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CHAMBER ACTION

Senate

House

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5/1/2008 2:06 PM

1 The Conference Committee on CS for CS for SB 1294 recommended the
2 following **amendment**:

3
4 **Conference Committee 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 211.3103, Florida Statutes, is amended
133 | to read:

134 | 211.3103 Levy of tax on severance of phosphate rock; rate,
135 | basis, and distribution of tax.--



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136 (1) There is hereby levied an excise tax upon every person
137 engaging in the business of severing phosphate rock from the
138 soils or waters of this state for commercial use. The tax shall
139 be collected, administered, and enforced by the department.

140 ~~(2) Beginning July 1, 2003, the proceeds of all taxes,~~
141 ~~interest, and penalties imposed under this section shall be paid~~
142 ~~into the State Treasury as follows:~~

143 ~~(a) The first \$10 million in revenue collected from the tax~~
144 ~~during each fiscal year shall be paid to the credit of the~~
145 ~~Conservation and Recreation Lands Trust Fund.~~

146 ~~(b) The remaining revenues collected from the tax during~~
147 ~~that fiscal year, after the required payment under paragraph (a),~~
148 ~~shall be paid into the State Treasury as follows:~~

149 ~~1. For payment to counties in proportion to the number of~~
150 ~~tons of phosphate rock produced from a phosphate rock matrix~~
151 ~~located within such political boundary, 18.75 percent. The~~
152 ~~department shall distribute this portion of the proceeds annually~~
153 ~~based on production information reported by the producers on the~~
154 ~~annual returns for the taxable year. Any such proceeds received~~
155 ~~by a county shall be used only for phosphate-related expenses.~~

156 ~~2. For payment to counties that have been designated a~~
157 ~~rural area of critical economic concern pursuant to s. 288.0656~~
158 ~~in proportion to the number of tons of phosphate rock produced~~
159 ~~from a phosphate rock matrix located within such political~~
160 ~~boundary, 15 percent. The department shall distribute this~~
161 ~~portion of the proceeds annually based on production information~~
162 ~~reported by the producers on the annual returns for the taxable~~
163 ~~year.~~

164 ~~3. To the credit of the Phosphate Research Trust Fund in~~
165 ~~the Department of Education, 11.25 percent.~~



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166 ~~4. To the credit of the Minerals Trust Fund, 11.25 percent.~~

167 ~~5. To the credit of the Nonmandatory Land Reclamation Trust~~
168 ~~Fund, 43.75 percent.~~

169 ~~(2)~~(3) Beginning July 1, 2004, the proceeds of all taxes,
170 interest, and penalties imposed under this section shall be paid
171 into the State Treasury as follows:

172 (a) The first \$10 million in revenue collected from the tax
173 during each fiscal year shall be paid to the credit of the
174 Conservation and Recreation Lands Trust Fund.

175 (b) The remaining revenues collected from the tax during
176 that fiscal year, after the required payment under paragraph (a),
177 shall be paid into the State Treasury as follows:

178 1. To the credit of the General Revenue Fund of the state,
179 40.1 percent.

180 2. For payment to counties in proportion to the number of
181 tons of phosphate rock produced from a phosphate rock matrix
182 located within such political boundary, 16.5 percent. The
183 department shall distribute this portion of the proceeds annually
184 based on production information reported by the producers on the
185 annual returns for the taxable year. Any such proceeds received
186 by a county shall be used only for phosphate-related expenses.

187 3. For payment to counties that have been designated a
188 rural area of critical economic concern pursuant to s. 288.0656
189 in proportion to the number of tons of phosphate rock produced
190 from a phosphate rock matrix located within such political
191 boundary, 13 percent. The department shall distribute this
192 portion of the proceeds annually based on production information
193 reported by the producers on the annual returns for the taxable
194 year. Payments under this subparagraph shall be made to the
195 counties unless the Legislature by special act creates a local



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196 authority to promote and direct the economic development of the
197 county. If such authority exists, payments shall be made to that
198 authority.

199 4. To the credit of the Phosphate Research Trust Fund in
200 the Division of Universities of the Department of Education, 9.3
201 percent.

202 5. To the credit of the Minerals Trust Fund, 10.7 percent.

203 6. To the credit of the Nonmandatory Land Reclamation Trust
204 Fund, 10.4 percent.

205 ~~(3)(4)~~ Beginning July 1, 2003, and annually thereafter, the
206 Department of Environmental Protection may use up to \$2 million
207 of the funds in the Nonmandatory Land Reclamation Trust Fund to
208 purchase a surety bond or a policy of insurance, the proceeds of
209 which would pay the cost of restoration, reclamation, and cleanup
210 of any phosphogypsum stack system and phosphate mining activities
211 in the event that an operator or permittee thereof has been
212 subject to a final order of bankruptcy and all funds available
213 therefrom are determined to be inadequate to accomplish such
214 restoration, reclamation, and cleanup. This section does not
215 imply that such operator or permittee is thereby relieved of its
216 obligations or relieved of any liabilities pursuant to any other
217 remedies at law, administrative remedies, statutory remedies, or
218 remedies pursuant to bankruptcy law. The department shall adopt
219 rules to implement this subsection, including the purchase and
220 oversight of the bond or policy.

221 ~~(4)(5)~~ Funds distributed pursuant to subparagraphs (2)(b)3.
222 ~~(2)(b)2.~~ and (11)(e)4. ~~(3)(b)3.~~ shall be used for:

223 (a) Planning, preparing, and financing of infrastructure
224 projects for job creation and capital investment, especially
225 those related to industrial and commercial sites. Infrastructure



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226 investments may include the following public or public-private
227 partnership facilities: stormwater systems, telecommunications
228 facilities, roads or other remedies to transportation
229 impediments, nature-based tourism facilities, or other physical
230 requirements necessary to facilitate trade and economic
231 development activities.

232 (b) Maximizing the use of federal, local, and private
233 resources, including, but not limited to, those available under
234 the Small Cities Community Development Block Grant Program.

235 (c) Projects that improve inadequate infrastructure that
236 has resulted in regulatory action that prohibits economic or
237 community growth, if such projects are related to specific job
238 creation or job retention opportunities.

239 ~~(5)~~ ~~(6)~~ Beginning January 1, 2004, the tax rate shall be the
240 base rate of \$1.62 per ton severed.

241 ~~(6)~~ ~~(7)~~ Beginning January 1, 2005, and annually thereafter,
242 the tax rate shall be the base rate times the base rate
243 adjustment for the tax year as calculated by the department in
244 accordance with subsection (8) ~~(9)~~.

245 ~~(7)~~ ~~(8)~~ The excise tax levied by this section shall apply to
246 the total production of the producer during the taxable year,
247 measured on the basis of bone-dry tons produced at the point of
248 severance.

249 ~~(8)~~ ~~(9)~~ (a) On or before March 30, 2004, and annually
250 thereafter, the department shall calculate the base rate
251 adjustment, if any, for phosphate rock based on the change in the
252 unadjusted annual producer price index for the prior calendar
253 year in relation to the unadjusted annual producer price index
254 for calendar year 1999.



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255 (b) For the purposes of determining the base rate
256 adjustment for any year, the base rate adjustment shall be a
257 fraction, the numerator of which is the unadjusted annual
258 producer price index for the prior calendar year and the
259 denominator of which is the unadjusted annual producer price
260 index for calendar year 1999.

261 (c) The department shall provide the base rate, the base
262 rate adjustment, and the resulting tax rate to affected producers
263 by written notice on or before April 15 of the current year.

264 (d) If the producer price index for phosphate rock is
265 substantially revised, the department shall make appropriate
266 adjustment in the method used to compute the base rate adjustment
267 under this subsection which will produce results reasonably
268 consistent with the result that would have been obtained if the
269 producer price index for phosphate rock had not been revised.
270 However, the tax rate shall not be less than \$1.51 ~~\$1.56~~ per ton
271 severed.

272 (e) If the producer price index for phosphate rock is
273 discontinued, a comparable index shall be selected by the
274 department and adopted by rule.

275 ~~(9)-(10)~~ (9) The excise tax levied on the severance of phosphate
276 rock shall be in addition to any ad valorem taxes levied upon the
277 separately assessed mineral interest in the real property upon
278 which the site of severance is located, or any other tax, permit,
279 or license fee imposed by the state or its political
280 subdivisions.

281 ~~(10)-(11)~~ (10) The tax levied by this section shall be collected
282 in the manner prescribed in s. 211.33.

283 (11) (a) Beginning July 1, 2008, there is hereby levied a
284 surcharge of \$1.38 per ton severed in addition to the excise tax



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285 levied by this section. The surcharge shall be levied until the
286 last day of the calendar quarter in which the total revenue
287 generated by the surcharge equals \$60 million. Revenues derived
288 from the surcharge shall be deposited into the Nonmandatory Land
289 Reclamation Trust Fund and shall be exempt from the general
290 revenue service charge provided in s. 215.20. Revenues derived
291 from the surcharge shall be used to augment funds appropriated
292 for the rehabilitation, management, and closure of the Piney
293 Point and Mulberry sites and for approved reclamation of
294 nonmandatory lands in accordance with chapter 378. A minimum of
295 75 percent of the revenues from the surcharge shall be dedicated
296 to the Piney Point and Mulberry sites.

297 (b) Beginning July 1, 2008, the excise tax rate shall be
298 \$1.945 per ton severed and the base rate adjustment provided in
299 subsection (6) shall not apply.

300 (c) Beginning July 1 of the fiscal year following the date
301 on which the amount of revenues collected from the surcharge
302 equals or exceeds \$60 million, the tax rate shall be the base
303 rate of \$1.51 per ton severed and the base rate adjustment
304 provided in subsection (6) shall not apply until the conditions
305 of paragraph (d) are met.

