



390188

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/2/2008	.	
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1 The Committee on General Government Appropriations (Lawson)  
2 recommended the following **amendment**:

3  
4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

7 Section 1. Section 20.255, Florida Statutes, is reenacted  
8 and amended to read:

9 20.255 Department of Environmental Protection.--There is  
10 created a Department of Environmental Protection.

11 (1) The head of the Department of Environmental Protection  
12 shall be a secretary, who shall be appointed by the Governor,  
13 with the concurrence of three or more members of the Cabinet. The  
14 secretary shall be confirmed by the Florida Senate. The secretary  
15 shall serve at the pleasure of the Governor.

16 (2) (a) There shall be three deputy secretaries who are to  
17 be appointed by and shall serve at the pleasure of the secretary.



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18 The secretary may assign any deputy secretary the responsibility  
19 to supervise, coordinate, and formulate policy for any division,  
20 office, or district. The following special offices are  
21 established and headed by managers, each of whom is to be  
22 appointed by and serve at the pleasure of the secretary:

- 23 1. Office of Chief of Staff;~~;~~
- 24 2. Office of General Counsel;~~;~~
- 25 3. Office of Inspector General;~~;~~
- 26 4. Office of External Affairs;~~;~~
- 27 5. Office of Legislative ~~and Government~~ Affairs;~~;~~ and
- 28 6. Office of Intergovernmental Programs; and
- 29 ~~7.6.~~ Office of Greenways and Trails.

30 (b) There shall be six administrative districts involved in  
31 regulatory matters of waste management, water resource  
32 management, wetlands, and air resources, which shall be headed by  
33 managers, each of whom is to be appointed by and serve at the  
34 pleasure of the secretary. Divisions of the department may have  
35 one assistant or two deputy division directors, as required to  
36 facilitate effective operation.

37  
38 The managers of all divisions and offices specifically named in  
39 this section and the directors of the six administrative  
40 districts are exempt from part II of chapter 110 and are included  
41 in the Senior Management Service in accordance with s.  
42 110.205(2)(j).

43 (3) The following divisions of the Department of  
44 Environmental Protection are established:

- 45 (a) Division of Administrative Services.
- 46 (b) Division of Air Resource Management.
- 47 (c) Division of Water Resource Management.



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- 48 (d) Division of Law Enforcement.
- 49 (e) Division of Environmental Assessment and Restoration
- 50 ~~Resource Assessment and Management.~~
- 51 (f) Division of Waste Management.
- 52 (g) Division of Recreation and Parks.
- 53 (h) Division of State Lands, the director of which is to be
- 54 appointed by the secretary of the department, subject to
- 55 confirmation by the Governor and Cabinet sitting as the Board of
- 56 Trustees of the Internal Improvement Trust Fund.

57  
58 In order to ensure statewide and intradepartmental consistency,  
59 the department's divisions shall direct the district offices and  
60 bureaus on matters of interpretation and applicability of the  
61 department's rules and programs.

62 (4) Law enforcement officers of the Department of  
63 Environmental Protection who meet the provisions of s. 943.13 are  
64 constituted law enforcement officers of this state with full  
65 power to investigate and arrest for any violation of the laws of  
66 this state, and the rules of the department and the Board of  
67 Trustees of the Internal Improvement Trust Fund. The general laws  
68 applicable to investigations, searches, and arrests by peace  
69 officers of this state apply to such law enforcement officers.

70 (5) Records and documents of the Department of  
71 Environmental Protection shall be retained by the department as  
72 specified in record retention schedules established under the  
73 general provisions of chapters 119 and 257. Further, the  
74 department is authorized to:

75 (a) Destroy, or otherwise dispose of, those records and  
76 documents in conformity with the approved retention schedules.



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77 (b) Photograph, microphotograph, or reproduce such records  
78 and documents on film, as authorized and directed by the approved  
79 retention schedules, whereby each page will be exposed in exact  
80 conformity with the original records and documents retained in  
81 compliance with the provisions of this section. Photographs or  
82 microphotographs in the form of film or print of any records,  
83 made in compliance with the provisions of this section, shall  
84 have the same force and effect as the originals thereof would  
85 have and shall be treated as originals for the purpose of their  
86 admissibility in evidence. Duly certified or authenticated  
87 reproductions of such photographs or microphotographs shall be  
88 admitted in evidence equally with the original photographs or  
89 microphotographs. The impression of the seal of the Department of  
90 Environmental Protection on a certificate made by the department  
91 and signed by the Secretary of Environmental Protection entitles  
92 the certificate to be received in all courts and in all  
93 proceedings in this state and is prima facie evidence of all  
94 factual matters set forth in the certificate. A certificate may  
95 relate to one or more records as set forth in the certificate or  
96 in a schedule attached to the certificate.

97 (6) The Department of Environmental Protection may require  
98 that bond be given by any employee of the department, payable to  
99 the Governor of the state and the Governor's successor in office,  
100 for the use and benefit of those whom it concerns, in such penal  
101 sums and with such good and sufficient surety or sureties as are  
102 approved by the department, conditioned upon the faithful  
103 performance of the duties of the employee.

