to require
11 | reasonable assurance that the water quality within such
12 | stormwater management systems will not adversely impact public
13 | health, fish and wildlife, or adjacent waters.

14 | Section 5. Subsection (17) of section 373.414, Florida
15 | Statutes, is amended to read:

16 | 373.414 Additional criteria for activities in surface
17 | waters and wetlands.--

18 | (17) The variance provisions of s. 403.201 are
19 | applicable to the provisions of this section or any rule
20 | adopted pursuant hereto. The governing boards and the
21 | department are authorized to review and take final agency
22 | action on petitions requesting such variances for those
23 | activities they regulate under this part and s. 373.4145.

24 | Section 6. Subsection (27) is added to section
25 | 373.4211, Florida Statutes, to read:

26 | 373.4211 Ratification of chapter 17-340, Florida
27 | Administrative Code, on the delineation of the landward extent
28 | of wetlands and surface waters.--Pursuant to s. 373.421, the
29 | Legislature ratifies chapter 17-340, Florida Administrative
30 | Code, approved on January 13, 1994, by the Environmental
31 | Regulation Commission, with the following changes:

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

10 Section 7. 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 shall not supplant or otherwise alter any assessment made
24 under subsection (3) or subsection (4) or any calculation or
25 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 shall not require the issuance of an order or a separate
26 action pursuant to s. 120.536(1) or s. 120.54 for the adoption
27 of the calculation and allocation previously established by
28 the department. Such programs may include, but are not limited
29 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 shall
22 not impose limits or conditions implementing an adopted total
23 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 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 8. Paragraphs (e) and (f) of subsection (2) of
 9 section 403.088, Florida Statutes, are amended to read:

10 403.088 Water pollution operation permits;
 11 conditions.--

12 (2)

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

16 1. The applicant is constructing, installing, or
 17 placing into operation, or has submitted plans and a
 18 reasonable schedule for constructing, installing, or placing
 19 into operation, an approved pollution abatement facility or
 20 alternative waste disposal system;

21 2. The applicant needs permission to pollute the
 22 waters within the state for a period of time necessary to
 23 complete research, planning, construction, installation, or
 24 operation of an approved and acceptable pollution abatement
 25 facility or alternative waste disposal system;

26 3. There is no present, reasonable, alternative means
 27 of disposing of the waste other than by discharging it into
 28 the waters of the state;

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

31

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

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

6 (f) A permit issued, renewed, revised, or reissued
7 pursuant to paragraph (e) shall be accompanied by an order
8 establishing a schedule for achieving compliance with all
9 permit conditions. Such permit may require compliance with
10 the accompanying order.

11 Section 9. Subsection (3) of section 403.50663,
12 Florida Statutes, is amended to read:

13 403.50663 Informational public meetings.--

14 (3) A local government or regional planning council
15 that intends to conduct an informational public meeting must
16 provide notice of the meeting to all parties not less than 15
17 5 days prior to the meeting, and to the general public, in
18 accordance with the provisions of s. 403.5115(5).

19 Section 10. Subsection (2) of section 403.50665,
20 Florida Statutes, is amended to read:

21 403.50665 Land use consistency.--

22 (2) Within 45 days after the filing of the
23 application, each local government shall file a determination
24 with the department, the applicant, the administrative law
25 judge, and all parties on the consistency of the site or any
26 directly associated facilities with existing land use plans
27 and zoning ordinances that were in effect on the date the
28 application was filed, based on the information provided in
29 the application. The local government may issue its
30 determination up to 35 days later if the local government has
31 requested additional information on land use and zoning

1 consistency as part of the local government's statement on
2 completeness of the application submitted pursuant to s.
3 403.5066(1)(a). Incompleteness of information necessary for a
4 local government to evaluate an application may be claimed by
5 the local government as cause for a statement of inconsistency
6 with existing land use plans and zoning ordinances. Notice of
7 the consistency determination shall be published in accordance
8 with the requirements of s. 403.5115.

