

By the Committee on Environmental Preservation and Conservation;
and Senator Saunders

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1 A bill to be entitled
2 An act relating to a review of the Department of
3 Environmental Protection under the Florida Government
4 Accountability Act; reenacting and amending s. 20.255,
5 F.S., relating to the establishment of the department;
6 renaming the Office of Legislative and Government Affairs
7 as the "Office of Legislative Affairs"; creating the
8 Office of Intergovernmental Programs within the
9 department; renaming the Division of Resource Assessment
10 and Management as the "Division of Environmental
11 Assessment and Restoration"; authorizing the Environmental
12 Regulation Commission to employ independent counsel and
13 contract for outside technical consultants; amending s.
14 373.228, F.S.; requiring that certain entities review the
15 standards and guidelines for landscape irrigation and
16 xeriscape ordinances by a date certain; amending s.
17 376.75, F.S.; requiring a drycleaning facility to be
18 registered with the department and show proof of
19 registration prior to purchasing perchloroethylene for
20 drycleaning purposes; prohibiting the use of
21 perchloroethylene by a drycleaning facility after a
22 specified date; amending s. 403.031, F.S.; conforming the
23 definition of the term "regulated air pollutant" to
24 changes made in the federal Clean Air Act; amending s.
25 403.0872, F.S.; conforming the requirements for air
26 operation permits to changes made to Title V of the Clean
27 Air Act to delete certain minor sources from the Title V
28 permitting requirements; amending s. 373.109, F.S.;
29 requiring the department to initiate rulemaking by a date

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30 certain to adjust permit fees; providing for fees to be
31 imposed for verifying that certain activities are exempt
32 from regulation; providing for a fee for conducting
33 informal wetland boundary determinations; specifying
34 special conditions that apply to such determinations;
35 amending s. 403.087, F.S.; providing minimum and maximum
36 amounts for certain fees relating to wastewater treatment
37 facilities; amending s. 403.861, F.S.; providing for a
38 public water system application fee; requiring the
39 department to adopt rules for periodically adjusting the
40 application fee; repealing s. 378.011, F.S., relating to
41 the Land Use Advisory Committee; repealing ch. 325, F.S.,
42 consisting of ss. 325.2055, 325.221, 325.222, and 325.223,
43 F.S., relating to motor vehicle air conditioning
44 refrigerants; repealing s. 403.08725, F.S., relating to
45 citrus juice processing facilities; amending s. 373.503,
46 F.S.; increasing the millage rate for the Northwest
47 Florida Water Management district; providing that the
48 increased millage rate is contingent upon passage of a
49 constitutional amendment; providing an effective date.

50
51 WHEREAS, ss. 11.901-11.920, Florida Statutes, the Florida
52 Government Accountability Act, subjects the Department of
53 Environmental Protection and its respective advisory committees
54 to a sunset review process in order to determine whether the
55 agency should be retained, modified, or abolished, and

56 WHEREAS, the Department of Environmental Protection
57 produced a report providing specific information, as enumerated
58 in s. 11.906, Florida Statutes, and

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59 WHEREAS, upon receipt of the report, the Joint Legislative
60 Sunset Committee and committees of the Senate and the House of
61 Representatives assigned to act as sunset review committees
62 reviewed the report and requested studies by the Office of
63 Program Policy Analysis and Government Accountability, and

64 WHEREAS, based on the department's report, studies of the
65 Office of Program Policy Analysis and Government
66 Accountability, and public input, the Joint Legislative Sunset
67 Committee and legislative sunset review committees made
68 recommendations on the abolition, continuation, or
69 reorganization of the Department of Environmental Protection
70 and its advisory committees; on the need for the functions
71 performed by the agency and its advisory committees; and on the
72 consolidation, transfer, or reorganization of programs within
73 the Department of Environmental Protection, NOW, THEREFORE,

74
75 Be It Enacted by the Legislature of the State of Florida:
76

77 Section 1. Section 20.255, Florida Statutes, is reenacted
78 and amended to read:

79 20.255 Department of Environmental Protection.--There is
80 created a Department of Environmental Protection.

81 (1) The head of the Department of Environmental Protection
82 shall be a secretary, who shall be appointed by the Governor,
83 with the concurrence of three or more members of the Cabinet. The
84 secretary shall be confirmed by the Florida Senate. The secretary
85 shall serve at the pleasure of the Governor.