104 (7) There is created as a part of the Department of  
105 Environmental Protection an Environmental Regulation Commission.  
106 The commission shall be composed of seven residents of this state



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107 | appointed by the Governor, subject to confirmation by the Senate.  
108 | In making appointments, the Governor shall provide reasonable  
109 | representation from all sections of the state. Membership shall  
110 | be representative of agriculture, the development industry, local  
111 | government, the environmental community, lay citizens, and  
112 | members of the scientific and technical community who have  
113 | substantial expertise in the areas of the fate and transport of  
114 | water pollutants, toxicology, epidemiology, geology, biology,  
115 | environmental sciences, or engineering. The Governor shall  
116 | appoint the chair, and the vice chair shall be elected from among  
117 | the membership. All appointments shall be for 4-year terms. The  
118 | Governor may at any time fill a vacancy for the unexpired term.  
119 | The members of the commission shall serve without compensation,  
120 | but shall be paid travel and per diem as provided in s. 112.061  
121 | while in the performance of their official duties.  
122 | Administrative, personnel, and other support services necessary  
123 | for the commission shall be furnished by the department. The  
124 | commission may employ independent counsel and contract for the  
125 | services of outside technical consultants.

126 |       (8) The department is the agency of state government  
127 | responsible for collecting and analyzing information concerning  
128 | energy resources in this state; for coordinating the energy  
129 | conservation programs of state agencies; and for coordinating the  
130 | development, review, and implementation of the state's energy  
131 | policy.

132 |       Section 2. Section 373.228, Florida Statutes, is amended to  
133 | read:

134 |       373.228 Landscape irrigation design.--

135 |       (1) The Legislature finds that multiple areas throughout  
136 | the state have been identified by water management districts as



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137 | water resource caution areas, which indicates that in the near  
138 | future water demand in those areas will exceed the current  
139 | available water supply and that conservation is one of the  
140 | mechanisms by which future water demand will be met.

141 |       (2) The Legislature finds that landscape irrigation  
142 | comprises a significant portion of water use and that the current  
143 | typical landscape irrigation system and xeriscape designs offer  
144 | significant potential water conservation benefits.

145 |       (3) It is the intent of the Legislature to improve  
146 | landscape irrigation water use efficiency by ensuring that  
147 | landscape irrigation systems meet or exceed minimum design  
148 | criteria.

149 |       (4) The water management districts shall work with the  
150 | Florida Nurserymen and Growers Association, the Florida Chapter  
151 | of the American Society of Landscape Architects, the Florida  
152 | Irrigation Society, the Department of Agriculture and Consumer  
153 | Services, the Institute of Food and Agricultural Sciences, the  
154 | Department of Environmental Protection, the Department of  
155 | Transportation, the Florida League of Cities, the Florida  
156 | Association of Counties, and the Florida Association of Community  
157 | Developers to develop landscape irrigation and xeriscape design  
158 | standards for new construction which incorporate a landscape  
159 | irrigation system and develop scientifically based model  
160 | guidelines for urban, commercial, and residential landscape  
161 | irrigation, including drip irrigation, for plants, trees, sod,  
162 | and other landscaping. The landscape and irrigation design  
163 | standards shall be based on the irrigation code defined in the  
164 | Florida Building Code, Plumbing Volume, Appendix F. Local  
165 | governments shall use the standards and guidelines when  
166 | developing landscape irrigation and xeriscape ordinances. By



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167 January 1, 2011 ~~Every 5 years~~, the agencies and entities  
168 specified in this subsection shall review the standards and  
169 guidelines to determine whether new research findings require a  
170 change or modification of the standards and guidelines.

171 Section 3. Paragraph (d) of subsection (1) of section  
172 376.303, Florida Statutes, is amended to read:

173 376.303 Powers and duties of the Department of  
174 Environmental Protection.--

175 (1) The department has the power and the duty to:

176 (d) Establish a registration program for drycleaning  
177 facilities and wholesale supply facilities.

178 1. Owners or operators of drycleaning facilities and  
179 wholesale supply facilities and real property owners shall  
180 jointly register each facility owned and in operation with the  
181 department by June 30, 1995, pay initial registration fees by  
182 December 31, 1995, and pay annual renewal registration fees by  
183 December 31, 1996, and each year thereafter, in accordance with  
184 this subsection. If the registration form cannot be jointly  
185 submitted, then the applicant shall provide notice of the  
186 registration to other interested parties. The department shall  
187 establish reasonable requirements for the registration of such  
188 facilities. The department shall use reasonable efforts to  
189 identify and notify drycleaning facilities and wholesale supply  
190 facilities of the registration requirements by certified mail,  
191 return receipt requested. The department shall provide to the  
192 Department of Revenue a copy of each applicant's registration  
193 materials, within 30 working days of the receipt of the  
194 materials. This copy may be in such electronic format as the two  
195 agencies mutually designate.



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196           2.a. The department shall issue an invoice for annual  
197 registration fees to each registered drycleaning facility or  
198 wholesale supply facility by December 31 of each year. Owners of  
199 drycleaning facilities and wholesale supply facilities shall  
200 submit to the department an initial fee of \$100 and an annual  
201 renewal registration fee of \$100 for each drycleaning facility or  
202 wholesale supply facility owned and in operation. The fee shall  
203 be paid within 30 days after receipt of billing by the  
204 department. Facilities that fail to pay their renewal fee within  
205 30 days after receipt of billing are subject to a late fee of  
206 \$75.