9 Section 11. Section 403.508, Florida Statutes, is
10 amended to read:

11 403.508 Land use and certification hearings, parties,
12 participants.--

13 (1)(a) Within 5 days after the filing of ~~If~~ a petition
14 for a hearing on land use has been filed pursuant to s.
15 403.50665, the designated administrative law judge shall
16 schedule ~~conduct~~ a land use hearing to be conducted in the
17 county of the proposed site or directly associated facility,
18 as applicable, as expeditiously as possible, but not later
19 than 30 days after the department's receipt of the petition.
20 The place of such hearing shall be as close as possible to the
21 proposed site or directly associated facility. If a petition
22 is filed, the hearing shall be held regardless of the status
23 of the completeness of the application. ~~However,~~
24 ~~incompleteness of information necessary for a local government~~
25 ~~to evaluate an application may be claimed by the local~~
26 ~~government as cause for a statement of inconsistency with~~
27 ~~existing land use plans and zoning ordinances under s.~~
28 ~~403.50665.~~

29 (b) Notice of the land use hearing shall be published
30 in accordance with the requirements of s. 403.5115.

31

1 (c) The sole issue for determination at the land use
2 hearing shall be whether or not the proposed site is
3 consistent and in compliance with existing land use plans and
4 zoning ordinances. If the administrative law judge concludes
5 that the proposed site is not consistent or in compliance with
6 existing land use plans and zoning ordinances, the
7 administrative law judge shall receive at the hearing evidence
8 on, and address in the recommended order any changes to or
9 approvals or variances under, the applicable land use plans or
10 zoning ordinances which will render the proposed site
11 consistent and in compliance with the local land use plans and
12 zoning ordinances.

13 (d) The designated administrative law judge's
14 recommended order shall be issued within 30 days after
15 completion of the hearing and shall be reviewed by the board
16 within 60 days after receipt of the recommended order by the
17 board.

18 (e) If it is determined by the board that the proposed
19 site does conform with existing land use plans and zoning
20 ordinances in effect as of the date of the application, or as
21 otherwise provided by this act, the responsible zoning or
22 planning authority shall not thereafter change such land use
23 plans or zoning ordinances so as to foreclose construction and
24 operation of the proposed electrical power plant on the
25 proposed site or directly associated facilities unless
26 certification is subsequently denied or withdrawn.

27 (f) If it is determined by the board that the proposed
28 site does not conform with existing land use plans and zoning
29 ordinances, the board may, if it determines after notice and
30 hearing and upon consideration of the recommended order on
31 land use and zoning issues that it is in the public interest

1 to authorize the use of the land as a site for an electrical
2 power plant, authorize a variance or other necessary approval
3 to the adopted land use plan and zoning ordinances required to
4 render the proposed site consistent with local land use plans
5 and zoning ordinances. The board's action shall not be
6 controlled by any other procedural requirements of law. In the
7 event a variance or other approval is denied by the board, it
8 shall be the responsibility of the applicant to make the
9 necessary application for any approvals determined by the
10 board as required to make the proposed site consistent and in
11 compliance with local land use plans and zoning ordinances. No
12 further action may be taken on the complete application until
13 the proposed site conforms to the adopted land use plan or
14 zoning ordinances or the board grants relief as provided under
15 this act.

16 (2)(a) A certification hearing shall be held by the
17 designated administrative law judge no later than 265 days
18 after the application is filed with the department. The
19 certification hearing shall be held at a location in proximity
20 to the proposed site. ~~At the conclusion of the certification~~
21 ~~hearing, the designated administrative law judge shall, after~~
22 ~~consideration of all evidence of record, submit to the board a~~
23 ~~recommended order no later than 45 days after the filing of~~
24 ~~the hearing transcript.~~

25 (b) Notice of the certification hearing and notice of
26 the deadline for filing of notice of intent to be a party
27 shall be made in accordance with the requirements of s.
28 403.5115.

29 (3)(a) Parties to the proceeding shall include:
30 1. The applicant.
31 2. The Public Service Commission.