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

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88 The secretary may assign any deputy secretary the responsibility
89 to supervise, coordinate, and formulate policy for any division,
90 office, or district. The following special offices are
91 established and headed by managers, each of whom is to be
92 appointed by and serve at the pleasure of the secretary:

- 93 1. Office of Chief of Staff;τ
- 94 2. Office of General Counsel;τ
- 95 3. Office of Inspector General;τ
- 96 4. Office of External Affairs;τ
- 97 5. Office of Legislative ~~and Government~~ Affairs;τ and
- 98 6. Office of Intergovernmental Programs; and
- 99 7.6. Office of Greenways and Trails.

100 (b) There shall be six administrative districts involved in
101 regulatory matters of waste management, water resource
102 management, wetlands, and air resources, which shall be headed by
103 managers, each of whom is to be appointed by and serve at the
104 pleasure of the secretary. Divisions of the department may have
105 one assistant or two deputy division directors, as required to
106 facilitate effective operation.

107
108 The managers of all divisions and offices specifically named in
109 this section and the directors of the six administrative
110 districts are exempt from part II of chapter 110 and are included
111 in the Senior Management Service in accordance with s.
112 110.205(2)(j).

113 (3) The following divisions of the Department of
114 Environmental Protection are established:

- 115 (a) Division of Administrative Services.
- 116 (b) Division of Air Resource Management.

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- 117 (c) Division of Water Resource Management.
118 (d) Division of Law Enforcement.
119 (e) Division of Environmental Assessment and Restoration
120 ~~Resource Assessment and Management~~.
121 (f) Division of Waste Management.
122 (g) Division of Recreation and Parks.
123 (h) Division of State Lands, the director of which is to be
124 appointed by the secretary of the department, subject to
125 confirmation by the Governor and Cabinet sitting as the Board of
126 Trustees of the Internal Improvement Trust Fund.

127
128 In order to ensure statewide and intradepartmental consistency,
129 the department's divisions shall direct the district offices and
130 bureaus on matters of interpretation and applicability of the
131 department's rules and programs.

132 (4) Law enforcement officers of the Department of
133 Environmental Protection who meet the provisions of s. 943.13 are
134 constituted law enforcement officers of this state with full
135 power to investigate and arrest for any violation of the laws of
136 this state, and the rules of the department and the Board of
137 Trustees of the Internal Improvement Trust Fund. The general laws
138 applicable to investigations, searches, and arrests by peace
139 officers of this state apply to such law enforcement officers.

140 (5) Records and documents of the Department of
141 Environmental Protection shall be retained by the department as
142 specified in record retention schedules established under the
143 general provisions of chapters 119 and 257. Further, the
144 department is authorized to:

- 145 (a) Destroy, or otherwise dispose of, those records and

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146 documents in conformity with the approved retention schedules.

147 (b) Photograph, microphotograph, or reproduce such records
148 and documents on film, as authorized and directed by the approved
149 retention schedules, whereby each page will be exposed in exact
150 conformity with the original records and documents retained in
151 compliance with the provisions of this section. Photographs or
152 microphotographs in the form of film or print of any records,
153 made in compliance with the provisions of this section, shall
154 have the same force and effect as the originals thereof would
155 have and shall be treated as originals for the purpose of their
156 admissibility in evidence. Duly certified or authenticated
157 reproductions of such photographs or microphotographs shall be
158 admitted in evidence equally with the original photographs or
159 microphotographs. The impression of the seal of the Department of
160 Environmental Protection on a certificate made by the department
161 and signed by the Secretary of Environmental Protection entitles
162 the certificate to be received in all courts and in all
163 proceedings in this state and is prima facie evidence of all
164 factual matters set forth in the certificate. A certificate may
165 relate to one or more records as set forth in the certificate or
166 in a schedule attached to the certificate.

167 (6) The Department of Environmental Protection may require
168 that bond be given by any employee of the department, payable to
169 the Governor of the state and the Governor's successor in office,
170 for the use and benefit of those whom it concerns, in such penal
171 sums and with such good and sufficient surety or sureties as are
172 approved by the department, conditioned upon the faithful
173 performance of the duties of the employee.