207           b. Revenues derived from registration, renewal, and late  
208 fees shall be deposited into the Water Quality Assurance Trust  
209 Fund to be used as provided in s. 376.3078.

210           3. Effective March 1, 2009, a registered drycleaning  
211 facility shall display in the vicinity of its drycleaning  
212 machines the original or a copy of a valid and current  
213 certificate evidencing registration with the department pursuant  
214 to this paragraph. After that date, no person may sell or  
215 transfer any drycleaning solvents to an owner or operator of a  
216 drycleaning facility unless the owner or operator of the  
217 drycleaning facility displays the certificate issued by the  
218 department. Violators of this subparagraph are subject to the  
219 remedies available to the department pursuant to s. 376.302.

220           Section 4. Subsection (19) of section 403.031, Florida  
221 Statutes, is amended to read:

222           403.031 Definitions.--In construing this chapter, or rules  
223 and regulations adopted pursuant hereto, the following words,  
224 phrases, or terms, unless the context otherwise indicates, have  
225 the following meanings:





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

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

229 ~~(b) Any pollutant regulated under 42 U.S.C. s. 7411 or s.~~  
230 ~~7412; or~~

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

233 Section 5. Section 403.0623, Florida Statutes, is amended  
234 to read:

235 403.0623 Environmental data; quality assurance.--The  
236 department must establish, by rule, appropriate quality assurance  
237 requirements for environmental data submitted to the department  
238 and the criteria by which environmental data may be rejected by  
239 the department. The department may adopt and enforce rules to  
240 establish data quality objectives and specify requirements for  
241 training of laboratory and field staff, sample collection  
242 methodology, proficiency testing and audits of laboratory and  
243 field sampling activities. Such rules may be in addition to any  
244 laboratory certification provisions under ss. 403.0625 and  
245 403.863.

246 Section 6. Subsection (1) of section 403.0872, Florida  
247 Statutes, is amended to read:

248 403.0872 Operation permits for major sources of air  
249 pollution; annual operation license fee.--Provided that program  
250 approval pursuant to 42 U.S.C. s. 7661a has been received from  
251 the United States Environmental Protection Agency, beginning  
252 January 2, 1995, each major source of air pollution, including  
253 electrical power plants certified under s. 403.511, must obtain  
254 from the department an operation permit for a major source of air  
255 pollution under this section. This operation permit is the only



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256 department operation permit for a major source of air pollution  
257 required for such source; provided, at the applicant's request,  
258 the department shall issue a separate acid rain permit for a  
259 major source of air pollution that is an affected source within  
260 the meaning of 42 U.S.C. s. 7651a(1). Operation permits for major  
261 sources of air pollution, except general permits issued pursuant  
262 to s. 403.814, must be issued in accordance with the procedures  
263 contained in this section and in accordance with chapter 120;  
264 however, to the extent that chapter 120 is inconsistent with the  
265 provisions of this section, the procedures contained in this  
266 section prevail.

267 (1) For purposes of this section, a major source of air  
268 pollution means a stationary source of air pollution, or any  
269 group of stationary sources within a contiguous area and under  
270 common control, which emits any regulated air pollutant and which  
271 is ~~any of the following~~:

272 (a) A major source within the meaning of 42 U.S.C. s.  
273 7412(a)(1);

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

277 (c) An affected source within the meaning of 42 U.S.C. s.  
278 7651a(1);

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

283 (e) A stationary air pollution source belonging to a  
284 category designated as a 40 C.F.R. part 70 source by regulations  
285 adopted by the administrator of the United States Environmental



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286 Protection Agency under 42 U.S.C. ss. 7661 et seq. The department  
287 shall exempt those facilities that are subject to this section  
288 solely because they are subject to requirements under 42 U.S.C.  
289 s. 7411 or s. 7412 or solely because they are subject to  
290 reporting requirements under 42 U.S.C. s. 7412 for as long as the  
291 exemption is available under federal law.

292 Section 7. Section 373.109, Florida Statutes, is amended to  
293 read:

294 373.109 Permit application fees.--When a water management  
295 district governing board, the department, or a local government  
296 implements a regulatory system under this chapter or one which  
297 has been delegated pursuant to chapter 403, it may establish a  
298 schedule of fees for filing applications for the required  
299 permits. Such fees shall not exceed the cost to the district, the  
300 department, or the local government for processing, monitoring,  
301 and inspecting for compliance with the permit.

302 (1) (a) The department shall initiate rulemaking no later  
303 than December 1, 2008 to increase each application fee authorized  
304 under part IV of this chapter and adopted by rule to ensure that  
305 such fees reflect, at a minimum, any upward adjustment in the  
306 Consumer Price Index compiled by the United States Department of  
307 Labor, or similar inflation indicator, since the original fee was  
308 established or most recently revised. The department shall  
309 establish by rule the inflation index to be used for this  
310 purpose.

311 (b) The department shall charge a fee of at least \$250 for  
312 a noticed general permit or individual permit as established in  
313 department rules.