- 1 3. The Department of Community Affairs.
2 4. The Fish and Wildlife Conservation Commission.
3 5. The water management district.
4 6. The department.
5 7. The regional planning council.
6 8. The local government.
7 9. The Department of Transportation.
8 (b) Any party listed in paragraph (a) other than the
9 department or the applicant may waive its right to participate
10 in these proceedings. If such listed party fails to file a
11 notice of its intent to be a party on or before the 90th day
12 prior to the certification hearing, such party shall be deemed
13 to have waived its right to be a party.
14 (c) Notwithstanding the provisions of chapter 120,
15 upon the filing with the administrative law judge of a notice
16 of intent to be a party no later than 75 days after the
17 application is filed, the following shall also be parties to
18 the proceeding:
19 1. Any agency not listed in paragraph (a) as to
20 matters within its jurisdiction.
21 2. Any domestic nonprofit corporation or association
22 formed, in whole or in part, to promote conservation or
23 natural beauty; to protect the environment, personal health,
24 or other biological values; to preserve historical sites; to
25 promote consumer interests; to represent labor, commercial, or
26 industrial groups; or to promote comprehensive planning or
27 orderly development of the area in which the proposed
28 electrical power plant is to be located.
29 (d) Notwithstanding paragraph (e), failure of an
30 agency described in subparagraph (c)1. to file a notice of
31 intent to be a party within the time provided herein shall

1 constitute a waiver of the right of that agency to participate
2 as a party in the proceeding.

3 (e) Other parties may include any person, including
4 those persons enumerated in paragraph (c) who have failed to
5 timely file a notice of intent to be a party, whose
6 substantial interests are affected and being determined by the
7 proceeding and who timely file a motion to intervene pursuant
8 to chapter 120 and applicable rules. Intervention pursuant to
9 this paragraph may be granted at the discretion of the
10 designated administrative law judge and upon such conditions
11 as he or she may prescribe any time prior to 30 days before
12 the commencement of the certification hearing.

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

17 (4)(a) The order of presentation at the certification
18 hearing, unless otherwise changed by the administrative law
19 judge to ensure the orderly presentation of witnesses and
20 evidence, shall be:

- 21 1. The applicant.
- 22 2. The department.
- 23 3. State agencies.
- 24 4. Regional agencies, including regional planning
25 councils and water management districts.
- 26 5. Local governments.
- 27 6. Other parties.

28 (b) When appropriate, any person may be given an
29 opportunity to present oral or written communications to the
30 designated administrative law judge. If the designated
31 administrative law judge proposes to consider such

1 | communications, then all parties shall be given an opportunity
2 | to cross-examine or challenge or rebut such communications.

3 | (5) At the conclusion of the certification hearing,
4 | the designated administrative law judge shall, after
5 | consideration of all evidence of record, submit to the board a
6 | recommended order no later than 45 days after the filing of
7 | the hearing transcript.

8 | (6)(a) No earlier than 29 days prior to the conduct of
9 | the certification hearing, the department or the applicant may
10 | request that the administrative law judge cancel the
11 | certification hearing and relinquish jurisdiction to the
12 | department if all parties to the proceeding stipulate that
13 | there are no disputed issues of fact or law to be raised at
14 | the certification hearing, and if sufficient time remains for
15 | the applicant and the department to publish public notices of
16 | the cancellation of the hearing at least 3 days prior to the
17 | scheduled date of the hearing.

18 | (b) The administrative law judge shall issue an order
19 | granting or denying the request within 5 days after receipt of
20 | the request.

21 | (c) If the administrative law judge grants the
22 | request, the department and the applicant shall publish
23 | notices of the cancellation of the certification hearing, in
24 | accordance with s. 403.5115.

25 | (d)1. If the administrative law judge grants the
26 | request, the department shall prepare and issue a final order
27 | in accordance with s. 403.509(1)(a).

28 | 2. Parties may submit proposed recommended orders to
29 | the department no later than 10 days after the administrative
30 | law judge issues an order relinquishing jurisdiction.

31 |

1 (7) The applicant shall pay those expenses and costs
2 associated with the conduct of the hearings and the recording
3 and transcription of the proceedings.

