

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. 373.073, F.S.;  
15          providing for two additional members to be  
16          appointed to the governing board of the South  
17          Florida Water Management District; revising the  
18          residence requirements for the members of the  
19          governing board; amending s. 373.4142, F.S.;  
20          providing statewide consistency for water  
21          quality standards in the Northwest Florida  
22          Water Management District; amending s. 373.414,  
23          F.S.; providing that certain variance  
24          provisions apply in the Northwest Florida Water  
25          Management District; amending s. 373.4211,  
26          F.S.; ratifying the wetland rule and amending  
27          it to include certain plant species approved by  
28          the Environmental Regulation Commission;  
29          providing for delay of the ratification until  
30          certain conditions are met; amending s.  
31          403.50663, F.S.; clarifying certain notice

1 requirements; amending s. 403.50665, F.S.;  
2 providing for a local government to issue a  
3 statement of inconsistency with existing land  
4 use plans and zoning ordinances due to  
5 incompleteness of information necessary for an  
6 evaluation; amending s. 403.508, F.S.;  
7 clarifying certain hearing requirements for  
8 land use and certification hearings; amending  
9 s. 403.509, F.S.; clarifying certain provisions  
10 relating to certifications issued by the  
11 Department of Environmental Protection;  
12 amending s. 403.5113, F.S.; providing technical  
13 corrections to provisions requiring  
14 postcertification amendments and review;  
15 amending s. 403.5115, F.S.; clarifying certain  
16 public-notice requirements; amending s.  
17 403.5252, F.S.; clarifying provisions relating  
18 to the determination of completeness of an  
19 application for an electric transmission line;  
20 amending s. 403.527, F.S.; clarifying the time  
21 under which the department or the applicant may  
22 request the cancellation of a certification  
23 hearing for a proposed transmission line;  
24 amending s. 403.5271, F.S.; clarifying the  
25 responsibilities of reviewing agencies to  
26 review the completeness of an application;  
27 amending s. 403.5317, F.S.; clarifying the  
28 provisions relating to a change in the  
29 condition of a certification; amending s.  
30 403.5363, F.S.; providing that notice of a  
31 cancellation of a certification hearing must be

1 within a certain time; amending s. 376.30715,  
2 F.S.; amending s. 373.459, F.S.; repealing a  
3 provision that repealed a subsection concerning  
4 financial match requirements and certain  
5 expenditure limitations for surface water  
6 protection programs; amending s. 704.06, F.S.;  
7 providing that all provisions of a conservation  
8 easement shall survive and remain enforceable  
9 after the issuance of a tax deed; authorizing  
10 two or more counties, or a combination of at  
11 least one county and municipality, to establish  
12 a tax increment area for conservation lands by  
13 interlocal agreement; providing requirements  
14 for such an interlocal agreement; requiring  
15 that a tax increment be determined annually;  
16 limiting the amount of the tax increment;  
17 requiring the establishment of a separate  
18 reserve account for each tax increment area;  
19 providing for a refund; requiring an annual  
20 audit of the separate reserve account;  
21 providing for the administration of the  
22 separate reserve account; providing that the  
23 governmental body that administers the separate  
24 reserve account may spend revenues from the tax  
25 increment to purchase real property only if all  
26 parties to the interlocal agreement adopt a  
27 resolution that approves the purchase price;  
28 providing that a water management district may  
29 be a party to the interlocal agreement;  
30 requiring certain approvals from the Department  
31 of Environmental Protection and the Department

1 of Community Affairs; providing a comparative  
 2 standard on which the minimum annual funding of  
 3 the separate reserve account must be based;  
 4 requiring a taxing authority that does not pay  
 5 tax increment revenues to the separate reserve  
 6 account before a specified date to pay a  
 7 specified amount of interest on the amount of  
 8 unpaid increment revenues; providing exemptions  
 9 for certain public bodies, taxing authorities,  
 10 school districts and special districts;  
 11 providing that revenue bonds may be paid only  
 12 from revenues deposited into the separate  
 13 reserve account; providing that such revenue  
 14 bonds are not a debt, liability, or obligation  
 15 of the state or any public body; providing  
 16 legislative findings; providing an effective  
 17 date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21 Section 1. Subsection (2) of section 258.007, Florida  
 22 Statutes, is amended to read:

23 258.007 Powers of division.--

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

29 Section 2. Section 258.008, Florida Statutes, is  
 30 created to read:

31 258.008 Prohibited activities; penalties.--

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

7           (2) In addition to penalties imposed under subsection  
8 (1), any person who fails to sign a citation given under  
9 subsection (1), fails to appear in court in response to such  
10 citation, or fails to comply with the court's order commits a  
11 misdemeanor of the second degree, punishable as provided in s.  
12 775.082 or s. 775.083.