314 (c) Notwithstanding subsection 120.60(2), F.S., the fee for  
315 verification that an activity is exempt from regulation under s.



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316 403.813 or part IV of this chapter shall be at least \$100 or as  
317 otherwise established by department rule not to exceed \$500.

318 (d) The department shall charge a fee of at least \$100 and  
319 not to exceed \$500 for conducting informal wetland boundary  
320 determinations as a public service to applicants or potential  
321 applicants for permits under part IV of this chapter. An  
322 informal wetland boundary determination is not an application for  
323 a permit and is not subject to the permit review timeframes  
324 established in this chapter or chapter 120 nor does it constitute  
325 final agency action.

326 (2) The department shall review the fees authorized under  
327 part IV of this chapter at least once every five years and shall  
328 adjust the fees upward, as necessary, to reflect changes in the  
329 Consumer Price Index or similar inflation indicator. In the  
330 event of deflation, the department shall consult with the  
331 Executive Office of the Governor and Legislature to determine  
332 whether downward fee adjustments are appropriate given then  
333 current budget and appropriation considerations.

334 (3)~~(1)~~ All moneys received under the provisions of this  
335 section shall be allocated for the use of the water management  
336 district, the department, or the local government, whichever  
337 processed the permit, and shall be in addition to moneys  
338 otherwise appropriated in any general appropriation act. All  
339 moneys received by the department under the provisions of this  
340 section shall be deposited in the Florida Permit Fee Trust Fund  
341 established by s. 403.0871 and shall be used by the department as  
342 provided therein. Moneys received by a water management district  
343 or the department under the provisions of this section shall be  
344 in addition to moneys otherwise appropriated in any general  
345 appropriation act.



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346        ~~(4)(2)~~ The failure of any person to pay the fees  
347 established hereunder constitutes grounds for revocation or  
348 denial of the permit.

349        (5) Effective July 1, 2008, the minimum fee amounts shall  
350 be the minimum fees prescribed in this section, and such fee  
351 amounts shall remain in effect until the effective date of fees  
352 promulgated by rule by the department.

353        Section 8. Section 403.087, Florida Statutes, is amended to  
354 read:

355        403.087 Permits; general issuance; denial; revocation;  
356 prohibition; penalty.--

357        (1) A stationary installation that is reasonably expected  
358 to be a source of air or water pollution must not be operated,  
359 maintained, constructed, expanded, or modified without an  
360 appropriate and currently valid permit issued by the department,  
361 unless exempted by department rule. In no event shall a permit  
362 for a water pollution source be issued for a term of more than 10  
363 years, nor may an operation permit issued after July 1, 1992, for  
364 a major source of air pollution have a fixed term of more than 5  
365 years. However, upon expiration, a new permit may be issued by  
366 the department in accordance with this chapter and the rules of  
367 the department.

368        (2) The department shall adopt, and may amend or repeal,  
369 rules for the issuance, denial, modification, and revocation of  
370 permits under this section.

371        (3) A renewal of an operation permit for a domestic  
372 wastewater treatment facility other than a facility regulated  
373 under the National Pollutant Discharge Elimination System (NPDES)  
374 Program under s. 403.0885 must be issued upon request for a term  
375 of up to 10 years, for the same fee and under the same conditions



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376 as a 5-year permit, in order to provide the owner or operator  
377 with a financial incentive, if:

378 (a) The waters from the treatment facility are not  
379 discharged to Class I municipal injection wells or the treatment  
380 facility is not required to comply with the federal standards  
381 under the Underground Injection Control Program under chapter 62-  
382 528 of the Florida Administrative Code;

383 (b) The treatment facility is not operating under a  
384 temporary operating permit or a permit with an accompanying  
385 administrative order and does not have any enforcement action  
386 pending against it by the United States Environmental Protection  
387 Agency, the department, or a local program approved under s.  
388 403.182;

389 (c) The treatment facility has operated under an operation  
390 permit for 5 years and, for at least the preceding 2 years, has  
391 generally operated in conformance with the limits of permitted  
392 flows and other conditions specified in the permit;

393 (d) The department has reviewed the discharge-monitoring  
394 reports required under department rule and is satisfied that the  
395 reports are accurate;

396 (e) The treatment facility has generally met water quality  
397 standards in the preceding 2 years, except for violations  
398 attributable to events beyond the control of the treatment plant  
399 or its operator, such as destruction of equipment by fire, wind,  
400 or other abnormal events that could not reasonably be expected to  
401 occur; and

402 (f) The department, or a local program approved under s.  
403 403.182, has conducted, in the preceding 12 months, an inspection  
404 of the facility and has verified in writing to the operator of



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405 | the facility that it is not exceeding the permitted capacity and  
406 | is in substantial compliance.

407 |  
408 | The department shall keep records of the number of 10-year  
409 | permits applied for and the number and duration of permits issued  
410 | for longer than 5 years.

411 |       (4) The department shall issue permits on such conditions  
412 | as are necessary to effect the intent and purposes of this  
413 | section.