4 (8) In issuing permits under the federally approved
5 new source review or prevention of significant deterioration
6 permit program, the department shall observe the procedures
7 specified under the federally approved state implementation
8 plan, including public notice, public comment, public hearing,
9 and notice of applications and amendments to federal, state,
10 and local agencies, to assure that all such permits issued in
11 coordination with the certification of a power plant under
12 this act are federally enforceable and are issued after
13 opportunity for informed public participation regarding the
14 terms and conditions thereof. When possible, any hearing on a
15 federally approved or delegated program permit such as new
16 source review, prevention of significant deterioration permit,
17 or NPDES permit shall be conducted in conjunction with the
18 certification hearing held under this act. It is the intent of
19 the Legislature that the review, processing, and issuance of
20 such federally delegated or approved permits be closely
21 coordinated with the certification process established under
22 this part. In the event of a conflict between the
23 certification process and federally required procedures, the
24 applicable federal requirements shall control.

25 Section 12. Subsection (5) of section 403.509, Florida
26 Statutes, is amended to read:

27 403.509 Final disposition of application.--

28 (5) For certifications that are issued by the board,
29 in regard to the properties and works of any agency ~~that~~ ~~which~~
30 is a party to the certification hearing, the board shall have
31 the authority to decide issues relating to the use, the

1 connection thereto, or the crossing thereof, for the
2 electrical power plant and directly associated facilities and
3 to direct any such agency 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. For certifications
7 that are issued by the department, in regard to the properties
8 and works of any agency that is a party to the proceeding, any
9 stipulation filed pursuant to s. 403.508(6)(a) must include a
10 stipulation regarding any issues relating to the use, the
11 connection thereto, or the crossing thereof, for the
12 electrical power plant and directly associated facilities. Any
13 agency stipulating to the use, connection to, or crossing of
14 its property must agree to execute, within 30 days after the
15 entry of certification, the necessary license or easement for
16 such use, connection, or crossing, subject only to the
17 conditions set forth in such certification.

18 Section 13. Section 403.5113, Florida Statutes, is
19 amended to read:

20 403.5113 Postcertification amendments and review.--

21 (1) POSTCERTIFICATION AMENDMENTS.--

22 (a) If, subsequent to certification by the board, a
23 licensee proposes any material change to the application and
24 revisions or amendments thereto, as certified, the licensee
25 shall submit a written request for amendment and a description
26 of the proposed change to the application to the department.
27 Within 30 days after the receipt of the request for the
28 amendment, the department shall determine whether the proposed
29 change to the application requires a modification of the
30 conditions of certification.

31

1 ~~(b)(2)~~ If the department concludes that the change
2 would not require a modification of the conditions of
3 certification, the department shall provide written
4 notification of the determination on approval of the proposed
5 amendment to the licensee, all agencies, and all other
6 parties.

7 ~~(c)(3)~~ If the department concludes that the change
8 would require a modification of the conditions of
9 certification, the department shall provide written
10 notification to the licensee that the proposed change to the
11 application requires a request for modification pursuant to s.
12 403.516.

13 ~~(2)(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
14 submittals filed by the licensee with one or more agencies are
15 for the purpose of monitoring for compliance with the issued
16 certification and must be reviewed by the agencies on an
17 expedited and priority basis because each facility certified
18 under this act is a critical infrastructure facility. In no
19 event shall a postcertification review be completed in more
20 than 90 days after complete information is submitted to the
21 reviewing agencies.

22 Section 14. Section 403.5115, Florida Statutes, is
23 amended to read:

24 403.5115 Public notice.--

25 (1) The following notices are to be published by the
26 applicant:

27 (a) Notice of the filing of a notice of intent under
28 s. 403.5063, which shall be published within 21 days after the
29 filing of the notice. The notice shall be published as
30 specified by subsection (2), except that the newspaper notice
31

1 shall be one-fourth page in size in a standard size newspaper
2 or one-half page in size in a tabloid size newspaper.

3 (b) Notice of filing of the application, which shall
4 include a description of the proceedings required by this act,
5 within 21 days after the date of the application filing. Such
6 notice shall give notice of the provisions of s. 403.511(1)
7 and (2).

8 (c) Notice of the land use determination made pursuant
9 to s. 403.50665(1) within 21 days after the determination is
10 filed.

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

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

18 (f) Notice of the cancellation of the certification
19 hearing, if applicable, no later than 3 days before the date
20 of the originally scheduled certification hearing.