306 (d) Beginning July 1 of the fiscal year following the date
307 on which a taxpayer's surcharge offset equals or exceeds the
308 total amount of surcharge remitted by such taxpayer under
309 paragraph (a), and each year thereafter, the excise tax rate
310 levied on such taxpayer shall be adjusted as provided in
311 subsection (6). The surcharge offset for each taxpayer is an
312 amount calculated by the department equal to the cumulative
313 difference between the amount of excise tax that would have been



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314 collected under subsections (5) and (6) and the excise tax
315 collected under paragraph (c) from such taxpayer.

316 (e) Beginning July 1 of the fiscal year after the revenues
317 from the surcharge equal \$60 million, the proceeds of all taxes,
318 interest, and penalties imposed under this section shall be
319 exempt from the general revenue service charge provided in s.
320 215.20, and shall be paid into the State Treasury as follows:

321 1. To the credit of the Conservation and Recreation Lands
322 Trust Fund, 25.5 percent.

323 2. To the credit of the General Revenue Fund of the state,
324 37 percent.

325 3. For payment to counties in proportion to the number of
326 tons of phosphate rock produced from a phosphate rock matrix
327 located within such political boundary, 13.6 percent. The
328 department shall distribute this portion of the proceeds annually
329 based on production information reported by the producers on the
330 annual returns for the taxable year. Any such proceeds received
331 by a county shall be used only for phosphate-related expenses.

332 4. For payment to counties that have been designated a
333 rural area of critical economic concern pursuant to s. 288.0656
334 in proportion to the number of tons of phosphate rock produced
335 from a phosphate rock matrix located within such political
336 boundary, 10.7 percent. The department shall distribute this
337 portion of the proceeds annually based on production information
338 reported by the producers on the annual returns for the taxable
339 year. Payments under this subparagraph shall be made to the
340 counties unless the Legislature by special act creates a local
341 authority to promote and direct the economic development of the
342 county. If such authority exists, payments shall be made to that
343 authority.



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344 5. To the credit of the Nonmandatory Land Reclamation Trust
345 Fund, 6.6 percent.

346 6. To the credit of the Phosphate Research Trust Fund in
347 the Division of Universities of the Department of Education, 6.6
348 percent.

349 (f) For purposes of this section, "phosphate-related
350 expenses" means those expenses that provide for infrastructure or
351 services in support of the phosphate industry, reclamation or
352 restoration of phosphate lands, community infrastructure on such
353 reclaimed lands, and similar expenses directly related to support
354 of the industry.

355 Section 3. Subsection (1) of section 253.002, Florida
356 Statutes, is amended to read:

357 253.002 Department of Environmental Protection, water
358 management districts, and Department of Agriculture and Consumer
359 Services; duties with respect to state lands.--

360 (1) The Department of Environmental Protection shall
361 perform all staff duties and functions related to the
362 acquisition, administration, and disposition of state lands,
363 title to which is or will be vested in the Board of Trustees of
364 the Internal Improvement Trust Fund. However, upon the effective
365 date of rules adopted pursuant to s. 373.427, a water management
366 district created under s. 373.069 shall perform the staff duties
367 and functions related to the review of any application for
368 authorization to use board of trustees-owned submerged lands
369 necessary for an activity regulated under part IV of chapter 373
370 for which the water management district has permitting
371 responsibility as set forth in an operating agreement adopted
372 pursuant to s. 373.046(4); and the Department of Agriculture and
373 Consumer Services shall perform the staff duties and functions



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374 related to the review of applications and compliance with
375 conditions for use of board of trustees-owned submerged lands
376 under authorizations or leases issued pursuant to ss. 253.67-
377 253.75 and 597.010. Unless expressly prohibited by law, the board
378 of trustees may delegate to the department any statutory duty or
379 obligation relating to the acquisition, administration, or
380 disposition of lands, title to which is or will be vested in the
381 board of trustees. The board of trustees may also delegate to any
382 water management district created under s. 373.069 the authority
383 to take final agency action, without any action on behalf of the
384 board, on applications for authorization to use board of
385 trustees-owned submerged lands for any activity regulated under
386 part IV of chapter 373 for which the water management district
387 has permitting responsibility as set forth in an operating
388 agreement adopted pursuant to s. 373.046(4). This water
389 management district responsibility under this subsection shall be
390 subject to the department's general supervisory authority
391 pursuant to s. 373.026(7). The board of trustees may also
392 delegate to the Department of Agriculture and Consumer Services
393 the authority to take final agency action on behalf of the board
394 on applications to use board of trustees-owned submerged lands
395 for any activity for which that department has responsibility
396 pursuant to ss. 253.67-253.75 and 597.010. However, the board of
397 trustees shall retain the authority to take final agency action
398 on establishing any areas for leasing, new leases, expanding
399 existing lease areas, or changing the type of lease activity in
400 existing leases. Upon issuance of an aquaculture lease or other
401 real property transaction relating to aquaculture, the Department
402 of Agriculture and Consumer Services must send a copy of the
403 document and the accompanying survey to the Department of



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404 Environmental Protection. The board of trustees may also delegate
405 to the Fish and Wildlife Conservation Commission the authority to
406 take final agency action, without any action on behalf of the
407 board, on applications for authorization to use board of
408 trustees-owned submerged lands for any activity regulated under
409 s. 369.20.

410 Section 4. Subsection (15) of section 373.414, Florida
411 Statutes, is amended to read:

412 373.414 Additional criteria for activities in surface
413 waters and wetlands.--

414 (15) Activities associated with mining operations as
415 defined by and subject to ss. 378.201-378.212 and 378.701-378.703
416 and included in a conceptual reclamation plan or modification
417 application submitted prior to July 1, 1996, shall continue to be
418 reviewed under the rules of the department adopted pursuant to
419 ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983,
420 as amended, the rules of the water management districts under
421 this part, and interagency agreements, in effect on January 1,
422 1993. Such activities shall be exempt from rules adopted pursuant
423 to subsection (9) and the statewide methodology ratified pursuant
424 to s. 373.4211. As of January 1, 1994, such activities may be
425 issued permits authorizing construction for the life of the mine.
426 Lands added to a conceptual reclamation plan subject to this
427 subsection through a modification submitted after July 1, 1996,
428 which are contiguous to the conceptual reclamation plan area
429 shall be exempt from rules adopted under subsection (9), except
430 that the total acreage of the conceptual reclamation plan may not
431 be increased through such modification and the cumulative acreage
432 added may not exceed 3 percent of the conceptual reclamation plan
433 area. Lands that have been mined or disturbed by mining



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434 activities, lands subject to a conservation easement under which
435 the grantee is a state or federal regulatory agency, and lands
436 otherwise preserved as part of a permitting review may not be
437 removed from the conceptual reclamation land area under this
438 subsection.

439 Section 5. Subsection (3) is added to section 378.205,
440 Florida Statutes, to read:

441 378.205 Administration; powers and duties of the
442 department; agency review responsibility.--

443 (3) Administrative challenges to proposed state agency
444 actions regarding phosphate mines and reclamation pursuant to
445 this chapter or part IV of chapter 373 are subject to the summary
446 hearing provisions of s. 120.574, except that the summary
447 proceeding must be conducted within 90 days after a party files a
448 motion for summary hearing, regardless of whether the parties
449 agree to the summary proceeding and the administrative law
450 judge's decision is a recommended order and not a final order.

451 Section 6. Section 369.20, Florida Statutes, is amended to
452 read:

453 369.20 Florida Aquatic Weed Control Act.--

454 (1) This act shall be known as the "Florida Aquatic Weed
455 Control Act."

456 (2) The Fish and Wildlife Conservation Commission
457 ~~Department of Environmental Protection~~ shall direct the control,
458 eradication, and regulation of noxious aquatic weeds and direct
459 the research and planning related to these activities, as
460 provided in this section, ~~excluding the authority to use fish as~~
461 ~~a biological control agent~~, so as to protect human health,
462 safety, and recreation and, to the greatest degree practicable,
463 prevent injury to plant and animal life and property.



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464 (3) It shall be the duty of the commission ~~department~~ to
465 guide and coordinate the activities of all public bodies,
466 authorities, agencies, and special districts charged with the
467 control or eradication of aquatic weeds and plants. It may
468 delegate all or part of such functions to any appropriate state
469 agency, special district, unit of local or county government,
470 commission, authority, or other public body ~~the Fish and Wildlife~~
471 ~~Conservation Commission.~~

472 (4) The commission ~~department~~ shall also promote, develop,
473 and support research activities directed toward the more
474 effective and efficient control of aquatic plants. In the
475 furtherance of this purpose, the commission ~~department~~ is
476 authorized to:

477 (a) Accept donations and grants of funds and services from
478 both public and private sources;

479 (b) Contract or enter into agreements with public or
480 private agencies or corporations for research and development of
481 aquatic plant control methods or for the performance of aquatic
482 plant control activities;

483 (c) Construct, acquire, operate, and maintain facilities
484 and equipment; and

485 (d) Enter upon, or authorize the entry upon, private
486 property for purposes of making surveys and examinations and to
487 engage in aquatic plant control activities; and such entry shall
488 not be deemed a trespass.

489 (5) The commission ~~Department of Environmental Protection~~
490 may disburse funds to any special district or other local
491 authority charged with the responsibility of controlling or
492 eradicating aquatic plants, upon:



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493 ~~(a) Receipt of satisfactory proof that such district or~~
494 ~~authority has sufficient funds on hand to match the state funds~~
495 ~~herein referred to on an equal basis;~~

496 ~~(a) (b)~~ Approval by the commission ~~department~~ of the control
497 techniques to be used by the district or authority; and

498 ~~(b) (e)~~ Review and approval of the program of the district
499 or authority by the commission ~~department~~ ~~to be in conformance~~
500 ~~with the state control plan.~~

501 (6) The commission ~~department~~ shall adopt rules pursuant to
502 ss. 120.536(1) and 120.54 to implement provisions of this section
503 conferring powers or duties upon it and perform any other acts
504 necessary for the proper administration, enforcement, or
505 interpretation of this section, including creating general
506 permits and exemptions and adopting rules and forms governing
507 reports.