414 |       (5) The department shall issue permits to construct,  
415 | operate, maintain, expand, or modify an installation which may  
416 | reasonably be expected to be a source of pollution only when it  
417 | determines that the installation is provided or equipped with  
418 | pollution control facilities that will abate or prevent pollution  
419 | to the degree that will comply with the standards or rules  
420 | adopted by the department, except as provided in s. 403.088 or s.  
421 | 403.0872. However, separate construction permits shall not be  
422 | required for installations permitted under s. 403.0885, except  
423 | that the department may require an owner or operator proposing to  
424 | construct, expand, or modify such an installation to submit for  
425 | department review, as part of application for permit or permit  
426 | modification, engineering plans, preliminary design reports, or  
427 | other information 90 days prior to commencing construction. The  
428 | department may also require the engineer of record or another  
429 | registered professional engineer, within 30 days after  
430 | construction is complete, to certify that the construction was  
431 | completed in accordance with the plans submitted to the  
432 | department, noting minor deviations which were necessary because  
433 | of site-specific conditions.



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434           (6) (a) The department shall require a processing fee in an  
435 amount sufficient, to the greatest extent possible, to cover the  
436 costs of reviewing and acting upon any application for a permit  
437 or request for site-specific alternative criteria or for an  
438 exemption from water quality criteria and to cover the costs of  
439 surveillance and other field services and related support  
440 activities associated with any permit or plan approval issued  
441 pursuant to this chapter. The department shall review the fees  
442 authorized under this chapter at least once every 5 years and  
443 shall adjust the fees upward, as necessary, within the fee caps  
444 established in this paragraph to reflect changes in the Consumer  
445 Price Index or similar inflation indicator. The department shall  
446 establish by rule the inflation index to be used for this  
447 purpose. In the event of deflation, the department shall consult  
448 with the Executive Office of the Governor and the Legislature to  
449 determine whether downward fee adjustments are appropriate based  
450 on the current budget and appropriation considerations. However,  
451 when an application is received without the required fee, the  
452 department shall acknowledge receipt of the application and shall  
453 immediately return the unprocessed application to the applicant  
454 and shall take no further action until the application is  
455 received with the appropriate fee. The department shall adopt a  
456 schedule of fees by rule, subject to the following limitations:  
457           1. The fee for any of the following may not exceed \$32,500:  
458           a. Hazardous waste, construction permit.  
459           b. Hazardous waste, operation permit.  
460           c. Hazardous waste, postclosure permit, or clean closure  
461 plan approval.  
462           d. Hazardous waste, corrective action permit.





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463        2. The permit fee for a drinking water construction or  
464 operation permit, not including the operation license fee  
465 required under s. 403.861(7), shall be at least \$500 and may not  
466 exceed \$15,000.

467        3.2. The permit fee for a Class I injection well  
468 construction permit may not exceed \$12,500.

469        4.3. The permit fee for any of the following permits may  
470 not exceed \$10,000:

- 471            a. Solid waste, construction permit.
- 472            b. Solid waste, operation permit.
- 473            c. Class I injection well, operation permit.

474        5.4. The permit fee for any of the following permits may  
475 not exceed \$7,500:

- 476            a. Air pollution, construction permit.
- 477            b. Solid waste, closure permit.
- 478            ~~e. Drinking water, construction or operation permit.~~
- 479            ~~c.d.~~ Domestic waste residuals, construction or operation  
480 permit.

481            ~~d.e.~~ Industrial waste, operation permit.

482            ~~e.f.~~ Industrial waste, construction permit.

483        6.5. The permit fee for any of the following permits may  
484 not exceed \$5,000:

- 485            a. Domestic waste, operation permit.
- 486            b. Domestic waste, construction permit.

487        7.6. The permit fee for any of the following permits may  
488 not exceed \$4,000:

- 489            a. Wetlands resource management--(dredge and fill and  
490 mangrove alteration), ~~standard form permit.~~
- 491            b. Hazardous waste, research and development permit.



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492 c. Air pollution, operation permit, for sources not subject  
493 to s. 403.0872.

494 d. Class III injection well, construction, operation, or  
495 abandonment permits.

496 8. The permit fee for a drinking water distribution system  
497 permit, including a general permit, shall be at least \$500 and  
498 may not exceed \$1,000.

499 9.7. The permit fee for Class V injection wells,  
500 construction, operation, and abandonment permits may not exceed  
501 \$750.

502 10.8. The permit fee for domestic waste collection system  
503 permits ~~any of the following permits~~ may not exceed \$500:

504 ~~a. Domestic waste, collection system permits.~~

505 ~~b. Wetlands resource management--(dredge and fill and~~  
506 ~~mangrove alterations), short permit form.~~

507 ~~e. Drinking water, distribution system permit.~~

508 11.9. The permit fee for stormwater operation permits may  
509 not exceed \$100.

510 12.10. Except as provided in subparagraph 8., the general  
511 permit fees for permits that require certification by a  
512 registered professional engineer or professional geologist may  
513 not exceed \$500; ~~the.~~ The general permit fee for other permit  
514 types may not exceed \$100.

515 13.11. The fee for a permit issued pursuant to s. 403.816  
516 is \$5,000, and the fee for any modification of such permit  
517 requested by the applicant is \$1,000.