21 (g) Notice of modification when required by the
22 department, based on whether the requested modification of
23 certification will significantly increase impacts to the
24 environment or the public. Such notice shall be published as
25 specified under subsection (2):

26 1. Within 21 days after receipt of a request for
27 modification. The newspaper notice shall be of a size as
28 directed by the department commensurate with the scope of the
29 modification.

30
31

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

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

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

9 (2) Notices provided by the applicant shall be
10 published in newspapers of general circulation within the
11 county or counties in which the proposed electrical power
12 plant will be located. The newspaper notices shall be at least
13 one-half page in size in a standard size newspaper or a full
14 page in a tabloid size newspaper. These notices shall include
15 a map generally depicting the project and all associated
16 facilities corridors. A newspaper of general circulation shall
17 be the newspaper which has the largest daily circulation in
18 that county and has its principal office in that county. If
19 the newspaper with the largest daily circulation has its
20 principal office outside the county, the notices shall appear
21 in both the newspaper having the largest circulation in that
22 county and in a newspaper authorized to publish legal notices
23 in that county.

24 (3) All notices published by the applicant shall be
25 paid for by the applicant and shall be in addition to the
26 application fee.

27 (4) The department shall arrange for publication of
28 the following notices in the manner specified by chapter 120
29 and provide copies of those notices to any persons who have
30 requested to be placed on the departmental mailing list for
31

1 this purpose for each case for which an application has been
2 received by the department:

3 (a) Notice of the filing of the notice of intent
4 within 15 days after receipt of the notice.

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

7 (c) Notice of the land use determination made pursuant
8 to s. 403.50665(1) within 21 days after the determination is
9 filed.

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

13 (e) Notice of the land use hearing before the board,
14 if applicable.

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

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

20 (h) Notice of the hearing before the board, if
21 applicable.

22 (i) Notice of stipulations, proposed agency action, or
23 petitions for modification.

24 (5) A local government or regional planning council
25 that proposes to conduct an informational public meeting
26 pursuant to s. 403.50663 must publish notice of the meeting in
27 a newspaper of general circulation within the county or
28 counties in which the proposed electrical power plant will be
29 located no later than 7 days prior to the meeting. A newspaper
30 of general circulation is the newspaper that has the largest
31 daily circulation in that county and has its principal office

1 in that county. If the newspaper having the largest daily
2 circulation has its principal office outside the county, the
3 notices much appear in both the newspaper having the largest
4 circulation in that county and in a newspaper authorized to
5 publish legal notices in that county.

6 Section 15. Subsection (1) of section 403.5252,
7 Florida Statutes, is amended to read:

8 403.5252 Determination of completeness.--

9 (1)(a) Within 30 days after the filing ~~distribution~~ of
10 an application, the affected agencies shall file a statement
11 with the department containing the recommendations of each
12 agency concerning the completeness of the application for
13 certification.

14 (b) Within ~~37~~ 7 days after the filing ~~receipt~~ of the
15 application ~~completeness statements of each agency~~, the
16 department shall file a statement with the Division of
17 Administrative Hearings, with the applicant, and with all
18 parties declaring its position with regard to the completeness
19 of the application. The statement of the department shall be
20 based upon its consultation with the affected agencies.

21 Section 16. Subsection (6) of section 403.527, Florida
22 Statutes, is amended to read:

23 403.527 Certification hearing, parties,
24 participants.--

25 (6)(a) No later than ~~29~~ 25 days before the
26 certification hearing, the department or the applicant may
27 request that the administrative law judge cancel the
28 certification hearing and relinquish jurisdiction to the
29 department if all parties to the proceeding stipulate that
30 there are no disputed issues of material fact or law to be
31 raised at the certification hearing.

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

3 (c) If the administrative law judge grants the
4 request, the department and the applicant shall publish
5 notices of the cancellation of the certification hearing in
6 accordance with s. 403.5363.