174 (7) There is created as a part of the Department of

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175 Environmental Protection an Environmental Regulation Commission.
176 The commission shall be composed of seven residents of this state
177 appointed by the Governor, subject to confirmation by the Senate.
178 In making appointments, the Governor shall provide reasonable
179 representation from all sections of the state. Membership shall
180 be representative of agriculture, the development industry, local
181 government, the environmental community, lay citizens, and
182 members of the scientific and technical community who have
183 substantial expertise in the areas of the fate and transport of
184 water pollutants, toxicology, epidemiology, geology, biology,
185 environmental sciences, or engineering. The Governor shall
186 appoint the chair, and the vice chair shall be elected from among
187 the membership. All appointments shall be for 4-year terms. The
188 Governor may at any time fill a vacancy for the unexpired term.
189 The members of the commission shall serve without compensation,
190 but shall be paid travel and per diem as provided in s. 112.061
191 while in the performance of their official duties.
192 Administrative, personnel, and other support services necessary
193 for the commission shall be furnished by the department. The
194 commission may employ independent counsel and contract for the
195 services of outside technical consultants.

196 (8) The department is the agency of state government
197 responsible for collecting and analyzing information concerning
198 energy resources in this state; for coordinating the energy
199 conservation programs of state agencies; and for coordinating the
200 development, review, and implementation of the state's energy
201 policy.

202 Section 2. Section 373.228, Florida Statutes, is amended to
203 read:

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204 373.228 Landscape irrigation design.--

205 (1) The Legislature finds that multiple areas throughout
206 the state have been identified by water management districts as
207 water resource caution areas, which indicates that in the near
208 future water demand in those areas will exceed the current
209 available water supply and that conservation is one of the
210 mechanisms by which future water demand will be met.

211 (2) The Legislature finds that landscape irrigation
212 comprises a significant portion of water use and that the current
213 typical landscape irrigation system and xeriscape designs offer
214 significant potential water conservation benefits.

215 (3) It is the intent of the Legislature to improve
216 landscape irrigation water use efficiency by ensuring that
217 landscape irrigation systems meet or exceed minimum design
218 criteria.

219 (4) The water management districts shall work with the
220 Florida Nurserymen and Growers Association, the Florida Chapter
221 of the American Society of Landscape Architects, the Florida
222 Irrigation Society, the Department of Agriculture and Consumer
223 Services, the Institute of Food and Agricultural Sciences, the
224 Department of Environmental Protection, the Department of
225 Transportation, the Florida League of Cities, the Florida
226 Association of Counties, and the Florida Association of Community
227 Developers to develop landscape irrigation and xeriscape design
228 standards for new construction which incorporate a landscape
229 irrigation system and develop scientifically based model
230 guidelines for urban, commercial, and residential landscape
231 irrigation, including drip irrigation, for plants, trees, sod,
232 and other landscaping. The landscape and irrigation design

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233 standards shall be based on the irrigation code defined in the
234 Florida Building Code, Plumbing Volume, Appendix F. Local
235 governments shall use the standards and guidelines when
236 developing landscape irrigation and xeriscape ordinances. By
237 January 1, 2011 ~~Every 5 years~~, the agencies and entities
238 specified in this subsection shall review the standards and
239 guidelines to determine whether new research findings require a
240 change or modification of the standards and guidelines.

241 Section 3. Section 376.75, Florida Statutes, is amended to
242 read:

243 376.75 Tax on production or importation of
244 perchloroethylene.--

245 (1) Beginning October 1, 1994, a tax of \$5 per gallon is
246 levied on the sale of perchloroethylene (tetrachloroethylene) in
247 this state to a drycleaning facility located in this state or the
248 import of perchloroethylene into this state by a drycleaning
249 facility. A drycleaning facility must be registered with the
250 Department of Environmental Protection and must show proof of
251 such registration prior to purchasing any drycleaning solvents.
252 This tax is not subject to sales and use tax pursuant to chapter
253 212.

254 (2) Any person producing in, importing into, or causing to
255 be imported into, or selling in, this state perchloroethylene
256 must register with the Department of Revenue and become licensed
257 for the purposes of remitting the tax pursuant to, or providing
258 information required by, this section. Such person must register
259 as a seller of perchloroethylene, a user of perchloroethylene in
260 drycleaning facilities, or a user of perchloroethylene for
261 purposes other than drycleaning. Persons operating at more than

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262 one location are only required to have a single registration. The
263 fee for registration is \$30. Failure to timely register is a
264 misdemeanor of the first degree, punishable as provided in s.
265 775.082 or s. 775.083.

266 (3) The tax imposed by this section is due on the 1st day
267 of the month succeeding the month of the sale and must be paid on
268 or before the 20th day of each month. Tax shall be reported on
269 forms and in the manner prescribed by the Department of Revenue
270 by rule.