518 14.12. The regulatory program and surveillance fees for  
519 facilities permitted pursuant to s. 403.088 or s. 403.0885, or  
520 for facilities permitted pursuant to s. 402 of the Clean Water  
521 Act, as amended, 33 U.S.C. ss. 1251 et seq., and for which the



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522 department has been granted administrative authority, shall be  
523 limited as follows:

524 a. The fees for domestic wastewater facilities shall not  
525 exceed \$7,500 annually. The department shall establish a sliding  
526 scale of fees based on the permitted capacity and shall ensure  
527 smaller domestic waste dischargers do not bear an inordinate  
528 share of costs of the program.

529 b. The annual fees for industrial waste facilities shall  
530 not exceed \$11,500. The department shall establish a sliding  
531 scale of fees based upon the volume, concentration, or nature of  
532 the industrial waste discharge and shall ensure smaller  
533 industrial waste dischargers do not bear an inordinate share of  
534 costs of the program.

535 c. The department may establish a fee, not to exceed the  
536 amounts in subparagraphs 4. and 5., to cover additional costs of  
537 review required for permit modification or construction  
538 engineering plans.

539 (b) If substantially similar air pollution sources are to  
540 be constructed or modified at the same facility, the applicant  
541 may submit a single application and permit fee for construction  
542 or modification of the sources at that facility. If substantially  
543 similar air pollution sources located at the same facility do not  
544 constitute a major source of air pollution subject to permitting  
545 under s. 403.0872, the applicant may submit a single application  
546 and permit fee for the operation of those sources. The department  
547 may develop, by rule, criteria for determining what constitutes  
548 substantially similar sources.

549 (c) The fee schedule shall be adopted by rule. The amount  
550 of each fee shall be reasonably related to the costs of  
551 permitting, field services, and related support activities for



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552 the particular permitting activity taking into consideration  
553 consistently applied standard cost-accounting principles and  
554 economies of scale. If the department requires, by rule or by  
555 permit condition, that a permit be renewed more frequently than  
556 once every 5 years, the permit fee shall be prorated based upon  
557 the permit fee schedule in effect at the time of permit renewal.

558 (d) Nothing in this subsection authorizes the construction  
559 or expansion of any stationary installation except to the extent  
560 specifically authorized by department permit or rule.

561 (e) For all domestic waste collection system permits and  
562 drinking water distribution system permits, the department shall  
563 adopt a fee schedule, by rule, based on a sliding scale relating  
564 to pipe diameter, length of the proposed main, or equivalent  
565 dwelling units, or any combination of these factors. The  
566 department shall require a separate permit application and fee  
567 for each noncontiguous project within the system.

568 (7) A permit issued pursuant to this section shall not  
569 become a vested right in the permittee. The department may revoke  
570 any permit issued by it if it finds that the permit holder:

571 (a) Has submitted false or inaccurate information in his or  
572 her application;

573 (b) Has violated law, department orders, rules, or  
574 regulations, or permit conditions;

575 (c) Has failed to submit operational reports or other  
576 information required by department rule or regulation; or

577 (d) Has refused lawful inspection under s. 403.091.

578 (8) The department shall not issue a permit to any person  
579 for the purpose of engaging in, or attempting to engage in, any  
580 activity relating to the extraction of solid minerals not exempt  
581 pursuant to chapter 211 within any state or national park or



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582 state or national forest when the activity will degrade the  
583 ambient quality of the waters of the state or the ambient air  
584 within those areas. In the event the Federal Government prohibits  
585 the mining or leasing of solid minerals on federal park or forest  
586 lands, then, and to the extent of such prohibition, this act  
587 shall not apply to those federal lands.

588 (9) A violation of this section is punishable as provided  
589 in this chapter.

590 (10) Effective July 1, 2008 the minimum fee amounts shall  
591 be the minimum fee prescribed in this section, and such fee  
592 amounts shall remain in effect until the effective date of a fee  
593 promulgated by rule by the department.

594 Section 9. Subsections (7) and (8) of section 403.861,  
595 Florida Statutes, are amended to read:

596 403.861 Department; powers and duties.--The department  
597 shall have the power and the duty to carry out the provisions and  
598 purposes of this act and, for this purpose, to:

599 (7) Issue permits for constructing, altering, extending, or  
600 operating a public water system, based upon the size of the  
601 system, type of treatment provided by the system, or population  
602 served by the system, including issuance of an annual operation  
603 license.

604 (a) The department may issue a permit for a public water  
605 system based upon review of a preliminary design report or plans  
606 and specifications, and a completed permit application form, and  
607 other required information as set forth in department rule,  
608 including receipt of an appropriate fee. The department may

609 ~~(8)~~ require a fee in an amount sufficient to cover the  
610 costs of viewing and acting upon any application for the  
611 construction and operation of a public water supply system and



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612 the costs of surveillance and other field services associated  
613 with any permit issued, but the amount in no case shall exceed  
614 \$15,000 ~~\$7,500~~. The fee schedule shall be adopted by rule based  
615 on a sliding scale relating to the size, type of treatment, or  
616 population served by the system that is proposed by the  
617 applicant.