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

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

13 Section 17. Subsection (1) of section 403.5271,
14 Florida Statutes, is amended to read:

15 403.5271 Alternate corridors.--

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

20 (a) A notice of a proposed alternate corridor must be
21 filed with the administrative law judge, all parties, and any
22 local governments in whose jurisdiction the alternate corridor
23 is proposed. The filing must include the most recent United
24 States Geological Survey 1:24,000 quadrangle maps specifically
25 delineating the corridor boundaries, a description of the
26 proposed corridor, and a statement of the reasons the proposed
27 alternate corridor should be certified.

28 (b)1. Within 7 days after receipt of the notice, the
29 applicant and the department shall file with the
30 administrative law judge and all parties a notice of
31 acceptance or rejection of a proposed alternate corridor for

1 consideration. If the alternate corridor is rejected by the
2 applicant or the department, the certification hearing and the
3 public hearings shall be held as scheduled. If both the
4 applicant and the department accept a proposed alternate
5 corridor for consideration, the certification hearing and the
6 public hearings shall be rescheduled, if necessary.

7 2. If rescheduled, the certification hearing shall be
8 held no more than 90 days after the previously scheduled
9 certification hearing, unless the data submitted under
10 paragraph (d) is determined to be incomplete, in which case
11 the rescheduled certification hearing shall be held no more
12 than 105 days after the previously scheduled certification
13 hearing. If additional time is needed due to the alternate
14 corridor crossing a local government jurisdiction that was not
15 previously affected, the remainder of the schedule listed
16 below shall be appropriately adjusted by the administrative
17 law judge to allow that local government to prepare a report
18 pursuant to s. 403.526(2)(a)5.

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

24 (d) Within 21 days after acceptance of an alternate
25 corridor by the department and the applicant, the party
26 proposing an alternate corridor shall have the burden of
27 providing all data to the agencies listed in s. 403.526(2) and
28 newly affected agencies necessary for the preparation of a
29 supplementary report on the proposed alternate corridor.

30 (e)1. Reviewing agencies shall advise the department
31 of any issues concerning completeness no later than 15 days

1 after the submittal of the data required by paragraph (d).
2 Within 22 days after receipt of the data, the department shall
3 issue a determination of completeness.

4 2. If the department determines that the data required
5 by paragraph (d) is not complete, the party proposing the
6 alternate corridor must file such additional data to correct
7 the incompleteness. This additional data must be submitted
8 within 14 days after the determination by the department.

9 3. Reviewing agencies may advise the department of any
10 issues concerning completeness of the additional data within
11 10 days after the filing by the applicant. If the department,
12 within 14 days after receiving the additional data, determines
13 that the data remains incomplete, the incompleteness of the
14 data is deemed a withdrawal of the proposed alternate
15 corridor. The department may make its determination based on
16 recommendations made by other affected agencies.

17 (f) The agencies listed in s. 403.526(2) and any newly
18 affected agencies shall file supplementary reports with the
19 applicant and the department which address the proposed
20 alternate corridors no later than 24 days after the data
21 submitted pursuant to paragraph (d) or paragraph (e) is
22 determined to be complete.

23 (g) The agency reports on alternate corridors must
24 include all information required by s. 403.526(2).

25 (h) When an agency whose agency head is a collegial
26 body, such as a commission, board, or council, is required to
27 submit a report pursuant to this section and is required by
28 its own internal procedures to have the report reviewed by its
29 agency head prior to finalization, the agency may submit to
30 the department a draft version of the report by the deadline
31 indicated in paragraph (f), and shall submit a final version

1 of the report after review by the agency head no later than 7
2 days after the deadline indicated in paragraph (f).

3 (i) The department shall file with the administrative
4 law judge, the applicant, and all parties a project analysis
5 consistent with s. 403.526(3) no more than 16 days after
6 submittal of agency reports on the proposed alternate
7 corridor.

8 Section 18. Section 403.5317, Florida Statutes, is
9 amended to read:

10 403.5317 Postcertification activities.--

11 (1)(a) If, subsequent to certification, a licensee
12 proposes any material change to the application or prior
13 amendments, the licensee shall submit to the department a
14 written request for amendment and description of the proposed
15 change to the application. The department shall, within 30
16 days after the receipt of the request for the amendment,
17 determine whether the proposed change to the application
18 requires a modification of the conditions of certification.