271 (4) Any person subject to taxation under this section or
272 any person who sells tax-paid perchloroethylene, other than a
273 retail dealer, must separately state the amount of such tax paid
274 on any charge ticket, sales slip, invoice, or other tangible
275 evidence of the sale or must certify on the sales document that
276 the tax required pursuant to this section has been paid.

277 (5) All perchloroethylene imported, produced, or sold in
278 this state is presumed to be subject to the tax imposed by this
279 section. Any person who has purchased perchloroethylene for use
280 in such person's drycleaning facility in this state must document
281 that the tax imposed by this section has been paid or must pay
282 such tax directly to the Department of Revenue in accordance with
283 subsection (3).

284 (6) For purposes of this section, to demonstrate that
285 perchloroethylene is not sold or transferred to a drycleaning
286 facility for eventual use in a drycleaning facility in this
287 state, a person may rely on a certificate signed under penalty of
288 perjury by a transferee of the perchloroethylene stating that the
289 transferee does not own or operate a drycleaning facility or the
290 transferee will not use the perchloroethylene in a drycleaning

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291 facility in this state. Any producer, importer, seller, or other
292 transferor of perchloroethylene who is required to register in
293 accordance with subsection (2) but who does not make any taxable
294 sales or taxable transfers during a year shall file with the
295 Department of Revenue a form containing the quantity of
296 perchloroethylene sold or transferred, a statement indicating
297 that all sales were exempt from tax, and such other information
298 as the Department of Revenue may prescribe.

299 (7) The Department of Revenue may authorize a quarterly
300 return and payment when the tax remitted by the licensee for the
301 preceding quarter did not exceed \$100; may authorize a semiannual
302 return and payment when the tax remitted by the licensee for the
303 preceding 6 months did not exceed \$200; and may authorize an
304 annual return and payment when the tax remitted by the licensee
305 for the preceding 12 months did not exceed \$400.

306 (8) The tax imposed by this section shall be reported to
307 the Department of Revenue. The payment shall be accompanied by
308 such forms as the Department of Revenue prescribes. The proceeds
309 of the tax, after deducting the administrative costs incurred by
310 the Department of Revenue in administering, auditing, collecting,
311 distributing, and enforcing the tax, shall be transferred by the
312 Department of Revenue into the Water Quality Assurance Trust Fund
313 and shall be used as provided in s. 376.3078. For the purposes of
314 this section, the proceeds of the tax include all funds collected
315 and received by the Department of Revenue, including interest and
316 penalties on delinquent taxes.

317 (9) (a) The Department of Revenue shall administer, collect,
318 and enforce the tax authorized under this section pursuant to the
319 same procedures used in the administration, collection, and

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320 enforcement of the general state sales tax imposed under chapter
321 212, except as provided in this section. The provisions of
322 chapter 212 regarding the authority to audit and make
323 assessments, the keeping of books and records, and interest and
324 penalties on delinquent taxes shall apply. The tax shall not be
325 included in the computation of estimated taxes pursuant to s.
326 212.11, nor shall the dealer's credit for collecting taxes or
327 fees in s. 212.12 apply to the tax. The provisions of s.
328 212.07(4) shall not apply to the tax imposed by this section.

329 (b) The Department of Revenue, under the applicable rules
330 of the Public Employees Relations Commission, is authorized to
331 employ persons and incur other expenses for which funds are
332 appropriated by the Legislature. The Department of Revenue is
333 empowered to adopt such rules and shall prescribe and publish
334 such forms as may be necessary to effectuate the purposes of this
335 section.

336 (c) The Department of Revenue is authorized to establish
337 audit procedures and to assess delinquent taxes.

338 (10) The Legislature declares that the failure to promptly
339 implement the provisions of this section would present an
340 immediate threat to the welfare of the state. Therefore, the
341 executive director of the Department of Revenue is authorized to
342 adopt emergency rules pursuant to s. 120.54(4) to implement this
343 section. Notwithstanding any other provision of law, such
344 emergency rules shall remain effective for 180 days from the date
345 of adoption. Other rules of the Department of Revenue related to
346 and in furtherance of the orderly implementation of this section
347 shall not be subject to a s. 120.56(2) rule challenge or a s.
348 120.54(3)(c)2. drawout proceeding, but, once adopted, shall be

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349 subject to a s. 120.56(3) invalidity challenge. Such rules shall
350 be adopted by the Governor and Cabinet and shall become effective
351 upon filing with the Department of State, notwithstanding the
352 provisions of s. 120.54(3)(e)6.