508 (7) No person or public agency shall control, eradicate,
509 remove, or otherwise alter any aquatic weeds or plants in waters
510 of the state unless a permit for such activity has been issued by
511 the commission ~~department~~, ~~or unless the activity~~ or is in waters
512 are expressly exempted by commission ~~department~~ rule. The
513 commission ~~department~~ shall develop standards by rule which shall
514 address, at a minimum, chemical, biological, and mechanical
515 control activities; an evaluation of the benefits of such
516 activities to the public; specific criteria recognizing the
517 differences between natural and artificially created waters; and
518 the different amount and quality of littoral vegetation on
519 various waters. Applications for a permit to engage in aquatic
520 plant control activities, including applications to engage in
521 control activities on sovereign submerged lands, shall be made to
522 the commission ~~department~~. In reviewing such applications, the



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523 commission ~~department~~ shall consider the criteria set forth in
524 subsection (2) and, in accordance with applicable rules, take
525 final agency action on permit applications for the use of aquatic
526 plant control activities on sovereign submerged lands.

527 (8) As an exemption to all permitting requirements in this
528 section and ss. 369.22 and 369.25, in all freshwater bodies,
529 except aquatic preserves designated under chapter 258 and
530 Outstanding Florida Waters designated under chapter 403, a
531 riparian owner may physically or mechanically remove herbaceous
532 aquatic plants and semiwoody herbaceous plants, such as shrub
533 species and willow, within an area delimited by up to 50 percent
534 of the property owner's frontage or 50 feet, whichever is less,
535 and by a sufficient length waterward from, and perpendicular to,
536 the riparian owner's shoreline to create a corridor to allow
537 access for a boat or swimmer to reach open water. All unvegetated
538 areas shall be cumulatively considered when determining the width
539 of the exempt corridor. Physical or mechanical removal does not
540 include the use of any chemicals or any activity that requires a
541 permit pursuant to part IV of chapter 373.

542 (9) A permit issued pursuant to this section for the
543 application of herbicides to waters in the state for the control
544 of aquatic plants, algae, or invasive exotic plants is exempt
545 from the requirement to obtain a water pollution operation permit
546 pursuant to s. 403.088.

547 (10) Notwithstanding s. 369.25, the commission may collect
548 aquatic plants to be used for habitat enhancement, research,
549 education, and for other purposes as necessary to implement the
550 provisions of this section.



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551 (11) The commission may quarantine or confiscate noxious
552 aquatic plant material incidentally adhering to a boat or boat
553 trailer.

554 (12) The commission may conduct a public information
555 program, including, but not limited to, erection of road signs,
556 in order to inform the public and interested parties of this
557 section and its associated rules and of the dangers of noxious
558 aquatic plant introductions.

559 Section 7. Section 369.22, Florida Statutes, is amended to
560 read:

561 369.22 ~~Nonindigenous~~ Aquatic plant management control.--

562 (1) This section shall be known as the "Florida
563 ~~Nonindigenous~~ Aquatic Plant Management Control Act."

564 (2) For the purpose of this section, the following words
565 and phrases shall have the following meanings:

566 (a) "Commission" means the Fish and Wildlife Conservation
567 Commission ~~"Department" means the Department of Environmental~~
568 ~~Protection.~~

569 (b) "Aquatic plant" is any plant growing in, or closely
570 associated with, the aquatic environment and includes "floating,"
571 "emersed," "submersed," and "ditch bank" species.

572 ~~(c) "Nonindigenous aquatic plant" is any aquatic plant that~~
573 ~~is nonnative to the State of Florida and has certain~~
574 ~~characteristics, such as massive productivity, choking density,~~
575 ~~or an obstructive nature, which render it detrimental, obnoxious,~~
576 ~~or unwanted in a particular location.~~

577 (c)(d) A "maintenance program" is a method for the
578 management control of ~~nonindigenous~~ aquatic plants in which
579 control techniques are utilized in a coordinated manner ~~on a~~



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580 ~~continuous basis in order to maintain the plant population at the~~
581 ~~lowest feasible level as determined by the commission department.~~

582 ~~(d)(e)~~ An "eradication program" is a method for the
583 management ~~control~~ of ~~nonindigenous~~ aquatic plants in which
584 control techniques are utilized in a coordinated manner in an
585 attempt to kill all the aquatic plants on a permanent basis in a
586 given geographical area.

587 ~~(e)(f)~~ A "complaint spray program" is a method for the
588 management ~~control~~ of ~~nonindigenous~~ aquatic plants in which weeds
589 are allowed to grow unhindered to a given level of
590 undesirability, at which point eradication techniques are applied
591 in an effort to restore the area in question to a relatively low
592 level of infestation.

593 ~~(f)(g)~~ "Waters" means rivers, streams, lakes, navigable
594 waters and associated tributaries, canals, meandered lakes,
595 enclosed water systems, and any other bodies of water.

596 ~~(h)~~ ~~"Intercounty waters" means any waters which lie in more~~
597 ~~than one county or form any part of the boundary between two or~~
598 ~~more counties, as determined by the department.~~

599 ~~(i)~~ ~~"Intracounty waters" means any waters which lie wholly~~
600 ~~within the boundaries of one county as determined by the~~
601 ~~department.~~

602 ~~(g)(j)~~ "Districts" means the six water management districts
603 created by law and named, respectively, the Northwest Florida
604 Water Management District, the Suwannee River Water Management
605 District, the St. Johns River Water Management District, the
606 Southwest Florida Water Management District, the Central and
607 Southern Florida Flood Control District, and the Ridge and Lower
608 Gulf Coast Water Management District; and on July 1, 1975, shall
609 mean the five water management districts created by chapter 73-



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610 190, Laws of Florida, and named, respectively, the Northwest
611 Florida Water Management District, the Suwannee River Water
612 Management District, the St. Johns River Water Management
613 District, the Southwest Florida Water Management District, and
614 the South Florida Water Management District.

615 (3) The Legislature recognizes that the uncontrolled growth
616 of ~~nonindigenous~~ aquatic plants in the waters of Florida poses a
617 variety of environmental, health, safety, and economic problems.
618 The Legislature acknowledges the responsibility of the state to
619 cope with the uncontrolled and seemingly never-ending growth of
620 ~~nonindigenous~~ aquatic plants in the waters throughout Florida. It
621 is, therefore, the intent of the Legislature that the state
622 policy for the management control of ~~nonindigenous~~ aquatic plants
623 in waters of state responsibility be carried out under the
624 general supervision and control of the commission department, and
625 ~~that the state itself be responsible for the control of such~~
626 ~~plants in all intercounty waters; but that control of such plants~~
627 ~~in intracounty waters be the designated responsibility of the~~
628 ~~appropriate unit of local or county government, special district,~~
629 ~~authority, or other public body.~~ It is the intent of the
630 Legislature that the management control of ~~nonindigenous~~ aquatic
631 plants be carried out primarily by means of maintenance programs,
632 rather than eradication or complaint spray programs, for the
633 purpose of achieving more effective management control at a lower
634 long-range cost. It is also the intent of the Legislature that
635 the commission department guide, review, approve, and coordinate
636 all ~~nonindigenous~~ aquatic plant management control programs
637 within each of the water management districts as defined in
638 paragraph (2) (g) ~~(2) (j)~~. It is the intent of the Legislature to
639 account for the costs of ~~nonindigenous~~ aquatic plant management



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640 maintenance programs by watershed for comparison ~~management~~
641 purposes.

642 (4) The commission ~~department~~ shall supervise and direct
643 all management ~~maintenance~~ programs for ~~control of nonindigenous~~
644 aquatic plants, as provided in this section, ~~excluding the~~
645 ~~authority to use fish as a biological control agent,~~ so as to
646 protect human health, safety, and recreation and, to the greatest
647 degree practicable, prevent injury to plant, fish, and animal
648 life and to property.

649 (5) When state funds are involved, or when waters of state
650 responsibility are involved, it is the duty of the commission
651 ~~department~~ to guide, review, approve, and coordinate the
652 activities of all public bodies, authorities, state agencies,
653 units of local or county government, commissions, districts, and
654 special districts engaged in operations to manage ~~maintain,~~
655 ~~control,~~ or eradicate ~~nonindigenous~~ aquatic plants, ~~except for~~
656 ~~activities involving biological control programs using fish as~~
657 ~~the control agent.~~ The commission ~~department~~ may delegate all or
658 part of such functions to any appropriate state agency, special
659 district, unit of local or county government, commission,
660 authority, or other public body. However, special attention shall
661 be given to the keeping of accounting and cost data in order to
662 prepare the annual fiscal report required in subsection (7).