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

19           (a) Cutting, carving, injuring, mutilating, moving,  
20 displacing, or breaking off any water-bottom formation or  
21 coral;

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

23           (c) Collecting plant or animal specimens;

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

25 or

26           (e) Hunting.

27           (4) Fines paid under this section shall be paid to the  
28 Department of Environmental Protection and deposited in the  
29 State Park Trust Fund. If a person who receives a citation  
30 elects to defend himself or herself in court, the county small  
31 claims court for the county in which the violation occurred

1 shall have jurisdiction. Court costs shall be determined by  
2 and paid to the court as ordered by the court. A person who  
3 receives a citation but fails to pay the fine, sign and accept  
4 a citation, appear in court, or comply with the court's order  
5 may not enter any state park property until he or she has paid  
6 the fine, complied with the procedure, or complied with the  
7 order. The department may establish by rule the procedures for  
8 giving a citation, giving a notice of appearance in court,  
9 payment of fines, and listing of persons ejected from state  
10 parks; the amounts of fines for civil infractions up to  
11 \$1,000; definitions; time limits and deadlines; and any other  
12 matter necessary to implement this section.

13 Section 3. Section 316.212, Florida Statutes, is  
14 amended to read:

15 316.212 Operation of golf carts on certain  
16 roadways.--The operation of a golf cart upon the public roads  
17 or streets of this state is prohibited except as provided  
18 herein:

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

31

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

3           (a) To cross a portion of the State Highway System  
4 which intersects a county road or municipal street that has  
5 been designated for use by golf carts if the Department of  
6 Transportation has reviewed and approved the location and  
7 design of the crossing and any traffic control devices needed  
8 for safety purposes.

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

14           (c) A golf cart may be operated on a state road that  
15 has been designated for transfer to a local government unit  
16 pursuant to s. 335.0415 if the Department of Transportation  
17 determines that the operation of a golf cart within the  
18 right-of-way of the road will not impede the safe and  
19 efficient flow of motor vehicular traffic. The department may  
20 authorize the operation of golf carts on such a road if:

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

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

27  
28 Upon its determination that golf carts may be operated on a  
29 given road, the department shall post appropriate signs on the  
30 road to indicate that such operation is allowed.

31

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

18           (4) Notwithstanding any other provisions of this  
19 section, a golf cart may be operated on a road that is part of  
20 the State Park Road System and where the posted speed limit is  
21 35 miles per hour or less, and where not otherwise prohibited  
22 by the Division of Recreation and Parks of the Department of  
23 Environmental Protection.

24           ~~(5)(4)~~ A golf cart may be operated only during the  
25 hours between sunrise and sunset, unless the responsible  
26 governmental entity has determined that a golf cart may be  
27 operated during the hours between sunset and sunrise and the  
28 golf cart is equipped with headlights, brake lights, turn  
29 signals, and a windshield.

30           ~~(6)(5)~~ A golf cart must be equipped with efficient  
31 brakes, reliable steering apparatus, safe tires, a rearview



1 mirror, and red reflectorized warning devices in both the  
2 front and rear.

3 ~~(7)(6)~~ A golf cart may not be operated on public roads  
4 or streets by any person under the age of 14.

5 ~~(8)(7)~~ A local governmental entity may enact an  
6 ordinance regarding golf cart operation and equipment which is  
7 more restrictive than those enumerated in this section. Upon  
8 enactment of any such ordinance, the local governmental entity  
9 shall post appropriate signs or otherwise inform the residents  
10 that such an ordinance exists and that it shall be enforced  
11 within the local government's jurisdictional territory. An  
12 ordinance referred to in this section must apply only to an  
13 unlicensed driver.

14 ~~(9)(8)~~ A violation of this section is a noncriminal  
15 traffic infraction, punishable pursuant to chapter 318 as a  
16 moving violation for infractions of subsection (1), subsection  
17 (2), subsection (3), subsection ~~(5)(4)~~, or a local ordinance  
18 corresponding thereto and enacted pursuant to subsection ~~(8)~~  
19 ~~(7)~~, or punishable pursuant to chapter 318 as a nonmoving  
20 violation for infractions of subsection ~~(6)(5)~~, subsection  
21 ~~(7)(6)~~, or a local ordinance corresponding thereto and  
22 enacted pursuant to subsection ~~(8)(7)~~.