353 (11) If perchloroethylene on which tax has been paid is
354 exported from this state or acquired for purposes other than use
355 in a drycleaning facility in this state or for sale, resale, or
356 other transfer for such use, the person who paid the tax to the
357 Department of Revenue may apply for a refund or take a credit of
358 such tax paid. The person applying for the refund or credit must
359 refund such tax to the person who incurred the burden of the tax
360 before the claim to the state for refund or credit will be
361 approved.

362 (12) Any drycleaning facility which includes in the total
363 retail charge to a consumer of drycleaning services any portion
364 of the tax imposed pursuant to this section shall disclose on the
365 receipt for the amount charged for such services the amount of
366 such tax and a statement that the imposition of the tax was
367 requested by the Florida Dry Cleaners Coalition.

368 (13) The use of perchloroethylene by a drycleaning facility
369 is prohibited in this state after January 1, 2015.

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

372 403.031 Definitions.--In construing this chapter, or rules
373 and regulations adopted pursuant hereto, the following words,
374 phrases, or terms, unless the context otherwise indicates, have
375 the following meanings:

376 (19) "Regulated air pollutant" means any pollutant
377 regulated under the federal Clean Air Act.÷

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- 378 ~~(a) Nitrogen oxides or any volatile organic compound;~~
379 ~~(b) Any pollutant regulated under 42 U.S.C. s. 7411 or s.~~
380 ~~7412; or~~
381 ~~(c) Any pollutant for which a national primary ambient air~~
382 ~~quality standard has been adopted.~~

383 Section 5. Subsection (1) of section 403.0872, Florida
384 Statutes, is amended to read:

385 403.0872 Operation permits for major sources of air
386 pollution; annual operation license fee.--Provided that program
387 approval pursuant to 42 U.S.C. s. 7661a has been received from
388 the United States Environmental Protection Agency, beginning
389 January 2, 1995, each major source of air pollution, including
390 electrical power plants certified under s. 403.511, must obtain
391 from the department an operation permit for a major source of air
392 pollution under this section. This operation permit is the only
393 department operation permit for a major source of air pollution
394 required for such source; provided, at the applicant's request,
395 the department shall issue a separate acid rain permit for a
396 major source of air pollution that is an affected source within
397 the meaning of 42 U.S.C. s. 7651a(1). Operation permits for major
398 sources of air pollution, except general permits issued pursuant
399 to s. 403.814, must be issued in accordance with the procedures
400 contained in this section and in accordance with chapter 120;
401 however, to the extent that chapter 120 is inconsistent with the
402 provisions of this section, the procedures contained in this
403 section prevail.

404 (1) For purposes of this section, a major source of air
405 pollution means a stationary source of air pollution, or any
406 group of stationary sources within a contiguous area and under

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407 common control, which emits any regulated air pollutant and which
408 is ~~any of the following~~:

409 (a) A major source within the meaning of 42 U.S.C. s.
410 7412(a)(1);

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

414 (c) An affected source within the meaning of 42 U.S.C. s.
415 7651a(1);

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

420 (e) A stationary air pollution source belonging to a
421 category designated as a 40 C.F.R. part 70 source by regulations
422 adopted by the administrator of the United States Environmental
423 Protection Agency under 42 U.S.C. ss. 7661 et seq. The department
424 shall exempt those facilities that are subject to this section
425 solely because they are subject to requirements under 42 U.S.C.
426 s. 7411 or s. 7412 or solely because they are subject to
427 reporting requirements under 42 U.S.C. s. 7412 for as long as the
428 exemption is available under federal law.

429 Section 6. Section 373.109, Florida Statutes, is amended to
430 read:

431 373.109 Permit application fees.--When a water management
432 district governing board, the department, or a local government
433 implements a regulatory system under this chapter or one which
434 has been delegated pursuant to chapter 403, it may establish a
435 schedule of fees for filing applications for the required

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436 | permits. Such fees shall not exceed the cost to the district, the
437 | department, or the local government for processing, monitoring,
438 | and inspecting for compliance with the permit.

439 | (1) Except for the fees established in subsections (2) and
440 | (3), the department shall initiate rulemaking by July 1, 2008, to
441 | increase each application fee authorized under part IV of this
442 | chapter and adopted by rule to ensure that such fees are
443 | increased to reflect, at a minimum, any upward adjustment in the
444 | Consumer Price Index compiled by the United States Department of
445 | Labor, or similar inflation indicator, since the original fee was
446 | established or most recently revised. The department shall
447 | establish by rule the inflation index to be used for this
448 | purpose. The department shall review the fees authorized under
449 | part IV of this chapter at least once every 5 years and shall
450 | adjust the fees upward, as necessary, to reflect changes in the
451 | Consumer Price Index or similar inflation indicator. In the event
452 | of deflation, the department shall consult with the Executive
453 | Office of the Governor and the Legislature to determine whether
454 | downward fee adjustments are appropriate based on the current
455 | budget and appropriation considerations.