663 (6) The commission ~~department~~ may disburse funds to any
664 district, special district, or other local authority for the
665 purpose of operating a ~~maintenance~~ program for managing
666 ~~controlling nonindigenous~~ aquatic plants and ~~other noxious~~
667 ~~aquatic plants~~ in the waters of state responsibility upon:



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668 ~~(a) Receipt of satisfactory proof that such district or~~
669 ~~authority has sufficient funds on hand to match the state funds~~
670 ~~herein referred to on an equal basis;~~

671 ~~(a) (b)~~ Approval by the commission ~~department~~ of the
672 management ~~maintenance control~~ techniques to be used by the
673 district or authority; and

674 ~~(b) (e)~~ Review and approval of the program of the district
675 or authority by the commission ~~department~~ ~~to be in conformance~~
676 ~~with the state maintenance control plan.~~

677 (7) The commission ~~department~~ shall prepare ~~submit~~ an
678 annual report on the status of the ~~nonindigenous~~ aquatic plant
679 management ~~maintenance~~ program which shall be posted on the
680 commission's Internet website ~~to the President of the Senate, the~~
681 ~~Speaker of the House of Representatives, and the Governor and~~
682 ~~Cabinet by January 1 of the following year. This report shall~~
683 ~~include a statement of the degree of maintenance control achieved~~
684 ~~by individual nonindigenous aquatic plant species in the~~
685 ~~intercounty waters of each of the water management districts for~~
686 ~~the preceding county fiscal year, together with an analysis of~~
687 ~~the costs of achieving this degree of control. This cost~~
688 ~~accounting shall include the expenditures by all governmental~~
689 ~~agencies in the waters of state responsibility. If the level of~~
690 ~~maintenance control achieved falls short of that which is deemed~~
691 ~~adequate by the department, then the report shall include an~~
692 ~~estimate of the additional funding that would have been required~~
693 ~~to achieve this level of maintenance control. All measures of~~
694 ~~maintenance program achievement and the related cost shall be~~
695 ~~presented by water management districts so that comparisons may~~
696 ~~be made among the water management districts, as well as with the~~
697 ~~state as a whole.~~



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698 (8) The commission ~~department~~ shall have the authority to
699 cooperate with the United States and to enter into such
700 cooperative agreements or commitments as the commission
701 ~~department~~ may determine necessary to carry out the ~~maintenance,~~
702 ~~control,~~ or eradication of water hyacinths, alligator weed, and
703 other noxious aquatic plant growths from the waters of the state
704 and to enter into contracts with the United States obligating the
705 state to indemnify and save harmless the United States from any
706 and all claims and liability arising out of the initiation and
707 prosecution of any project undertaken under this section.
708 However, any claim or claims required to be paid under this
709 section shall be paid from money appropriated to the
710 ~~nonindigenous~~ aquatic plant management ~~control~~ program.

711 (9) The commission ~~department~~ may delegate various
712 ~~nonindigenous~~ aquatic plant management ~~control~~ and ~~maintenance~~
713 functions to any appropriate state agency, special district, unit
714 of local or county government, commission, authority, or other
715 public body ~~the Fish and Wildlife Conservation Commission~~. The
716 recipient of such delegation ~~commission~~ shall, in accepting
717 commitments to engage in ~~nonindigenous~~ aquatic plant management
718 ~~control~~ and ~~maintenance~~ activities, be subject to the rules of
719 the commission ~~department~~, ~~except that the commission shall~~
720 ~~regulate, control, and coordinate the use of any fish for aquatic~~
721 ~~weed control in fresh waters of the state~~. In addition, the
722 recipient ~~commission~~ shall render technical and other assistance
723 to the commission ~~department~~ in order to carry out most
724 effectively the purposes of s. 369.20. ~~However, nothing herein~~
725 ~~shall diminish or impair the regulatory authority of the~~
726 ~~commission with respect to the powers granted to it by s. 9, Art.~~
727 ~~IV of the State Constitution.~~



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728 (10) The commission ~~department~~ is directed to use
729 biological agents, ~~excluding fish~~, for the management control of
730 ~~nonindigenous~~ aquatic plants when determined to be appropriate by
731 the commission.

732 (11) The commission ~~department~~ shall adopt rules pursuant
733 to ss. 120.536(1) and 120.54 to implement the provisions of this
734 section conferring powers or duties upon it and perform any other
735 acts necessary for the proper administration, enforcement, or
736 interpretation of this section, including adopting rules and
737 forms governing reports.

738 (12) No person or public agency shall control, eradicate,
739 remove, or otherwise alter any ~~nonindigenous~~ aquatic plants in
740 waters of the state unless a permit for such activity has been
741 issued by the commission ~~department~~, or unless the activity or is
742 in waters are expressly exempted by commission ~~department~~ rule.
743 The commission ~~department~~ shall develop standards by rule which
744 shall address, at a minimum, chemical, biological, and mechanical
745 control activities; an evaluation of the benefits of such
746 activities to the public; specific criteria recognizing the
747 differences between natural and artificially created waters; and
748 the different amount and quality of littoral vegetation on
749 various waters. Applications for a permit to engage in aquatic
750 plant management control activities, including applications to
751 engage in management activities on sovereign submerged lands,
752 shall be made to the commission ~~department~~. In reviewing such
753 applications, the commission ~~department~~ shall consider the
754 criteria set forth in subsection (4) and, in accordance with
755 applicable rules, shall take final agency action on permit
756 applications for the use of aquatic plant activities on sovereign
757 submerged lands.



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758 Section 8. Section 369.25, Florida Statutes, is amended to
759 read:

760 369.25 Aquatic plants; definitions; permits; powers of
761 department; penalties.--

762 (1) As used in this section, the term:

763 (a) "Aquatic plant" means any plant, including a floating,
764 emersed, submersed, or ditch bank species, growing in, or closely
765 associated with, an aquatic environment and includes any part or
766 seed of such plant.

767 (b) "Department" means the Department of Agriculture and
768 Consumer Services ~~Environmental Protection~~.

769 (c) "Nonnursery cultivation" means the tending of aquatic
770 plant species for harvest in the natural environment.

771 (d) "Noxious aquatic plant" means any part, including, but
772 not limited to, seeds or reproductive parts, of an aquatic plant
773 which has the potential to hinder the growth of beneficial
774 plants, interfere with irrigation or navigation, or adversely
775 affect the public welfare or the natural resources of this state.

776 (e) "Person" includes a natural person, a public or private
777 corporation, a governmental entity, or any other kind of entity.

778 (2) No person shall engage in any business involving the
779 importation, transportation, ~~nonnursery~~ cultivation, collection,
780 sale, or possession of any aquatic plant species without a permit
781 issued by the department ~~or the Department of Agriculture and~~
782 ~~Consumer Services~~. No person shall import, transport, ~~nonnursery~~
783 cultivate, collect, sell, or possess any noxious aquatic plant
784 listed on the prohibited aquatic plant list established by the
785 department without a permit issued by the department ~~or the~~
786 ~~Department of Agriculture and Consumer Services~~. No permit shall
787 be issued until the department determines that the proposed



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788 activity poses no threat or danger to the waters, wildlife,
789 natural resources, or environment of the state.

790 (3) The department has the following powers:

791 (a) To make such rules governing the importation,
792 transportation, nonnursery cultivation, collection, and
793 possession of aquatic plants as may be necessary for the
794 eradication, control, or prevention of the dissemination of
795 noxious aquatic plants that are not inconsistent with rules of
796 the Fish and Wildlife Conservation Commission ~~Department of~~
797 ~~Agriculture and Consumer Services~~.

798 (b) To establish by rule lists of aquatic plant species
799 regulated under this section, including those exempted from such
800 regulation, provided ~~the Department of Agriculture and Consumer~~
801 ~~Services~~ and the Fish and Wildlife Conservation Commission
802 approves ~~approve~~ such lists prior to the lists becoming
803 effective.

804 (c) To evaluate an aquatic plant species through research
805 or other means to determine whether such species poses a threat
806 or danger to the waters, wildlife, natural resources, or
807 environment of the state.

808 (d) To declare a quarantine against aquatic plants,
809 including the vats, pools, or other containers or bodies of water
810 in which such plants are growing, ~~except in aquatic plant~~
811 ~~nurseries~~, to prevent the dissemination of any noxious aquatic
812 plant.

813 (e) To make rules governing the application for, issuance
814 of, suspension of, and revocation of permits under this section.

815 (f) To enter into cooperative agreements with any person as
816 necessary or desirable to carry out and enforce the provisions of
817 this section.



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818 (g) To purchase all necessary supplies, material,
819 facilities, and equipment and accept all grants and donations
820 useful in the implementation and enforcement of the provisions of
821 this section.

822 (h) To enter upon and inspect any facility or place, ~~except~~
823 ~~aquatic plant nurseries regulated by the Department of~~
824 ~~Agriculture and Consumer Services~~, where aquatic plants are
825 cultivated, held, packaged, shipped, stored, or sold, or any
826 vehicle of conveyance of aquatic plants, to ascertain whether the
827 provisions of this section and department regulations are being
828 complied with, and to seize and destroy, without compensation,
829 any aquatic plants imported, transported, cultivated, collected,
830 or otherwise possessed in violation of this section or department
831 regulations.

832 ~~(i) To conduct a public information program, including, but~~
833 ~~not limited to, erection of road signs, in order to inform the~~
834 ~~public and interested parties of this section and its associated~~
835 ~~rules and of the dangers of noxious aquatic plant introductions.~~

836 (i)~~(j)~~ To adopt rules requiring the revegetation of a site
837 on sovereignty lands where excessive collection has occurred.

838 (j)~~(k)~~ To enforce this chapter in the same manner and to
839 the same extent as provided in s. 581.211 ~~ss. 403.121, 403.131,~~
840 ~~403.141, and 403.161.~~

841 (4) The department shall adopt rules that ~~which~~ limit the
842 sanctions available for violations under this act to quarantine
843 and confiscation:

844 (a) If the prohibited activity apparently results from
845 natural dispersion; or

846 (b) If a small amount of noxious aquatic plant material
847 incidentally adheres to a boat or boat trailer operated by a



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848 person who is not involved in any phase of the aquatic plant
849 business and if that person is not knowingly violating this act.

850 (5) (a) Any person who violates the provisions of this
851 section commits ~~is guilty of~~ a misdemeanor of the second degree,
852 punishable as provided in s. 775.082 or s. 775.083.

853 (b) All law enforcement officers of the state and its
854 agencies with power to make arrests for violations of state law
855 shall enforce the provisions of this section.

856 Section 9. Section 369.251, Florida Statutes, is amended to
857 read:

858 369.251 Invasive nonnative plants; prohibitions; study;
859 removal; rules.--

860 (1) A person may not sell, transport, collect, cultivate,
861 or possess any plant, including any part or seed, of the species
862 *Melaleuca quinquenervia*, *Schinus terebinthifolius*, *Casuarina*
863 *equisetifolia*, *Casuarina glauca*, or *Mimosa pigra* without a permit
864 from the Department of Agriculture and Consumer Services. Any
865 person who violates this section commits a misdemeanor of the
866 second degree, punishable by fine only, as provided in s.
867 775.083.