618 (b) Each public water system that operates in this state  
619 shall submit annually to the department an operation license fee,  
620 separate from and in addition to any permit application fees  
621 required under paragraph (a), in an amount established by  
622 department rule. The amount of each fee shall be reasonably  
623 related to the size of the public water system, type of  
624 treatment, population served, amount of source water used, or any  
625 combination of these factors, but the fee may not be less than  
626 \$50 or greater than \$7,500. Public water systems shall pay annual  
627 operation license fees at a time and in a manner prescribed by  
628 department rule.

629 (8) Initiate rulemaking no later than July 1, 2008, to  
630 increase each drinking water permit application fee authorized  
631 under s. 403.087(6) and this part and adopted by rule to ensure  
632 that such fees are increased to reflect, at a minimum, any upward  
633 adjustment in the Consumer Price Index compiled by the United  
634 States Department of Labor, or similar inflation indicator, since  
635 the original fee was established or most recently revised. The  
636 department shall establish by rule the inflation index to be used  
637 for this purpose. The department shall review the drinking water  
638 permit application fees authorized under s. 403.087(6) and this  
639 part at least once every 5 years and shall adjust the fees  
640 upward, as necessary, within the fee caps established below, to  
641 reflect changes in the Consumer Price Index or similar inflation



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642 indicator. In the event of deflation, the department shall  
643 consult with the Executive Office of the Governor and the  
644 Legislature to determine whether downward fee adjustments are  
645 appropriate based on the current budget and appropriation  
646 considerations. The department shall also review the drinking  
647 water operation license fees established pursuant to paragraph  
648 (7) (b) at least once every 5 years to adopt, as necessary, the  
649 same inflationary adjustments provided for in this subsection.

650 (9) Effective July 1, 2008 the minimum fee amounts shall be  
651 the minimum fee prescribed in this section, and such fee amount  
652 shall remain in effect until the effective date of a fee  
653 promulgated by rule by the department.

654 Section 10. Section 403.873, Florida Statutes, is amended  
655 to read:

656 403.873 Renewal of license.--

657 (1) The department shall renew a license upon receipt of  
658 the renewal application, proof of completion of department-  
659 approved continuing education units during the current biennium,  
660 and fee and in accordance with the other provisions of ss.  
661 403.865-403.876.

662 (2) The department shall adopt rules establishing a  
663 procedure for the biennial renewal of licenses, including the  
664 requirements for continuing education.

665 Section 11. Section 403.874, Florida Statutes, is amended  
666 to read:

667 403.874 Inactive status.--

668 (1) The department shall reactivate an inactive license  
669 upon receipt of the reactivation application and fee within the  
670 two-year period immediately following the expiration date of the  
671 license. Any license not reactivated within this two-year period



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672 shall be null and void and an operator seeking a license  
673 thereafter must meet the training, examination, and the  
674 experience requirements for the type and class or level of  
675 license sought.

676 (2) The department shall adopt rules relating to licenses  
677 that have become inactive and for the reactivation of inactive  
678 licenses, and for the procedure for null and void licenses and  
679 how to obtain a new license after a license has become null and  
680 void.

681 Section 12. Section 378.011, Florida Statutes, is repealed.

682 Section 13. Chapter 325, Florida Statutes, consisting of  
683 ss. 325.2055, 325.221, 325.222, and 325.223, Florida Statutes, is  
684 repealed.

685 Section 14. Section 403.08725, Florida Statutes, is  
686 repealed.

687 Section 15. Paragraph (a) of subsection (3) of section  
688 373.503, Florida Statutes, is amended to read:

689 373.503 Manner of taxation.--

690 (3)(a) The districts may levy ad valorem taxes on property  
691 within the district solely for the purposes of this chapter and  
692 of chapter 25270, 1949, Laws of Florida, as amended, and chapter  
693 61-691, Laws of Florida, as amended. The authority to levy ad  
694 valorem taxes as provided in this act shall commence with the  
695 year 1977. However, the taxes levied for 1977 by the governing  
696 boards pursuant to this section shall be prorated to ensure that  
697 no such taxes will be levied for the first 4 days of the tax  
698 year, which days will fall prior to the effective date of the  
699 amendment to s. 9(b), Art. VII of the State Constitution, which  
700 was approved March 9, 1976. When appropriate, taxes levied by  
701 each governing board may be separated by the governing board into





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702 a millage necessary for the purposes of the district and a  
703 millage necessary for financing basin functions specified in s.  
704 373.0695. Beginning with the taxing year 1977, and  
705 notwithstanding the provisions of any other general or special  
706 law to the contrary, the maximum total millage rate for district  
707 and basin purposes shall be:

708 1. Northwest Florida Water Management District: 0.2 ~~0.05~~  
709 mill.

710 2. Suwannee River Water Management District: 0.75 mill.

711 3. St. Johns River Water Management District: 0.6 mill.

712 4. Southwest Florida Water Management District: 1.0 mill.

713 5. South Florida Water Management District: 0.80 mill.

714 Section 16. The amendment to paragraph (a) of subsection  
715 (3) of s. 373.503, Florida Statutes, made by this act shall take  
716 effect on the same date that the amendment to the State  
717 Constitution proposed in Senate Joint Resolution 1848 or similar  
718 legislation takes effect, if such Joint Resolution is enacted  
719 during the 2008 Regular Session of the Legislature or an  
720 extension thereof and is submitted to the electors of this state  
721 for their approval or rejection at the general election to be  
722 held in November 2008.