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

460 | (3) The department shall charge a fee of at least \$100 and
461 | not more than \$500 for conducting informal wetland boundary
462 | determinations as a public service to applicants or potential
463 | applicants for permits under part IV of this chapter. An informal
464 | wetland boundary determination is not an application for a

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465 permit, is not subject to the permit review timeframes
466 established in this chapter or chapter 120, and does not
467 constitute final agency action.

468 (4)~~(1)~~ All moneys received under the provisions of this
469 section shall be allocated for the use of the water management
470 district, the department, or the local government, whichever
471 processed the permit, and shall be in addition to moneys
472 otherwise appropriated in any general appropriation act. All
473 moneys received by the department under the provisions of this
474 section shall be deposited in the Florida Permit Fee Trust Fund
475 established by s. 403.0871 and shall be used by the department as
476 provided therein. Moneys received by a water management district
477 or the department under the provisions of this section shall be
478 in addition to moneys otherwise appropriated in any general
479 appropriation act.

480 (5)~~(2)~~ The failure of any person to pay the fees
481 established hereunder constitutes grounds for revocation or
482 denial of the permit.

483 Section 7. Section 403.087, Florida Statutes, is amended to
484 read:

485 403.087 Permits; general issuance; denial; revocation;
486 prohibition; penalty.--

487 (1) A stationary installation that is reasonably expected
488 to be a source of air or water pollution must not be operated,
489 maintained, constructed, expanded, or modified without an
490 appropriate and currently valid permit issued by the department,
491 unless exempted by department rule. In no event shall a permit
492 for a water pollution source be issued for a term of more than 10
493 years, nor may an operation permit issued after July 1, 1992, for

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494 a major source of air pollution have a fixed term of more than 5
495 years. However, upon expiration, a new permit may be issued by
496 the department in accordance with this chapter and the rules of
497 the department.

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

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

508 (a) The waters from the treatment facility are not
509 discharged to Class I municipal injection wells or the treatment
510 facility is not required to comply with the federal standards
511 under the Underground Injection Control Program under chapter 62-
512 528 of the Florida Administrative Code;

513 (b) The treatment facility is not operating under a
514 temporary operating permit or a permit with an accompanying
515 administrative order and does not have any enforcement action
516 pending against it by the United States Environmental Protection
517 Agency, the department, or a local program approved under s.
518 403.182;

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

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523 (d) The department has reviewed the discharge-monitoring
524 reports required under department rule and is satisfied that the
525 reports are accurate;

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

532 (f) The department, or a local program approved under s.
533 403.182, has conducted, in the preceding 12 months, an inspection
534 of the facility and has verified in writing to the operator of
535 the facility that it is not exceeding the permitted capacity and
536 is in substantial compliance.

537
538 The department shall keep records of the number of 10-year
539 permits applied for and the number and duration of permits issued
540 for longer than 5 years.

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

544 (5) The department shall issue permits to construct,
545 operate, maintain, expand, or modify an installation which may
546 reasonably be expected to be a source of pollution only when it
547 determines that the installation is provided or equipped with
548 pollution control facilities that will abate or prevent pollution
549 to the degree that will comply with the standards or rules
550 adopted by the department, except as provided in s. 403.088 or s.
551 403.0872. However, separate construction permits shall not be

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552 required for installations permitted under s. 403.0885, except
553 that the department may require an owner or operator proposing to
554 construct, expand, or modify such an installation to submit for
555 department review, as part of application for permit or permit
556 modification, engineering plans, preliminary design reports, or
557 other information 90 days prior to commencing construction. The
558 department may also require the engineer of record or another
559 registered professional engineer, within 30 days after
560 construction is complete, to certify that the construction was
561 completed in accordance with the plans submitted to the
562 department, noting minor deviations which were necessary because
563 of site-specific conditions.