23 Section 4. Subsection (1) and paragraph (d) of  
24 subsection (2) of section 373.073, Florida Statutes, are  
25 amended to read:

26 373.073 Governing board.--

27 (1)(a) The governing board of each water management  
28 district shall be composed of 9 members who shall reside  
29 within the district, except that the South Florida Water  
30 Management District and the Southwest Florida Water Management  
31 District shall be composed of 11 members who shall reside

1 within their respective districts ~~the district~~. Members of the  
2 governing boards shall be appointed by the Governor, subject  
3 to confirmation by the Senate at the next regular session of  
4 the Legislature, and the refusal or failure of the Senate to  
5 confirm an appointment creates a vacancy in the office to  
6 which the appointment was made. The term of office for a  
7 governing board member is 4 years and commences on March 2 of  
8 the year in which the appointment is made and terminates on  
9 March 1 of the fourth calendar year of the term or may  
10 continue until a successor is appointed, but not more than 180  
11 days. Terms of office of governing board members shall be  
12 staggered to help maintain consistency and continuity in the  
13 exercise of governing board duties and to minimize disruption  
14 in district operations.

15 (b) Commencing January 1, 1999, the Governor shall  
16 appoint the following number of governing board members in  
17 each year of the Governor's 4-year term of office:

18 1. In the first year of the Governor's term of office,  
19 the Governor shall appoint three members to the governing  
20 board of each district.

21 2. In the second year of the Governor's term of  
22 office, the Governor shall appoint three members to the  
23 governing board of the South Florida Water Management  
24 District, three members to the governing board of the  
25 Southwest Florida Water Management District, and two members  
26 to the governing board of each other district.

27 3. In the third year of the Governor's term of office,  
28 the Governor shall appoint three members to the governing  
29 board of the South Florida Water Management District, three  
30 members to the governing board of the Southwest Florida Water  
31

1 Management District, and two members to the governing board of  
2 each other district.

3 4. In the fourth year of the Governor's term of  
4 office, the Governor shall appoint two members to the  
5 governing board of each district.

6  
7 For any governing board vacancy that occurs before the date  
8 scheduled for the office to be filled under this paragraph,  
9 the Governor shall appoint a person meeting residency  
10 requirements of subsection (2) for a term that will expire on  
11 the date scheduled for the term of that office to terminate  
12 under this subsection. In addition to the residency  
13 requirements for the governing boards as provided by  
14 subsection (2), the Governor shall consider appointing  
15 governing board members to represent an equitable cross  
16 section of regional interests and technical expertise.

17 (2) Membership on governing boards shall be selected  
18 from candidates who have significant experience in one or more  
19 of the following areas, including, but not limited to:  
20 agriculture, the development industry, local government,  
21 government-owned or privately owned water utilities, law,  
22 civil engineering, environmental science, hydrology,  
23 accounting, or financial businesses. Notwithstanding the  
24 provisions of any other general or special law to the  
25 contrary, vacancies in the governing boards of the water  
26 management districts shall be filled according to the  
27 following residency requirements, representing areas  
28 designated by the United States Water Resources Council in  
29 United States Geological Survey, River Basin and Hydrological  
30 Unit Map of Florida--1975, Map Series No. 72:

31 (d) South Florida Water Management District:

- 1            1. Two members shall reside in Dade County.
- 2            2. One member shall reside in Broward County.
- 3            3. One member shall reside in Palm Beach County.
- 4            4. One member shall reside in Lee County.
- 5            5. One member shall reside in St. Lucie County or
- 6 Martin County.
- 7            ~~6.4.~~ One member shall reside in Collier County, ~~Lee~~
- 8 ~~County,~~ Hendry County, or Charlotte County.
- 9            ~~7.5.~~ One member shall reside in Glades County,
- 10 Okeechobee County, Highlands County, Polk County, Orange
- 11 County, or Osceola County.
- 12            ~~8.6.~~ Two members, appointed at large, shall reside in
- 13 an area consisting of St. Lucie, Martin, Palm Beach, Broward,
- 14 Dade, and Monroe Counties.
- 15            ~~9.7.~~ One member, appointed at large, shall reside in
- 16 an area consisting of Collier, Lee, Charlotte, Hendry, Glades,
- 17 Osceola, Okeechobee, Polk, Highlands, and Orange Counties.
- 18            ~~10.8.~~ ~~A No~~ county may not ~~shall~~ have more than three
- 19 members on the governing board.
- 20            Section 5. Section 373.4142, Florida Statutes, is
- 21 amended to read:
- 22            373.4142 Water quality within stormwater treatment
- 23 systems.--State surface water quality standards applicable to
- 24 waters of the state, as defined in s. 403.031(13), shall not
- 25 apply within a stormwater management system which is designed,
- 26 constructed, operated, and maintained for stormwater treatment
- 27 in accordance with a valid permit or noticed exemption issued
- 28 pursuant to chapter ~~62-25~~ 17-25, Florida Administrative Code;
- 29 a valid permit or exemption under s. 373.4145 within the
- 30 Northwest Florida Water Management District; a valid permit
- 31 issued on or subsequent to April 1, 1986, within the Suwannee