723 Section 17. Should the amendment to paragraph (1) of  
724 subsection (3) of s. 373.503, Florida Statutes, become effective,  
725 the Northwest Florida Water Management district may adjust their  
726 millage rate pursuant to the provisions of s. 373.503, Florida  
727 Statutes and notwithstanding the provisions of s. 200.185,  
728 Florida Statutes.

729 Section 18. This act shall take effect upon becoming a law.  
730

731 ===== T I T L E A M E N D M E N T =====



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732 | And the title is amended as follows:

733 |       Delete everything before the enacting clause  
734 | and insert:

735 |                               A bill to be entitled  
736 |       An act relating to a review of the Department of  
737 |       Environmental Protection under the Florida government  
738 |       Accountability Act; reenacting and amending s. 20.255,  
739 |       F.S., relating to the establishment of the department;  
740 |       renaming the Office of Legislative and Government Affairs  
741 |       as the "Office of Legislative Affairs"; creating the  
742 |       Office of Intergovernmental Programs within the  
743 |       department; renaming the Division of Resource Assessment  
744 |       and Management as the "Division of Environmental  
745 |       Assessment and Restoration"; authorizing the Environmental  
746 |       Regulation Commission to employ independent counsel and  
747 |       contract for outside technical consultants; amending s.  
748 |       373.228, F.S.; requiring that certain entities review the  
749 |       standards and guidelines for landscape irrigation and  
750 |       xeriscape ordinances by a date certain; amending s.  
751 |       376.303, F.S.; requiring a drycleaning facility to display  
752 |       a current and valid Department of environmental Protection  
753 |       certificate of registration; prohibiting the sale or  
754 |       transfer of drycleaning solvents after a certain date to  
755 |       owners or operators of drycleaning facilities unless a  
756 |       registration certificate is displayed; providing  
757 |       penalties; amend s. 403.031, F.S.; conforming the  
758 |       definition of the term "regulated air pollutant" to  
759 |       changes made in the federal Clean Air Act; amending s.  
760 |       403.0623, F.S.; providing rulemaking authority for  
761 |       biological sampling techniques; amending s. 403.0872,



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762 F.S.; conforming the requirements for air operation  
763 permits to changes made to Title V of the Clean Air Act to  
764 delete certain minor sources from the Title V permitting  
765 requirements; amending s. 373.109, F.S.; requiring the  
766 department to initiate rulemaking by a date certain to  
767 adjust permit fees; providing for fees to be imposed for  
768 verifying that certain activities are exempt from  
769 regulation; providing for a fee for conducting informal  
770 wetland boundary determinations; specifying special  
771 conditions that apply to such determinations; amending s.  
772 403.087, F.S.; providing minimum and maximum amounts for  
773 certain fees relating to wastewater treatment facilities;  
774 amending s. 403.861, F.S.; providing for a public water  
775 system application fee; requiring the department to adopt  
776 rules for periodically adjusting the application fee;  
777 amending s. 403.873, F.S.; providing rulemaking authority  
778 for continuing education requirements for water utility  
779 operators; amending s. 403.874, F.S.; providing for the  
780 reinstatement of certain water utility operator  
781 certifications; repealing s. 378.011, F.S., relating to  
782 the Land Use Advisory Committee; repealing ch. 325, F.S.,  
783 consisting of ss. 325.2055, 325.221, 325.222, and 325.223,  
784 F.S., relating to motor vehicle air conditioning  
785 refrigerants; repealing s. 403.08725, F.S., relating to  
786 citrus juice processing facilities; amending s. 373.503,  
787 F.S.; increasing the millage rate for the Northwest  
788 Florida Water Management district; providing that the  
789 increased millage rate is contingent upon passage of a  
790 constitutional amendment; providing an effective date.

791



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792 WHEREAS, ss. 11.901-11.920, Florida Statutes, the Florida  
793 Government Accountability Act, subjects the Department of  
794 Environmental Protection and its respective advisory committees  
795 to a sunset review process in order to determine whether the  
796 agency should be retained, modified, or abolished, and

797 WHEREAS, the Department of Environmental Protection  
798 produced a report providing specific information, as enumerated  
799 in s. 11.906, Florida Statutes, and

800 WHEREAS, upon receipt of the report, the Joint Legislative  
801 Sunset Committee and committees of the Senate and the House of  
802 Representatives assigned to act as sunset review committees  
803 reviewed the report and requested studies by the Office of  
804 Program Policy Analysis and Government Accountability, and

805 WHEREAS, based on the department's report, studies of the  
806 Office of Program Policy Analysis and Government  
807 Accountability, and public input, the Joint Legislative Sunset  
808 Committee and legislative sunset review committees made  
809 recommendations on the abolition, continuation, or  
810 reorganization of the Department of Environmental Protection  
811 and its advisory committees; on the need for the functions  
812 performed by the agency and its advisory committees; and on the  
813 consolidation, transfer, or reorganization of programs within  
814 the Department of Environmental Protection, NOW, THEREFORE,  
815 providing an effective date.