564 (6) (a) The department shall require a processing fee in an
565 amount sufficient, to the greatest extent possible, to cover the
566 costs of reviewing and acting upon any application for a permit
567 or request for site-specific alternative criteria or for an
568 exemption from water quality criteria and to cover the costs of
569 surveillance and other field services and related support
570 activities associated with any permit or plan approval issued
571 pursuant to this chapter. The department shall review the fees
572 authorized under this chapter at least once every 5 years and
573 shall adjust the fees upward, as necessary, within the fee caps
574 established in this paragraph to reflect changes in the Consumer
575 Price Index or similar inflation indicator. The department shall
576 establish by rule the inflation index to be used for this
577 purpose. In the event of deflation, the department shall consult
578 with the Executive Office of the Governor and the Legislature to
579 determine whether downward fee adjustments are appropriate based
580 on the current budget and appropriation considerations. However,

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581 when an application is received without the required fee, the
582 department shall acknowledge receipt of the application and shall
583 immediately return the unprocessed application to the applicant
584 and shall take no further action until the application is
585 received with the appropriate fee. The department shall adopt a
586 schedule of fees by rule, subject to the following limitations:

587 1. The fee for any of the following may not exceed \$32,500:

588 a. Hazardous waste, construction permit.

589 b. Hazardous waste, operation permit.

590 c. Hazardous waste, postclosure permit, or clean closure
591 plan approval.

592 d. Hazardous waste, corrective action permit.

593 2. The permit fee for a drinking water construction or
594 operation permit shall be at least \$500 and may not exceed
595 \$15,000.

596 3.2. The permit fee for a Class I injection well
597 construction permit may not exceed \$12,500.

598 4.3- The permit fee for any of the following permits may
599 not exceed \$10,000:

600 a. Solid waste, construction permit.

601 b. Solid waste, operation permit.

602 c. Class I injection well, operation permit.

603 5.4- The permit fee for any of the following permits may
604 not exceed \$7,500:

605 a. Air pollution, construction permit.

606 b. Solid waste, closure permit.

607 c. Drinking water, construction or operation permit, not
608 including the operation license fee required under s. 403.861(7).

609 d. Domestic waste residuals, construction or operation

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610 permit.

611 e. Industrial waste, operation permit.

612 f. Industrial waste, construction permit.

613 ~~6.5.~~ The permit fee for any of the following permits may

614 not exceed \$5,000:

615 a. Domestic waste, operation permit.

616 b. Domestic waste, construction permit.

617 ~~7.6.~~ The permit fee for any of the following permits may

618 not exceed \$4,000:

619 a. Wetlands resource management--(dredge and fill and

620 mangrove alteration), standard form permit.

621 b. Hazardous waste, research and development permit.

622 c. Air pollution, operation permit, for sources not subject

623 to s. 403.0872.

624 d. Class III injection well, construction, operation, or

625 abandonment permits.

626 8. The permit fee for a drinking water distribution system

627 permit shall be at least \$100 and may not exceed \$1,000.

628 ~~9.7.~~ The permit fee for Class V injection wells,

629 construction, operation, and abandonment permits may not exceed

630 \$750.

631 ~~10.8.~~ The permit fee for domestic waste collection system

632 permits ~~any of the following permits~~ may not exceed \$500:

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

634 b. ~~Wetlands resource management--(dredge and fill and~~

635 ~~mangrove alterations), short permit form.~~

636 c. ~~Drinking water, distribution system permit.~~

637 ~~11.9.~~ The permit fee for stormwater operation permits may

638 not exceed \$100.

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639 ~~12.10.~~ The general permit fees for permits that require
640 certification by a registered professional engineer or
641 professional geologist may not exceed \$500. The general permit
642 fee for other permit types may not exceed \$100.

643 ~~13.11.~~ The fee for a permit issued pursuant to s. 403.816
644 is \$5,000, and the fee for any modification of such permit
645 requested by the applicant is \$1,000.

646 ~~14.12.~~ The regulatory program and surveillance fees for
647 facilities permitted pursuant to s. 403.088 or s. 403.0885, or
648 for facilities permitted pursuant to s. 402 of the Clean Water
649 Act, as amended, 33 U.S.C. ss. 1251 et seq., and for which the
650 department has been granted administrative authority, shall be
651 limited as follows:

652 a. The fees for domestic wastewater facilities shall not
653 exceed \$7,500 annually. The department shall establish a sliding
654 scale of fees based on the permitted capacity and shall ensure
655 smaller domestic waste dischargers do not bear an inordinate
656 share of costs of the program.