1 River Water Management District or the St. Johns River Water  
2 Management District pursuant to this part; a valid permit  
3 issued on or subsequent to March 1, 1988, within the Southwest  
4 Florida Water Management District pursuant to this part; or a  
5 valid permit issued on or subsequent to January 6, 1982,  
6 within the South Florida Water Management District pursuant to  
7 this part. Such inapplicability of state water quality  
8 standards shall be limited to that part of the stormwater  
9 management system located upstream of a manmade water control  
10 structure permitted, or approved under a noticed exemption, to  
11 retain or detain stormwater runoff in order to provide  
12 treatment of the stormwater. The additional use of such a  
13 stormwater management system for flood attenuation or  
14 irrigation shall not divest the system of the benefits of this  
15 exemption. This section shall not affect the authority of the  
16 department and water management districts to require  
17 reasonable assurance that the water quality within such  
18 stormwater management systems will not adversely impact public  
19 health, fish and wildlife, or adjacent waters.

20 Section 6. Subsection (17) of section 373.414, Florida  
21 Statutes, is amended to read:

22 373.414 Additional criteria for activities in surface  
23 waters and wetlands.--

24 (17) The variance provisions of s. 403.201 are  
25 applicable to the provisions of this section or any rule  
26 adopted pursuant hereto. The governing boards and the  
27 department are authorized to review and take final agency  
28 action on petitions requesting such variances for those  
29 activities they regulate under this part and s. 373.4145.

30 Section 7. Subsection (27) is added to section  
31 373.4211, Florida Statutes, to read:

1           373.4211 Ratification of chapter 17-340, Florida  
2 Administrative Code, on the delineation of the landward extent  
3 of wetlands and surface waters.--Pursuant to s. 373.421, the  
4 Legislature ratifies chapter 17-340, Florida Administrative  
5 Code, approved on January 13, 1994, by the Environmental  
6 Regulation Commission, with the following changes:

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

16           Section 8. Subsection (3) of section 403.50663,  
17 Florida Statutes, is amended to read:

18           403.50663 Informational public meetings.--

19           (3) A local government or regional planning council  
20 that intends to conduct an informational public meeting must  
21 provide notice of the meeting to all parties not less than 15  
22 5 days prior to the meeting, and to the general public, in  
23 accordance with the provisions of s. 403.5115(5).

24           Section 9. Subsection (2) of section 403.50665,  
25 Florida Statutes, is amended to read:

26           403.50665 Land use consistency.--

27           (2) Within 45 days after the filing of the  
28 application, each local government shall file a determination  
29 with the department, the applicant, the administrative law  
30 judge, and all parties on the consistency of the site or any  
31 directly associated facilities with existing land use plans

1 and zoning ordinances that were in effect on the date the  
2 application was filed, based on the information provided in  
3 the application. The local government may issue its  
4 determination up to 35 days later if the local government has  
5 requested additional information on land use and zoning  
6 consistency as part of the local government's statement on  
7 completeness of the application submitted pursuant to s.  
8 403.5066(1)(a). Incompleteness of information necessary for a  
9 local government to evaluate an application may be claimed by  
10 the local government as cause for a statement of inconsistency  
11 with existing land use plans and zoning ordinances. Notice of  
12 the consistency determination shall be published in accordance  
13 with the requirements of s. 403.5115.

14 Section 10. Section 403.508, Florida Statutes, is  
15 amended to read:

16 403.508 Land use and certification hearings, parties,  
17 participants.--

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

1 ~~existing land use plans and zoning ordinances under s.~~  
2 ~~403.50665.~~

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

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

17 (d) The designated administrative law judge's  
18 recommended order shall be issued within 30 days after  
19 completion of the hearing and shall be reviewed by the board  
20 within 60 days after receipt of the recommended order by the  
21 board.

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

31



1 (f) If it is determined by the board that the proposed  
2 site does not conform with existing land use plans and zoning  
3 ordinances, the board may, if it determines after notice and  
4 hearing and upon consideration of the recommended order on  
5 land use and zoning issues that it is in the public interest  
6 to authorize the use of the land as a site for an electrical  
7 power plant, authorize a variance or other necessary approval  
8 to the adopted land use plan and zoning ordinances required to  
9 render the proposed site consistent with local land use plans  
10 and zoning ordinances. The board's action shall not be  
11 controlled by any other procedural requirements of law. In the  
12 event a variance or other approval is denied by the board, it  
13 shall be the responsibility of the applicant to make the  
14 necessary application for any approvals determined by the  
15 board as required to make the proposed site consistent and in  
16 compliance with local land use plans and zoning ordinances. No  
17 further action may be taken on the complete application until  
18 the proposed site conforms to the adopted land use plan or  
19 zoning ordinances or the board grants relief as provided under  
20 this act.