868 (2) The department, in coordination with the Fish and
869 Wildlife Conservation Commission, shall study methods of control
870 of plants of the species *Melaleuca quinquenervia*, *Schinus*
871 *terebinthifolius*, *Casuarina equisetifolia*, *Casuarina glauca*, and
872 *Mimosa pigra*. The South Florida Water Management District shall
873 undertake programs to remove such plants from conservation area
874 I, conservation area II, and conservation area III of the
875 district.

876 (3) The department has authority to adopt rules pursuant to
877 ss. 120.536(1) and 120.54 to implement the provisions of this



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878 section. Possession or transportation resulting from natural
879 dispersion, mulching operations, control and disposal, or use in
880 herbaria or other educational or research institutions, or for
881 other reasons determined by the department to be consistent with
882 this section and where there is neither the danger of, nor intent
883 to, further disperse any plant species prohibited by this
884 section, is not subject to the permit or penalty provisions of
885 this section.

886 Section 10. Section 369.252, Florida Statutes, is amended
887 to read:

888 369.252 Invasive ~~exotic~~ plant control on public lands.--The
889 Fish and Wildlife Conservation Commission ~~department~~ shall
890 establish a program to:

891 (1) Achieve eradication or maintenance control of invasive
892 exotic plants on public lands when the scientific data indicate
893 that they are detrimental to the state's natural environment or
894 when the Commissioner of Agriculture finds that such plants or
895 specific populations thereof are a threat to the agricultural
896 productivity of the state;

897 (2) Assist state and local government agencies in the
898 development and implementation of coordinated management plans
899 for the eradication or maintenance control of invasive exotic
900 plant species on public lands;

901 (3) Contract, or enter into agreements, with entities in
902 the State University System or other governmental or private
903 sector entities for research concerning control agents;
904 production and growth of biological control agents; and
905 development of workable methods for the eradication or
906 maintenance control of invasive exotic plants on public lands;
907 and



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908 (4) Use funds in the Invasive Plant Control Trust Fund as
909 authorized by the Legislature for carrying out activities under
910 this section on public lands. A minimum of 20 ~~Twenty~~ percent of
911 the amount credited to the Invasive Plant Control Trust Fund
912 pursuant to s. 201.15(6) shall be used for the purpose of
913 controlling nonnative, upland, invasive plant species on public
914 lands.

915 Section 11. Paragraph (a) of subsection (1) of section
916 206.606, Florida Statutes, is amended to read:

917 206.606 Distribution of certain proceeds.--

918 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
919 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
920 Fund. Such moneys, after deducting the service charges imposed by
921 s. 215.20, the refunds granted pursuant to s. 206.41, and the
922 administrative costs incurred by the department in collecting,
923 administering, enforcing, and distributing the tax, which
924 administrative costs may not exceed 2 percent of collections,
925 shall be distributed monthly to the State Transportation Trust
926 Fund, except that:

927 (a) \$6.30 million shall be transferred to the Fish and
928 Wildlife Conservation Commission ~~Department of Environmental~~
929 ~~Protection~~ in each fiscal year and deposited in the Invasive
930 Plant Control Trust Fund to be used for aquatic plant management,
931 including nonchemical control of aquatic weeds, research into
932 nonchemical controls, and enforcement activities. Beginning in
933 fiscal year 1993-1994, the department shall allocate at least \$1
934 million of such funds to the eradication of melaleuca.

935 Section 12. Paragraphs (b) and (c) of subsection (1) of
936 section 328.76, Florida Statutes, are amended to read:



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937 328.76 Marine Resources Conservation Trust Fund; vessel
938 registration funds; appropriation and distribution.--

939 (1) Except as otherwise specified in this subsection and
940 less \$1.4 million for any administrative costs which shall be
941 deposited in the Highway Safety Operating Trust Fund, in each
942 fiscal year beginning on or after July 1, 2001, all funds
943 collected from the registration of vessels through the Department
944 of Highway Safety and Motor Vehicles and the tax collectors of
945 the state, except for those funds designated as the county
946 portion pursuant to s. 328.72(1), shall be deposited in the
947 Marine Resources Conservation Trust Fund for recreational channel
948 marking; public launching facilities; law enforcement and quality
949 control programs; aquatic weed control; manatee protection,
950 recovery, rescue, rehabilitation, and release; and marine mammal
951 protection and recovery. The funds collected pursuant to s.
952 328.72(1) shall be transferred as follows:

953 (b) An amount equal to \$2 from each recreational vessel
954 registration fee, except that for class A-1 vessels, shall be
955 transferred by the Department of Highway Safety and Motor
956 Vehicles to the Invasive Plant Control Trust Fund in the Fish and
957 Wildlife Conservation Commission ~~Department of Environmental~~
958 ~~Protection~~ for aquatic weed research and control.

959 (c) An amount equal to 40 percent of the registration fees
960 from commercial vessels shall be transferred by the Department of
961 Highway Safety and Motor Vehicles to the Invasive Plant Control
962 Trust Fund in the Fish and Wildlife Conservation Commission
963 ~~Department of Environmental Protection~~ for aquatic plant research
964 and control.

965 Section 13. Section 373.228, Florida Statutes, is amended
966 to read:



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967 | 373.228 Landscape irrigation design.--

968 | (1) The Legislature finds that multiple areas throughout
969 | the state have been identified by water management districts as
970 | water resource caution areas, which indicates that in the near
971 | future water demand in those areas will exceed the current
972 | available water supply and that conservation is one of the
973 | mechanisms by which future water demand will be met.

974 | (2) The Legislature finds that landscape irrigation
975 | comprises a significant portion of water use and that the current
976 | typical landscape irrigation system and xeriscape designs offer
977 | significant potential water conservation benefits.

978 | (3) It is the intent of the Legislature to improve
979 | landscape irrigation water use efficiency by ensuring that
980 | landscape irrigation systems meet or exceed minimum design
981 | criteria.

982 | (4) The water management districts shall work with the
983 | Florida Nurserymen and Growers Association, the Florida Chapter
984 | of the American Society of Landscape Architects, the Florida
985 | Irrigation Society, the Department of Agriculture and Consumer
986 | Services, the Institute of Food and Agricultural Sciences, the
987 | Department of Environmental Protection, the Department of
988 | Transportation, the Florida League of Cities, the Florida
989 | Association of Counties, and the Florida Association of Community
990 | Developers to develop landscape irrigation and xeriscape design
991 | standards for new construction which incorporate a landscape
992 | irrigation system and develop scientifically based model
993 | guidelines for urban, commercial, and residential landscape
994 | irrigation, including drip irrigation, for plants, trees, sod,
995 | and other landscaping. The landscape and irrigation design
996 | standards shall be based on the irrigation code defined in the



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997 Florida Building Code, Plumbing Volume, Appendix F. Local
998 governments shall use the standards and guidelines when
999 developing landscape irrigation and xeriscape ordinances. By
1000 January 1, 2011 ~~Every 5 years~~, the agencies and entities
1001 specified in this subsection shall review the standards and
1002 guidelines to determine whether new research findings require a
1003 change or modification of the standards and guidelines.

1004 Section 14. Paragraph (d) of subsection (1) of section
1005 376.303, Florida Statutes, is amended to read:

1006 376.303 Powers and duties of the Department of
1007 Environmental Protection.--

1008 (1) The department has the power and the duty to:

1009 (d) Establish a registration program for drycleaning
1010 facilities and wholesale supply facilities.

1011 1. Owners or operators of drycleaning facilities and
1012 wholesale supply facilities and real property owners shall
1013 jointly register each facility owned and in operation with the
1014 department by June 30, 1995, pay initial registration fees by
1015 December 31, 1995, and pay annual renewal registration fees by
1016 December 31, 1996, and each year thereafter, in accordance with
1017 this subsection. If the registration form cannot be jointly
1018 submitted, then the applicant shall provide notice of the
1019 registration to other interested parties. The department shall
1020 establish reasonable requirements for the registration of such
1021 facilities. The department shall use reasonable efforts to
1022 identify and notify drycleaning facilities and wholesale supply
1023 facilities of the registration requirements by certified mail,
1024 return receipt requested. The department shall provide to the
1025 Department of Revenue a copy of each applicant's registration
1026 materials, within 30 working days of the receipt of the



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1027 materials. This copy may be in such electronic format as the two
1028 agencies mutually designate.

1029 2.a. The department shall issue an invoice for annual
1030 registration fees to each registered drycleaning facility or
1031 wholesale supply facility by December 31 of each year. Owners of
1032 drycleaning facilities and wholesale supply facilities shall
1033 submit to the department an initial fee of \$100 and an annual
1034 renewal registration fee of \$100 for each drycleaning facility or
1035 wholesale supply facility owned and in operation. The fee shall
1036 be paid within 30 days after receipt of billing by the
1037 department. Facilities that fail to pay their renewal fee within
1038 30 days after receipt of billing are subject to a late fee of
1039 \$75.

1040 b. Revenues derived from registration, renewal, and late
1041 fees shall be deposited into the Water Quality Assurance Trust
1042 Fund to be used as provided in s. 376.3078.

1043 3. Effective March 1, 2009, a registered drycleaning
1044 facility shall display in the vicinity of its drycleaning
1045 machines the original or a copy of a valid and current
1046 certificate evidencing registration with the department pursuant
1047 to this paragraph. After that date, a person may not sell or
1048 transfer any drycleaning solvents to an owner or operator of a
1049 drycleaning facility unless the owner or operator of the
1050 drycleaning facility displays the certificate issued by the
1051 department. Violators of this subparagraph are subject to the
1052 remedies available to the department pursuant to s. 376.302.

1053 Section 15. Subsection (19) of section 403.031, Florida
1054 Statutes, is amended to read:

1055 403.031 Definitions.--In construing this chapter, or rules
1056 and regulations adopted pursuant hereto, the following words,



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1057 phrases, or terms, unless the context otherwise indicates, have
1058 the following meanings:

1059 (19) "Regulated air pollutant" means any pollutant
1060 regulated under the federal Clean Air Act.