19 (b) If the department concludes that the change would
20 not require a modification of the conditions of certification,
21 the department shall notify, in writing, the licensee, all
22 agencies, and all parties of the determination on approval of
23 the amendment.

24 (c) If the department concludes that the change would
25 require a modification of the conditions of certification, the
26 department shall notify the licensee that the proposed change
27 to the application requires a request for modification under
28 s. 403.5315.

29 (2) Postcertification submittals filed by a licensee
30 with one or more agencies are for the purpose of monitoring
31 for compliance with the issued certification. Each submittal

1 must be reviewed by each agency on an expedited and priority
2 basis because each facility certified under this act is a
3 critical infrastructure facility. Postcertification review may
4 not be completed more than 90 days after complete information
5 for a segment of the certified transmission line is submitted
6 to the reviewing agencies.

7 Section 19. Subsection (3) of section 403.5363,
8 Florida Statutes, is amended to read:

9 403.5363 Public notices; requirements.--

10 (3) The department shall arrange for the publication
11 of the following notices in the manner specified by chapter
12 120:

13 (a) The notice of the filing of an application and the
14 date by which a person intending to become a party must file a
15 petition to intervene or a notice of intent to be a party. The
16 notice must be published no later than 21 days after the
17 application has been filed.

18 (b) The notice of any administrative hearing for
19 certification, if applicable. The notice must be published not
20 less than 65 days before the date set for a hearing, except
21 that notice for a rescheduled certification hearing after
22 acceptance of an alternative corridor must be published not
23 less than 50 days before the date set for the hearing.

24 (c) The notice of the cancellation of a certification
25 hearing, if applicable. The notice must be published not later
26 than 3 ~~7~~ days before the date of the originally scheduled
27 certification hearing.

28 (d) The notice of the hearing before the siting board,
29 if applicable.

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

1 Section 20. Section 376.30715, Florida Statutes, is
2 amended to read:

3 376.30715 Innocent victim petroleum storage system
4 restoration.--A contaminated site acquired by the current
5 property owner prior to July 1, 1990, which has ceased
6 operating as a petroleum storage or retail business prior to
7 January 1, 1985, is eligible for financial assistance pursuant
8 to s. 376.305(6), notwithstanding s. 376.305(6)(a). For the
9 purposes of this section, the term "acquired" means the
10 acquisition of the title to the property; however, a
11 subsequent transfer of the property to a spouse, a surviving
12 spouse in trust or free of trust, or to a revocable trust
13 created for the benefit of the settlor shall not disqualify
14 the site from financial assistance pursuant to s. 376.305(6).
15 Eligible sites shall be ranked in accordance with s.
16 376.3071(5).

17 Section 21. Subsection (6) of section 373.459, Florida
18 Statutes, is amended to read:

19 373.459 Funds for surface water improvement and
20 management.--

21 ~~(6)(a)~~ The match requirement of subsection (2) shall
22 not apply to the Suwannee River Water Management District, the
23 Northwest Florida Water Management District, or a financially
24 disadvantaged small local government as defined in s.
25 403.885(5).

26 ~~(b) Notwithstanding the requirements of subsection~~
27 ~~(3), the Ecosystem Management and Restoration Trust Fund and~~
28 ~~the Water Protection and Sustainability Trust Fund shall be~~
29 ~~used for the deposit of funds appropriated by the Legislature~~
30 ~~for the purposes of ss. 373.451-373.4595. The department shall~~
31 ~~administer all funds appropriated to or received for surface~~

1 ~~water improvement and management activities. Expenditure of~~
2 ~~the moneys shall be limited to the costs of details planning~~
3 ~~and plan and program implementation for priority surface water~~
4 ~~bodies. Moneys from the funds shall not be expended for~~
5 ~~planning for, or construction or expansion of, treatment~~
6 ~~facilities for domestic or industrial waste disposal.~~

7 ~~(c) Notwithstanding the requirements of subsection~~
8 ~~(4), the department shall authorize the release of money from~~
9 ~~the funds in accordance with the provisions of s. 373.501(2)~~
10 ~~and procedures in s. 373.59(4) and (5).~~

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

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

19 Section 22. This act shall take effect July 1, 2007.

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