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

30 (b) Notice of the certification hearing and notice of  
31 the deadline for filing of notice of intent to be a party

1 shall be made in accordance with the requirements of s.  
2 403.5115.

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

- 4 1. The applicant.
- 5 2. The Public Service Commission.
- 6 3. The Department of Community Affairs.
- 7 4. The Fish and Wildlife Conservation Commission.
- 8 5. The water management district.
- 9 6. The department.
- 10 7. The regional planning council.
- 11 8. The local government.
- 12 9. The Department of Transportation.

13 (b) Any party listed in paragraph (a) other than the  
14 department or the applicant may waive its right to participate  
15 in these proceedings. If such listed party fails to file a  
16 notice of its intent to be a party on or before the 90th day  
17 prior to the certification hearing, such party shall be deemed  
18 to have waived its right to be a party.

19 (c) Notwithstanding the provisions of chapter 120,  
20 upon the filing with the administrative law judge of a notice  
21 of intent to be a party no later than 75 days after the  
22 application is filed, the following shall also be parties to  
23 the proceeding:

- 24 1. Any agency not listed in paragraph (a) as to  
25 matters within its jurisdiction.
- 26 2. Any domestic nonprofit corporation or association  
27 formed, in whole or in part, to promote conservation or  
28 natural beauty; to protect the environment, personal health,  
29 or other biological values; to preserve historical sites; to  
30 promote consumer interests; to represent labor, commercial, or  
31 industrial groups; or to promote comprehensive planning or

1 orderly development of the area in which the proposed  
2 electrical power plant is to be located.

3 (d) Notwithstanding paragraph (e), failure of an  
4 agency described in subparagraph (c)1. to file a notice of  
5 intent to be a party within the time provided herein shall  
6 constitute a waiver of the right of that agency to participate  
7 as a party in the proceeding.

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

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

22 (4)(a) The order of presentation at the certification  
23 hearing, unless otherwise changed by the administrative law  
24 judge to ensure the orderly presentation of witnesses and  
25 evidence, shall be:

- 26 1. The applicant.
- 27 2. The department.
- 28 3. State agencies.
- 29 4. Regional agencies, including regional planning  
30 councils and water management districts.
- 31 5. Local governments.

1           6. Other parties.

2           (b) When appropriate, any person may be given an  
3 opportunity to present oral or written communications to the  
4 designated administrative law judge. If the designated  
5 administrative law judge proposes to consider such  
6 communications, then all parties shall be given an opportunity  
7 to cross-examine or challenge or rebut such communications.

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

23           (b) The administrative law judge shall issue an order  
24 granting or denying the request within 5 days after receipt of  
25 the request.

26           (c) If the administrative law judge grants the  
27 request, the department and the applicant shall publish  
28 notices of the cancellation of the certification hearing, in  
29 accordance with s. 403.5115.

30  
31

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

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

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

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

31

1           Section 11. Subsection (5) of section 403.509, Florida  
2 Statutes, is amended to read:

3           403.509 Final disposition of application.--

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

25           Section 12. Section 403.5113, Florida Statutes, is  
26 amended to read:

27           403.5113 Postcertification amendments and review--

28           (1) POSTCERTIFICATION AMENDMENTS.--

29           (a) If, subsequent to certification by the board, a  
30 licensee proposes any material change to the application and  
31 revisions or amendments thereto, as certified, the licensee

1 shall submit a written request for amendment and a description  
2 of the proposed change to the application to the department.  
3 Within 30 days after the receipt of the request for the  
4 amendment, the department shall determine whether the proposed  
5 change to the application requires a modification of the  
6 conditions of certification.

7 ~~(b)(2)~~ If the department concludes that the change  
8 would not require a modification of the conditions of  
9 certification, the department shall provide written  
10 notification of the determination on approval of the proposed  
11 amendment to the licensee, all agencies, and all other  
12 parties.

13 ~~(c)(3)~~ If the department concludes that the change  
14 would require a modification of the conditions of  
15 certification, the department shall provide written  
16 notification to the licensee that the proposed change to the  
17 application requires a request for modification pursuant to s.  
18 403.516.

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

28 Section 13. Section 403.5115, Florida Statutes, is  
29 amended to read:

30 403.5115 Public notice.--  
31

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

3           (a) Notice of the filing of a notice of intent under  
4 s. 403.5063, which shall be published within 21 days after the  
5 filing of the notice. The notice shall be published as  
6 specified by subsection (2), except that the newspaper notice  
7 shall be one-fourth page in size in a standard size newspaper  
8 or one-half page in size in a tabloid size newspaper.