1061 ~~(a) Nitrogen oxides or any volatile organic compound;~~

1062 ~~(b) Any pollutant regulated under 42 U.S.C. s. 7411 or s.~~
1063 ~~7412; or~~

1064 ~~(c) Any pollutant for which a national primary ambient air~~
1065 ~~quality standard has been adopted.~~

1066 Section 16. Section 403.0623, Florida Statutes, is amended
1067 to read:

1068 403.0623 Environmental data; quality assurance.--The
1069 department must establish, by rule, appropriate quality assurance
1070 requirements for environmental data submitted to the department
1071 and the criteria by which environmental data may be rejected by
1072 the department. The department may adopt and enforce rules to
1073 establish data quality objectives and specify requirements for
1074 training of laboratory and field staff, sample collection
1075 methodology, proficiency testing, and audits of laboratory and
1076 field sampling activities. Such rules may be in addition to any
1077 laboratory certification provisions under ss. 403.0625 and
1078 403.863.

1079 Section 17. Subsection (1) of section 403.0872, Florida
1080 Statutes, is amended to read:

1081 403.0872 Operation permits for major sources of air
1082 pollution; annual operation license fee.--Provided that program
1083 approval pursuant to 42 U.S.C. s. 7661a has been received from
1084 the United States Environmental Protection Agency, beginning
1085 January 2, 1995, each major source of air pollution, including
1086 electrical power plants certified under s. 403.511, must obtain



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1087 | from the department an operation permit for a major source of air
1088 | pollution under this section. This operation permit is the only
1089 | department operation permit for a major source of air pollution
1090 | required for such source; provided, at the applicant's request,
1091 | the department shall issue a separate acid rain permit for a
1092 | major source of air pollution that is an affected source within
1093 | the meaning of 42 U.S.C. s. 7651a(1). Operation permits for major
1094 | sources of air pollution, except general permits issued pursuant
1095 | to s. 403.814, must be issued in accordance with the procedures
1096 | contained in this section and in accordance with chapter 120;
1097 | however, to the extent that chapter 120 is inconsistent with the
1098 | provisions of this section, the procedures contained in this
1099 | section prevail.

1100 | (1) For purposes of this section, a major source of air
1101 | pollution means a stationary source of air pollution, or any
1102 | group of stationary sources within a contiguous area and under
1103 | common control, which emits any regulated air pollutant and which
1104 | is ~~any of the following~~:

1105 | (a) A major source within the meaning of 42 U.S.C. s.
1106 | 7412(a)(1);

1107 | (b) A major stationary source or major emitting facility
1108 | within the meaning of 42 U.S.C. s. 7602(j) or 42 U.S.C.
1109 | subchapter I, part C or part D;

1110 | (c) An affected source within the meaning of 42 U.S.C. s.
1111 | 7651a(1);

1112 | (d) An air pollution source subject to standards or
1113 | regulations under 42 U.S.C. s. 7411 or s. 7412; provided that a
1114 | source is not a major source solely because of its regulation
1115 | under 42 U.S.C. s. 7412(r); or



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1116 (e) A stationary air pollution source belonging to a
1117 category designated as a 40 C.F.R. part 70 source by regulations
1118 adopted by the administrator of the United States Environmental
1119 Protection Agency under 42 U.S.C. ss. 7661 et seq. The department
1120 shall exempt those facilities that are subject to this section
1121 solely because they are subject to requirements under 42 U.S.C.
1122 s. 7411 or s. 7412 or solely because they are subject to
1123 reporting requirements under 42 U.S.C. s. 7412 for as long as the
1124 exemption is available under federal law.

1125 Section 18. Section 373.109, Florida Statutes, is amended
1126 to read:

1127 373.109 Permit application fees.--When a water management
1128 district governing board, the department, or a local government
1129 implements a regulatory system under this chapter or one which
1130 has been delegated pursuant to chapter 403, it may establish a
1131 schedule of fees for filing applications for the required
1132 permits. Such fees shall not exceed the cost to the district, the
1133 department, or the local government for processing, monitoring,
1134 and inspecting for compliance with the permit.

1135 (1) (a) The department shall initiate rulemaking no later
1136 than December 1, 2008, to increase each application fee
1137 authorized under part IV of this chapter and adopted by rule to
1138 ensure that such fees reflect, at a minimum, any upward
1139 adjustment in the Consumer Price Index compiled by the United
1140 States Department of Labor, or similar inflation indicator, since
1141 the original fee was established or most recently revised. The
1142 department shall establish by rule the inflation index to be used
1143 for this purpose.



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1144 (b) The department shall charge a fee of at least \$250 for
1145 a noticed general permit or individual permit as established in
1146 department rules.

1147 (c) Notwithstanding s. 120.60(2), the fee for verification
1148 that an activity is exempt from regulation under s. 403.813 or
1149 part IV of this chapter shall be at least \$100 or as otherwise
1150 established by department rule, but not to exceed \$500.

1151 (d) The department shall charge a fee of at least \$100 and
1152 not to exceed \$500 for conducting informal wetland boundary
1153 determinations as a public service to applicants or potential
1154 applicants for permits under part IV of this chapter. An informal
1155 wetland boundary determination is not an application for a
1156 permit, is not subject to the permit review timeframes
1157 established in this chapter or chapter 120, and does not
1158 constitute final agency action.

1159 (2) The department shall review the fees authorized under
1160 part IV of this chapter at least once every 5 years and shall
1161 adjust the fees upward, as necessary, to reflect changes in the
1162 Consumer Price Index or similar inflation indicator. In the event
1163 of deflation, the department shall consult with the Executive
1164 Office of the Governor and the Legislature to determine whether
1165 downward fee adjustments are appropriate based on the current
1166 budget and appropriation considerations.

1167 (3)~~(1)~~ All moneys received under the provisions of this
1168 section shall be allocated for the use of the water management
1169 district, the department, or the local government, whichever
1170 processed the permit, and shall be in addition to moneys
1171 otherwise appropriated in any general appropriation act. All
1172 moneys received by the department under the provisions of this
1173 section shall be deposited in the Florida Permit Fee Trust Fund



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1174 established by s. 403.0871 and shall be used by the department as
1175 provided therein. Moneys received by a water management district
1176 or the department under the provisions of this section shall be
1177 in addition to moneys otherwise appropriated in any general
1178 appropriation act.

1179 ~~(4)(2)~~ The failure of any person to pay the fees
1180 established hereunder constitutes grounds for revocation or
1181 denial of the permit.

1182 (5) Effective July 1, 2008, the minimum fee amounts shall
1183 be the minimum fees prescribed in this section, and such fee
1184 amounts shall remain in effect until the effective date of fees
1185 adopted by rule by the department.

1186 Section 19. Section 403.087, Florida Statutes, is amended
1187 to read:

1188 403.087 Permits; general issuance; denial; revocation;
1189 prohibition; penalty.--

1190 (1) A stationary installation that is reasonably expected
1191 to be a source of air or water pollution must not be operated,
1192 maintained, constructed, expanded, or modified without an
1193 appropriate and currently valid permit issued by the department,
1194 unless exempted by department rule. In no event shall a permit
1195 for a water pollution source be issued for a term of more than 10
1196 years, nor may an operation permit issued after July 1, 1992, for
1197 a major source of air pollution have a fixed term of more than 5
1198 years. However, upon expiration, a new permit may be issued by
1199 the department in accordance with this chapter and the rules of
1200 the department.

1201 (2) The department shall adopt, and may amend or repeal,
1202 rules for the issuance, denial, modification, and revocation of
1203 permits under this section.



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1204 (3) A renewal of an operation permit for a domestic
1205 wastewater treatment facility other than a facility regulated
1206 under the National Pollutant Discharge Elimination System (NPDES)
1207 Program under s. 403.0885 must be issued upon request for a term
1208 of up to 10 years, for the same fee and under the same conditions
1209 as a 5-year permit, in order to provide the owner or operator
1210 with a financial incentive, if:

1211 (a) The waters from the treatment facility are not
1212 discharged to Class I municipal injection wells or the treatment
1213 facility is not required to comply with the federal standards
1214 under the Underground Injection Control Program under chapter 62-
1215 528 of the Florida Administrative Code;

1216 (b) The treatment facility is not operating under a
1217 temporary operating permit or a permit with an accompanying
1218 administrative order and does not have any enforcement action
1219 pending against it by the United States Environmental Protection
1220 Agency, the department, or a local program approved under s.
1221 403.182;

1222 (c) The treatment facility has operated under an operation
1223 permit for 5 years and, for at least the preceding 2 years, has
1224 generally operated in conformance with the limits of permitted
1225 flows and other conditions specified in the permit;

1226 (d) The department has reviewed the discharge-monitoring
1227 reports required under department rule and is satisfied that the
1228 reports are accurate;

1229 (e) The treatment facility has generally met water quality
1230 standards in the preceding 2 years, except for violations
1231 attributable to events beyond the control of the treatment plant
1232 or its operator, such as destruction of equipment by fire, wind,



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1233 or other abnormal events that could not reasonably be expected to
1234 occur; and

1235 (f) The department, or a local program approved under s.
1236 403.182, has conducted, in the preceding 12 months, an inspection
1237 of the facility and has verified in writing to the operator of
1238 the facility that it is not exceeding the permitted capacity and
1239 is in substantial compliance.

1240
1241 The department shall keep records of the number of 10-year
1242 permits applied for and the number and duration of permits issued
1243 for longer than 5 years.

1244 (4) The department shall issue permits on such conditions
1245 as are necessary to effect the intent and purposes of this
1246 section.