9           (b) Notice of filing of the application, which shall  
10 include a description of the proceedings required by this act,  
11 within 21 days after the date of the application filing. Such  
12 notice shall give notice of the provisions of s. 403.511(1)  
13 and (2).

14           (c) Notice of the land use determination made pursuant  
15 to s. 403.50665(1) within 21 days after the determination is  
16 filed.

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

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

24           (f) Notice of the cancellation of the certification  
25 hearing, if applicable, no later than 3 days before the date  
26 of the originally scheduled certification hearing.

27           (g) Notice of modification when required by the  
28 department, based on whether the requested modification of  
29 certification will significantly increase impacts to the  
30 environment or the public. Such notice shall be published as  
31 specified under subsection (2):



1           1. Within 21 days after receipt of a request for  
2 modification. The newspaper notice shall be of a size as  
3 directed by the department commensurate with the scope of the  
4 modification.

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

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

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

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

28          (3) All notices published by the applicant shall be  
29 paid for by the applicant and shall be in addition to the  
30 application fee.

31

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

7 (a) Notice of the filing of the notice of intent  
8 within 15 days after receipt of the notice.

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

11 (c) Notice of the land use determination made pursuant  
12 to s. 403.50665(1) within 21 days after the determination is  
13 filed.

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

17 (e) Notice of the land use hearing before the board,  
18 if applicable.

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

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

24 (h) Notice of the hearing before the board, if  
25 applicable.

26 (i) Notice of stipulations, proposed agency action, or  
27 petitions for modification.

28 (5) A local government or regional planning council  
29 that proposes to conduct an informational public meeting  
30 pursuant to s. 403.50663 must publish notice of the meeting in  
31 a newspaper of general circulation within the county or

1 counties in which the proposed electrical power plant will be  
 2 located no later than 7 days prior to the meeting. A newspaper  
 3 of general circulation is the newspaper that has the largest  
 4 daily circulation in that county and has its principal office  
 5 in that county. If the newspaper having the largest daily  
 6 circulation has its principal office outside the county, the  
 7 notices much appear in both the newspaper having the largest  
 8 circulation in that county and in a newspaper authorized to  
 9 publish legal notices in that county.

10 Section 14. Subsection (1) of section 403.5252,  
 11 Florida Statutes, is amended to read:

12 403.5252 Determination of completeness.--

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

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

25 Section 15. Subsection (6) of section 403.527, Florida  
 26 Statutes, is amended to read:

27 403.527 Certification hearing, parties,  
 28 participants.--

29 (6)(a) No later than ~~29~~ 25 days before the  
 30 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 material fact or law to be  
4 raised at the certification hearing.

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

7 (c) If the administrative law judge grants the  
8 request, the department and the applicant shall publish  
9 notices of the cancellation of the certification hearing in  
10 accordance with s. 403.5363.

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

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

17 Section 16. Subsection (1) of section 403.5271,  
18 Florida Statutes, is amended to read:

19 403.5271 Alternate corridors.--

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

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

1           (b)1. Within 7 days after receipt of the notice, the  
2 applicant and the department shall file with the  
3 administrative law judge and all parties a notice of  
4 acceptance or rejection of a proposed alternate corridor for  
5 consideration. If the alternate corridor is rejected by the  
6 applicant or the department, the certification hearing and the  
7 public hearings shall be held as scheduled. If both the  
8 applicant and the department accept a proposed alternate  
9 corridor for consideration, the certification hearing and the  
10 public hearings shall be rescheduled, if necessary.

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

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

28           (d) Within 21 days after acceptance of an alternate  
29 corridor by the department and the applicant, the party  
30 proposing an alternate corridor shall have the burden of  
31 providing all data to the agencies listed in s. 403.526(2) and

1 newly affected agencies necessary for the preparation of a  
2 supplementary report on the proposed alternate corridor.

3 (e)1. Reviewing agencies shall advise the department  
4 of any issues concerning completeness no later than 15 days  
5 after the submittal of the data required by paragraph (d).  
6 Within 22 days after receipt of the data, the department shall  
7 issue a determination of completeness.

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

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

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

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

29 (h) When an agency whose agency head is a collegial  
30 body, such as a commission, board, or council, is required to  
31 submit a report pursuant to this section and is required by

1 its own internal procedures to have the report reviewed by its  
2 agency head prior to finalization, the agency may submit to  
3 the department a draft version of the report by the deadline  
4 indicated in paragraph (f), and shall submit a final version  
5 of the report after review by the agency head no later than 7  
6 days after the deadline indicated in paragraph (f).

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

12 Section 17. Section 403.5317, Florida Statutes, is  
13 amended to read:

14 403.5317 Postcertification activities.--

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

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

28 (c) If the department concludes that the change would  
29 require a modification of the conditions of certification, the  
30 department shall notify the licensee that the proposed change  
31

1 to the application requires a request for modification under  
2 s. 403.5315.

3 (2) Postcertification submittals filed by a licensee  
4 with one or more agencies are for the purpose of monitoring  
5 for compliance with the issued certification. Each submittal  
6 must be reviewed by each agency on an expedited and priority  
7 basis because each facility certified under this act is a  
8 critical infrastructure facility. Postcertification review may  
9 not be completed more than 90 days after complete information  
10 for a segment of the certified transmission line is submitted  
11 to the reviewing agencies.

12 Section 18. Subsection (3) of section 403.5363,  
13 Florida Statutes, is amended to read:

14 403.5363 Public notices; requirements.--

15 (3) The department shall arrange for the publication  
16 of the following notices in the manner specified by chapter  
17 120:

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

23 (b) The notice of any administrative hearing for  
24 certification, if applicable. The notice must be published not  
25 less than 65 days before the date set for a hearing, except  
26 that notice for a rescheduled certification hearing after  
27 acceptance of an alternative corridor must be published not  
28 less than 50 days before the date set for the hearing.

29 (c) The notice of the cancellation of a certification  
30 hearing, if applicable. The notice must be published not later  
31



1 | than ~~3~~ 7 days before the date of the originally scheduled  
2 | certification hearing.

3 |         (d) The notice of the hearing before the siting board,  
4 | if applicable.

5 |         (e) The notice of stipulations, proposed agency  
6 | action, or a petition for modification.

7 |         Section 19. Section 376.30715, Florida Statutes, is  
8 | amended to read:

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

21 | Eligible sites shall be ranked in accordance with s.  
22 | 376.3071(5).

23 |         Section 20. Subsection (6) of section 373.459, Florida  
24 | Statutes, is amended to read:

25 |         373.459 Funds for surface water improvement and  
26 | management.--

27 |         (6)~~(a)~~ The match requirement of subsection (2) shall  
28 | not apply to the Suwannee River Water Management District, the  
29 | Northwest Florida Water Management District, or a financially  
30 | disadvantaged small local government as defined in s.

31 | 403.885(5).

1           ~~(b) Notwithstanding the requirements of subsection~~  
2 ~~(3), the Ecosystem Management and Restoration Trust Fund and~~  
3 ~~the Water Protection and Sustainability Trust Fund shall be~~  
4 ~~used for the deposit of funds appropriated by the Legislature~~  
5 ~~for the purposes of ss. 373.451-373.4595. The department shall~~  
6 ~~administer all funds appropriated to or received for surface~~  
7 ~~water improvement and management activities. Expenditure of~~  
8 ~~the moneys shall be limited to the costs of details planning~~  
9 ~~and plan and program implementation for priority surface water~~  
10 ~~bodies. Moneys from the funds shall not be expended for~~  
11 ~~planning for, or construction or expansion of, treatment~~  
12 ~~facilities for domestic or industrial waste disposal.~~

13           ~~(c) Notwithstanding the requirements of subsection~~  
14 ~~(4), the department shall authorize the release of money from~~  
15 ~~the funds in accordance with the provisions of s. 373.501(2)~~  
16 ~~and procedures in s. 373.59(4) and (5).~~

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

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

25           Section 21. Subsection (4) of section 704.06, Florida  
26 Statutes, is amended to read:

27           704.06 Conservation easements; creation; acquisition;  
28 enforcement.--

29           (4) Conservation easements shall run with the land and  
30 be binding on all subsequent owners of the servient estate.

31           Notwithstanding the provisions of s. 197.552, all provisions

1 of a conservation easement shall survive and are enforceable  
2 after the issuance of a tax deed. No conservation easement  
3 shall be unenforceable on account of lack of privity of  
4 contract or lack of benefit to particular land or on account  
5 of the benefit being assignable. Conservation easements may be  
6 enforced by injunction or proceeding in equity or at law, and  
7 shall entitle the holder to enter the land in a reasonable  
8 manner and at reasonable times to assure compliance. A  
9 conservation easement may be released by the holder of the  
10 easement to the holder of the fee even though the holder of  
11 the fee may not be a governmental body or a charitable  
12 corporation or trust.