1247 (5) The department shall issue permits to construct,
1248 operate, maintain, expand, or modify an installation which may
1249 reasonably be expected to be a source of pollution only when it
1250 determines that the installation is provided or equipped with
1251 pollution control facilities that will abate or prevent pollution
1252 to the degree that will comply with the standards or rules
1253 adopted by the department, except as provided in s. 403.088 or s.
1254 403.0872. However, separate construction permits shall not be
1255 required for installations permitted under s. 403.0885, except
1256 that the department may require an owner or operator proposing to
1257 construct, expand, or modify such an installation to submit for
1258 department review, as part of application for permit or permit
1259 modification, engineering plans, preliminary design reports, or
1260 other information 90 days prior to commencing construction. The
1261 department may also require the engineer of record or another
1262 registered professional engineer, within 30 days after



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1263 construction is complete, to certify that the construction was
1264 completed in accordance with the plans submitted to the
1265 department, noting minor deviations which were necessary because
1266 of site-specific conditions.

1267 (6) (a) The department shall require a processing fee in an
1268 amount sufficient, to the greatest extent possible, to cover the
1269 costs of reviewing and acting upon any application for a permit
1270 or request for site-specific alternative criteria or for an
1271 exemption from water quality criteria and to cover the costs of
1272 surveillance and other field services and related support
1273 activities associated with any permit or plan approval issued
1274 pursuant to this chapter. The department shall review the fees
1275 authorized under this chapter at least once every 5 years and
1276 shall adjust the fees upward, as necessary, within the fee caps
1277 established in this paragraph to reflect changes in the Consumer
1278 Price Index or similar inflation indicator. The department shall
1279 establish by rule the inflation index to be used for this
1280 purpose. In the event of deflation, the department shall consult
1281 with the Executive Office of the Governor and the Legislature to
1282 determine whether downward fee adjustments are appropriate based
1283 on the current budget and appropriation considerations. However,
1284 when an application is received without the required fee, the
1285 department shall acknowledge receipt of the application and shall
1286 immediately return the unprocessed application to the applicant
1287 and shall take no further action until the application is
1288 received with the appropriate fee. The department shall adopt a
1289 schedule of fees by rule, subject to the following limitations:

- 1290 1. The fee for any of the following may not exceed \$32,500:
1291 a. Hazardous waste, construction permit.
1292 b. Hazardous waste, operation permit.



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1293 c. Hazardous waste, postclosure permit, or clean closure
1294 plan approval.

1295 d. Hazardous waste, corrective action permit.

1296 2. The permit fee for a drinking water construction or
1297 operation permit, not including the operation license fee
1298 required under s. 403.861(7), shall be at least \$500 and may not
1299 exceed \$15,000.

1300 3.2. The permit fee for a Class I injection well
1301 construction permit may not exceed \$12,500.

1302 4.3. The permit fee for any of the following permits may
1303 not exceed \$10,000:

1304 a. Solid waste, construction permit.

1305 b. Solid waste, operation permit.

1306 c. Class I injection well, operation permit.

1307 5.4. The permit fee for any of the following permits may
1308 not exceed \$7,500:

1309 a. Air pollution, construction permit.

1310 b. Solid waste, closure permit.

1311 ~~e. Drinking water, construction or operation permit.~~

1312 ~~c.d.~~ Domestic waste residuals, construction or operation
1313 permit.

1314 ~~d.e.~~ Industrial waste, operation permit.

1315 ~~e.f.~~ Industrial waste, construction permit.

1316 6.5. The permit fee for any of the following permits may
1317 not exceed \$5,000:

1318 a. Domestic waste, operation permit.

1319 b. Domestic waste, construction permit.

1320 7.6. The permit fee for any of the following permits may
1321 not exceed \$4,000:



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- 1322 a. Wetlands resource management--(dredge and fill and
1323 mangrove alteration), ~~standard form permit~~.
- 1324 b. Hazardous waste, research and development permit.
- 1325 c. Air pollution, operation permit, for sources not subject
1326 to s. 403.0872.
- 1327 d. Class III injection well, construction, operation, or
1328 abandonment permits.
- 1329 8. The permit fee for a drinking water distribution system
1330 permit, including a general permit, shall be at least \$500 and
1331 may not exceed \$1,000.
- 1332 ~~9.7.~~ The permit fee for Class V injection wells,
1333 construction, operation, and abandonment permits may not exceed
1334 \$750.
- 1335 ~~10.8.~~ The permit fee for domestic waste collection system
1336 permits ~~any of the following permits~~ may not exceed \$500:
- 1337 a. ~~Domestic waste, collection system permits.~~
- 1338 b. ~~Wetlands resource management--(dredge and fill and~~
1339 ~~mangrove alterations), short permit form.~~
- 1340 c. ~~Drinking water, distribution system permit.~~
- 1341 ~~11.9.~~ The permit fee for stormwater operation permits may
1342 not exceed \$100.
- 1343 ~~12.10.~~ Except as provided in subparagraph 8., the general
1344 permit fees for permits that require certification by a
1345 registered professional engineer or professional geologist may
1346 not exceed \$500, and ~~the~~ general permit fee for other permit
1347 types may not exceed \$100.
- 1348 ~~13.11.~~ The fee for a permit issued pursuant to s. 403.816
1349 is \$5,000, and the fee for any modification of such permit
1350 requested by the applicant is \$1,000.



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1351 ~~14.12.~~ The regulatory program and surveillance fees for
1352 facilities permitted pursuant to s. 403.088 or s. 403.0885, or
1353 for facilities permitted pursuant to s. 402 of the Clean Water
1354 Act, as amended, 33 U.S.C. ss. 1251 et seq., and for which the
1355 department has been granted administrative authority, shall be
1356 limited as follows:

1357 a. The fees for domestic wastewater facilities shall not
1358 exceed \$7,500 annually. The department shall establish a sliding
1359 scale of fees based on the permitted capacity and shall ensure
1360 smaller domestic waste dischargers do not bear an inordinate
1361 share of costs of the program.

1362 b. The annual fees for industrial waste facilities shall
1363 not exceed \$11,500. The department shall establish a sliding
1364 scale of fees based upon the volume, concentration, or nature of
1365 the industrial waste discharge and shall ensure smaller
1366 industrial waste dischargers do not bear an inordinate share of
1367 costs of the program.

1368 c. The department may establish a fee, not to exceed the
1369 amounts in subparagraphs 4. and 5., to cover additional costs of
1370 review required for permit modification or construction
1371 engineering plans.

1372 (b) If substantially similar air pollution sources are to
1373 be constructed or modified at the same facility, the applicant
1374 may submit a single application and permit fee for construction
1375 or modification of the sources at that facility. If substantially
1376 similar air pollution sources located at the same facility do not
1377 constitute a major source of air pollution subject to permitting
1378 under s. 403.0872, the applicant may submit a single application
1379 and permit fee for the operation of those sources. The department



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1380 may develop, by rule, criteria for determining what constitutes
1381 substantially similar sources.

1382 (c) The fee schedule shall be adopted by rule. The amount
1383 of each fee shall be reasonably related to the costs of
1384 permitting, field services, and related support activities for
1385 the particular permitting activity taking into consideration
1386 consistently applied standard cost-accounting principles and
1387 economies of scale. If the department requires, by rule or by
1388 permit condition, that a permit be renewed more frequently than
1389 once every 5 years, the permit fee shall be prorated based upon
1390 the permit fee schedule in effect at the time of permit renewal.

1391 (d) Nothing in this subsection authorizes the construction
1392 or expansion of any stationary installation except to the extent
1393 specifically authorized by department permit or rule.

1394 (e) For all domestic waste collection system permits and
1395 drinking water distribution system permits, the department shall
1396 adopt a fee schedule, by rule, based on a sliding scale relating
1397 to pipe diameter, length of the proposed main, or equivalent
1398 dwelling units, or any combination of these factors. The
1399 department shall require a separate permit application and fee
1400 for each noncontiguous project within the system.

1401 (7) A permit issued pursuant to this section shall not
1402 become a vested right in the permittee. The department may revoke
1403 any permit issued by it if it finds that the permitholder:

1404 (a) Has submitted false or inaccurate information in his or
1405 her application;

1406 (b) Has violated law, department orders, rules, or
1407 regulations, or permit conditions;

1408 (c) Has failed to submit operational reports or other
1409 information required by department rule or regulation; or



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1410 (d) Has refused lawful inspection under s. 403.091.
1411 (8) The department shall not issue a permit to any person
1412 for the purpose of engaging in, or attempting to engage in, any
1413 activity relating to the extraction of solid minerals not exempt
1414 pursuant to chapter 211 within any state or national park or
1415 state or national forest when the activity will degrade the
1416 ambient quality of the waters of the state or the ambient air
1417 within those areas. In the event the Federal Government prohibits
1418 the mining or leasing of solid minerals on federal park or forest
1419 lands, then, and to the extent of such prohibition, this act
1420 shall not apply to those federal lands.

1421 (9) A violation of this section is punishable as provided
1422 in this chapter.

1423 (10) Effective July 1, 2008, the minimum fee amounts shall
1424 be the minimum fees prescribed in this section, and such fee
1425 amounts shall remain in effect until the effective date of fees
1426 adopted by rule by the department.

1427 Section 20. Subsections (7) and (8) of section 403.861,
1428 Florida Statutes, are amended to read:

1429 403.861 Department; powers and duties.--The department
1430 shall have the power and the duty to carry out the provisions and
1431 purposes of this act and, for this purpose, to:

1432 (7) Issue permits for constructing, altering, extending, or
1433 operating a public water system, based upon the size of the
1434 system, type of treatment provided by the system, or population
1435 served by the system, including issuance of an annual operation
1436 license.

1437 (a) The department may issue a permit for a public water
1438 system based upon review of a preliminary design report or plans
1439 and specifications, ~~and~~ a completed permit application form, and



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1440 other required information as set forth in department rule,
1441 including receipt of an appropriate fee. The department may
1442 ~~(8)~~ require a fee in an amount sufficient to cover the
1443 costs of viewing and acting upon any application for the
1444 construction and operation of a public water supply system and
1445 the costs of surveillance and other field services associated
1446 with any permit issued, but the amount in no case shall exceed
1447 \$15,000 ~~\$7,500~~. The fee schedule shall be adopted by rule based
1448 on a sliding scale relating to the size, type of treatment, or
1449 population served by the system that is proposed by the
1450 applicant.