13 Section 22. Tax increment financing for conservation  
14 lands.--

15 (1) Two or more counties, or a combination of at least  
16 one county and one or more municipalities, may establish,  
17 through an interlocal agreement, a tax increment area for  
18 conservation lands. The interlocal agreement, at a minimum,  
19 must:

20 (a) Identify the geographic boundaries of the tax  
21 increment area;

22 (b) Identify the real property to be acquired as  
23 conservation land within the tax increment area;

24 (c) Establish the percentage of tax increment  
25 financing for each jurisdiction in the tax increment area  
26 which is a party to the interlocal agreement;

27 (d) Identify the governing body of the jurisdiction  
28 that will administer a separate reserve account in which the  
29 tax increment will be deposited;

30 (e) Require that any tax increment revenues not used  
31 to purchase conservation lands by a date certain be refunded

1 to the parties to the interlocal agreement. Any refund shall  
2 be proportionate to the parties' payment of tax increment  
3 revenues into the separate reserve account;

4 (f) Provide for an annual audit of the separate  
5 reserve account;

6 (g) Designate an entity to hold title to any  
7 conservation lands purchased using the tax increment revenues;

8 (h) Provide for a continuing management plan for the  
9 conservation lands; and

10 (i) Identify the entity that will manage these  
11 conservation lands.

12 (2) The water management district in which  
13 conservation lands proposed for purchase under this section  
14 are located may also enter into the interlocal agreement if  
15 the district provides any funds for the purchase of the  
16 conservation lands. The water management districts may only  
17 use ad valorem tax revenues for agreements described within  
18 this section.

19 (3) The governing body of the jurisdiction that will  
20 administer the separate reserve account shall provide  
21 documentation to the Department of Community Affairs  
22 identifying the boundary of the tax increment area. The  
23 department shall determine whether the boundary is appropriate  
24 in that property owners within the boundary will receive a  
25 benefit from the proposed purchase of identified conservation  
26 lands. The department must issue a letter of approval stating  
27 that the establishment of the tax increment area and the  
28 proposed purchases would benefit property owners within the  
29 boundary and serve a public purpose before any tax increment  
30 funds are deposited into the separate reserve account. If the  
31 department fails to provide the required letter within 90 days

1 after receiving sufficient documentation of the boundary, the  
2 establishment of the area and the proposed purchases are  
3 deemed to provide such benefit and serve a public purpose.

4 (4) Prior to the purchase of conservation lands under  
5 this section, the Department of Environmental Protection must  
6 determine whether the proposed purchase is sufficient to  
7 provide additional recreational and ecotourism opportunities  
8 for residents in the tax increment area. If the department  
9 fails to provide a letter of approval within 90 days after  
10 receipt of the request for such a letter, the purchase is  
11 deemed sufficient to provide recreation and ecotourism  
12 opportunities.

13 (5) The tax increment authorized under this section  
14 shall be determined annually and may not exceed 95 percent of  
15 the difference in ad valorem taxes as provided in s.  
16 163.387(1)(a), Florida Statutes.

17 (6) A separate reserve account must be established for  
18 each tax increment area for conservation lands which is  
19 created under this section. The separate reserve account must  
20 be administered pursuant to the terms of the interlocal  
21 agreement. Tax increment funds allocated to this separate  
22 reserve account shall be used to acquire the real property  
23 identified for purchase in the interlocal agreement. Pursuant  
24 to the interlocal agreement, the governing body of the local  
25 government that will administer the separate reserve account  
26 may spend increment revenues to purchase the real property  
27 only if all parties to the interlocal agreement adopt a  
28 resolution approving the purchase price.

29 (7) The annual funding of the separate reserve account  
30 may not be less than the increment income of each taxing  
31

1 authority which is held as provided in the interlocal  
2 agreement for the purchase of conservation lands.

3 (8) Unless otherwise provided in the interlocal  
4 agreement, a taxing authority that does not pay the tax  
5 increment revenues to the separate reserve account by January  
6 1 shall pay interest on the amount of unpaid increment  
7 revenues equal to 1 percent for each month that the increment  
8 revenue remains outstanding.

9 (9) The public bodies and taxing authorities listed in  
10 s. 163.387(2)(c), Florida Statutes, school districts and  
11 special districts that levy ad valorem taxes within a tax  
12 increment area are exempt from this section.

13 (10) Revenue bonds under this section are payable  
14 solely out of revenues pledged to and received by the local  
15 government administering the separate reserve account and  
16 deposited into the separate reserve account. The revenue bonds  
17 issued under this section do not constitute a debt, liability,  
18 or obligation of a public body, the state, or any of the  
19 state's political subdivisions.

20 Section 23. The Legislature finds that an inadequate  
21 supply of conservation lands limits recreational opportunities  
22 and negatively impacts the economy, health, and welfare of the  
23 surrounding community. The Legislature also finds that  
24 acquiring conservation lands for recreational opportunities  
25 and ecotourism serves a valid public purpose.

26 Section 24. This act shall take effect July 1, 2007.  
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