1451 (b) Each public water system that operates in this state
1452 shall submit annually to the department an operation license fee,
1453 separate from and in addition to any permit application fees
1454 required under paragraph (a), in an amount established by
1455 department rule. The amount of each fee shall be reasonably
1456 related to the size of the public water system, type of
1457 treatment, population served, amount of source water used, or any
1458 combination of these factors, but the fee may not be less than
1459 \$50 or greater than \$7,500. Public water systems shall pay annual
1460 operation license fees at a time and in a manner prescribed by
1461 department rule.

1462 (8) Initiate rulemaking no later than July 1, 2008, to
1463 increase each drinking water permit application fee authorized
1464 under s. 403.087(6) and this part and adopted by rule to ensure
1465 that such fees are increased to reflect, at a minimum, any upward
1466 adjustment in the Consumer Price Index compiled by the United
1467 States Department of Labor, or similar inflation indicator, since
1468 the original fee was established or most recently revised.



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1469 (a) The department shall establish by rule the inflation
1470 index to be used for this purpose. The department shall review
1471 the drinking water permit application fees authorized under s.
1472 403.087(6) and this part at least once every 5 years and shall
1473 adjust the fees upward, as necessary, within the established fee
1474 caps to reflect changes in the Consumer Price Index or similar
1475 inflation indicator. In the event of deflation, the department
1476 shall consult with the Executive Office of the Governor and the
1477 Legislature to determine whether downward fee adjustments are
1478 appropriate based on the current budget and appropriation
1479 considerations. The department shall also review the drinking
1480 water operation license fees established pursuant to paragraph
1481 (7) (b) at least once every 5 years to adopt, as necessary, the
1482 same inflationary adjustments provided for in this subsection.

1483 (b) Effective July 1, 2008, the minimum fee amount shall be
1484 the minimum fee prescribed in this section, and such fee amount
1485 shall remain in effect until the effective date of fees adopted
1486 by rule by the department.

1487 Section 21. Section 403.873, Florida Statutes, is amended
1488 to read:

1489 403.873 Renewal of license.--

1490 (1) The department shall renew a license upon receipt of
1491 the renewal application, proof of completion of department-
1492 approved continuing education units during the current biennium,
1493 and the renewal fee, and in accordance with the other provisions
1494 of ss. 403.865-403.876.

1495 (2) The department shall adopt rules establishing a
1496 procedure for the biennial renewal of licenses, including the
1497 requirements for continuing education.



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1498 Section 22. Section 403.874, Florida Statutes, is amended
1499 to read:

1500 403.874 Inactive status.--

1501 (1) The department shall reactivate an inactive license
1502 upon receipt of the reactivation application and fee within the
1503 2-year period immediately following the expiration date of the
1504 license. Any license not reactivated within this 2-year period
1505 shall be null and void and an operator seeking a license
1506 thereafter must meet the training, examination, and experience
1507 requirements for the type and class or level of license sought.

1508 (2) The department shall adopt rules relating to licenses
1509 that have become inactive and for the reactivation of inactive
1510 licenses, and procedures for null and void licenses and how to
1511 obtain a new license after a license has become null and void.

1512 Section 23. The Department of Environmental Protection may
1513 not issue any permit for a Class I landfill that will be located
1514 on or adjacent to a Class III landfill that was permitted on or
1515 before January 1, 2006, and that is located in the Southern Water
1516 Use Caution Area designated by rule by the Southwest Florida
1517 Water Management District. This section applies to all
1518 applications for any Class I landfill permit submitted after
1519 January 1, 2006, for which the department has not issued a final
1520 permit.

1521 Section 24. Section 378.011, Florida Statutes, is repealed.

1522 Section 25. Chapter 325, Florida Statutes, consisting of
1523 ss. 325.2055, 325.221, 325.222, and 325.223, Florida Statutes, is
1524 repealed.

1525 Section 26. Section 403.08725, Florida Statutes, is
1526 repealed.

1527 Section 27. This act shall take effect upon becoming a law.



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

And the title is amended as follows:

 Delete everything before the enacting clause
and insert:

 A bill to be entitled
An act relating to environmental protection; reenacting
and amending s. 20.255, F.S., relating to the
establishment of the department; renaming the Office of
Legislative and Government Affairs as the "Office of
Legislative Affairs"; creating the Office of
Intergovernmental Programs within the department; renaming
the Division of Resource Assessment and Management as the
"Division of Environmental Assessment and Restoration";
authorizing the Environmental Regulation Commission to
employ independent counsel and contract for outside
technical consultants; amending s. 211.3103, F.S.,
relating to the tax on the severance of phosphate rock;
deleting obsolete provisions; providing for a surcharge to
be levied per ton severed until a specified amount of
revenue is generated; providing for an adjustment in the
surcharge under certain conditions; providing for the
distribution of all taxes, interest, and penalties
collected from the severance of phosphate rock; providing
for the use of such revenues by certain counties; defining
the term "phosphate-related expenses" for purposes of the
act; amending s. 253.002, F.S.; authorizing the Board of
Trustees of the Internal Improvement Trust Fund to
delegate certain duties regarding submerged lands to the
Fish and Wildlife Conservation Commission; amending s.



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1558 | 373.414, F.S.; exempting certain lands added to a
1559 | conceptual reclamation plan from rules governing
1560 | activities in surface waters and wetlands; amending s.
1561 | 378.205, F.S.; providing that administrative challenges to
1562 | state agency action regarding phosphate mines and
1563 | reclamation are subject to summary hearings; amending s.
1564 | 369.20, F.S.; providing for the Fish and Wildlife
1565 | Conservation Commission rather than the Department of
1566 | Environmental Protection to direct the control,
1567 | eradication, and regulation of noxious aquatic weeds;
1568 | requiring the commission to adopt rules; authorizing the
1569 | commission to collect aquatic plants, quarantine or
1570 | confiscate noxious aquatic plant material, and conduct a
1571 | public information program; amending s. 369.22, F.S.;
1572 | revising a short title; revising definitions; providing
1573 | duties of the Fish and Wildlife Conservation Commission
1574 | with respect to supervising and directing all management
1575 | programs for aquatic plants; authorizing the commission to
1576 | delegate its authority and disburse funds; requiring the
1577 | commission to post a report on its website; providing for
1578 | the commission to adopt rules for issuing permits for the
1579 | control, eradication, and removal of aquatic plants;
1580 | amending ss. 369.25 and 369.251, F.S.; providing for the
1581 | Department of Agriculture and Consumer Services rather
1582 | than the Department of Environmental Protection to
1583 | regulate the importation, transport, cultivation, and
1584 | possession of certain aquatic plants and invasive
1585 | nonnative plants; authorizing the Department of
1586 | Agriculture and Consumer Services to adopt rules;
1587 | providing duties of the department; amending s. 369.252,



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1588 F.S.; requiring the Fish and Wildlife Conservation
1589 Commission to establish a program to control invasive
1590 plants on public lands; revising requirements for the use
1591 of funds in the Invasive Plant Control Trust Fund;
1592 amending s. 206.606, F.S.; providing for the distribution
1593 of certain proceeds from the fuel tax by the Fish and
1594 Wildlife Conservation Commission; amending s. 328.76,
1595 F.S., relating to funds transferred to the Invasive Plant
1596 Control Trust Fund; conforming provisions to changes made
1597 by the act; amending s. 373.228, F.S.; requiring that
1598 certain entities review the standards and guidelines for
1599 landscape irrigation and xeriscape ordinances by a date
1600 certain; amending s. 376.303, F.S.; requiring a
1601 drycleaning facility to display a current and valid
1602 certificate of registration issued by the Department of
1603 Environmental Protection; prohibiting the sale or transfer
1604 of drycleaning solvents after a certain date to owners or
1605 operators of drycleaning facilities unless a registration
1606 certificate is displayed; providing penalties; amending s.
1607 403.031, F.S.; conforming the definition of the term
1608 "regulated air pollutant" to changes made in the federal
1609 Clean Air Act; amending s. 403.0623, F.S.; providing
1610 rulemaking authority for biological sampling techniques;
1611 amending s. 403.0872, F.S.; conforming the requirements
1612 for air operation permits to changes made to Title V of
1613 the Clean Air Act to delete certain minor sources from the
1614 Title V permitting requirements; amending s. 373.109,
1615 F.S.; requiring the department to initiate rulemaking by a
1616 date certain to adjust permit fees; providing for fees to
1617 be imposed for verifying that certain activities are



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1618 exempt from regulation; providing for a fee for conducting
1619 informal wetland boundary determinations; specifying
1620 special conditions that apply to such determinations;
1621 amending s. 403.087, F.S.; providing minimum and maximum
1622 amounts for certain fees relating to wastewater treatment
1623 facilities; amending s. 403.861, F.S.; providing for a
1624 public water system application fee; requiring the
1625 department to adopt rules for periodically adjusting the
1626 application fee; amending s. 403.873, F.S.; providing
1627 rulemaking authority for continuing education requirements
1628 for water utility operators; amending s. 403.874, F.S.;
1629 providing for the reinstatement of certain water utility
1630 operator certifications; prohibiting the Department of
1631 Environmental Protection from issuing a permit for a Class
1632 I landfill located in a specified water use caution area
1633 designated by rule; repealing s. 378.011, F.S., relating
1634 to the Land Use Advisory Committee; repealing ch. 325,
1635 F.S., consisting of ss. 325.2055, 325.221, 325.222, and
1636 325.223, F.S., relating to motor vehicle air conditioning
1637 refrigerants; repealing s. 403.08725, F.S., relating to
1638 citrus juice processing facilities; providing an effective
1639 date.