657 b. The annual fees for industrial waste facilities shall
658 not exceed \$11,500. The department shall establish a sliding
659 scale of fees based upon the volume, concentration, or nature of
660 the industrial waste discharge and shall ensure smaller
661 industrial waste dischargers do not bear an inordinate share of
662 costs of the program.

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

667 (b) If substantially similar air pollution sources are to

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668 | be constructed or modified at the same facility, the applicant
669 | may submit a single application and permit fee for construction
670 | or modification of the sources at that facility. If substantially
671 | similar air pollution sources located at the same facility do not
672 | constitute a major source of air pollution subject to permitting
673 | under s. 403.0872, the applicant may submit a single application
674 | and permit fee for the operation of those sources. The department
675 | may develop, by rule, criteria for determining what constitutes
676 | substantially similar sources.

677 | (c) The fee schedule shall be adopted by rule. The amount
678 | of each fee shall be reasonably related to the costs of
679 | permitting, field services, and related support activities for
680 | the particular permitting activity taking into consideration
681 | consistently applied standard cost-accounting principles and
682 | economies of scale. If the department requires, by rule or by
683 | permit condition, that a permit be renewed more frequently than
684 | once every 5 years, the permit fee shall be prorated based upon
685 | the permit fee schedule in effect at the time of permit renewal.

686 | (d) Nothing in this subsection authorizes the construction
687 | or expansion of any stationary installation except to the extent
688 | specifically authorized by department permit or rule.

689 | (e) For all domestic waste collection system permits and
690 | drinking water distribution system permits, the department shall
691 | adopt a fee schedule, by rule, based on a sliding scale relating
692 | to pipe diameter, length of the proposed main, or equivalent
693 | dwelling units, or any combination of these factors. The
694 | department shall require a separate permit application and fee
695 | for each noncontiguous project within the system.

696 | (7) A permit issued pursuant to this section shall not

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697 | become a vested right in the permittee. The department may revoke
698 | any permit issued by it if it finds that the permitholder:

699 | (a) Has submitted false or inaccurate information in his or
700 | her application;

701 | (b) Has violated law, department orders, rules, or
702 | regulations, or permit conditions;

703 | (c) Has failed to submit operational reports or other
704 | information required by department rule or regulation; or

705 | (d) Has refused lawful inspection under s. 403.091.

706 | (8) The department shall not issue a permit to any person
707 | for the purpose of engaging in, or attempting to engage in, any
708 | activity relating to the extraction of solid minerals not exempt
709 | pursuant to chapter 211 within any state or national park or
710 | state or national forest when the activity will degrade the
711 | ambient quality of the waters of the state or the ambient air
712 | within those areas. In the event the Federal Government prohibits
713 | the mining or leasing of solid minerals on federal park or forest
714 | lands, then, and to the extent of such prohibition, this act
715 | shall not apply to those federal lands.

716 | (9) A violation of this section is punishable as provided
717 | in this chapter.

718 | Section 8. Subsections (7) and (8) of section 403.861,
719 | Florida Statutes, are amended to read:

720 | 403.861 Department; powers and duties.--The department
721 | shall have the power and the duty to carry out the provisions and
722 | purposes of this act and, for this purpose, to:

723 | (7) Issue permits for constructing, altering, extending, or
724 | operating a public water system, based upon the size of the
725 | system, type of treatment provided by the system, or population

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726 served by the system, including issuance of an annual operation
727 license.

728 (a) The department may issue a construction permit for a
729 public water system based upon review of a preliminary design
730 report or plans and specifications, and a completed permit
731 application form, and other required information as set forth in
732 department rule, including receipt of an appropriate fee. The
733 department may

734 ~~(8)~~ require a fee in an amount sufficient to cover the
735 costs of viewing and acting upon any application for the
736 construction and operation of a public water supply system and
737 the costs of surveillance and other field services associated
738 with any permit issued, but the amount shall be at least \$500 and
739 may not exceed \$15,000 ~~in no case shall exceed \$7,500.~~ The fee
740 schedule shall be adopted by rule based on a sliding scale
741 relating to the size, type of treatment, or population served by
742 the system that is proposed by the applicant.

743 (b) Each public water system that operates in this state
744 shall submit annually to the department an operation license fee,
745 separate from and in addition to any permit application fees
746 required under paragraph (a), in an amount established by
747 department rule. The amount of each fee shall be reasonably
748 related to the size of the public water system, type of
749 treatment, population served, amount of source water used, or any
750 combination of these factors, but the fee may not be less than
751 \$50 or greater than \$7,500. Public water systems shall pay annual
752 operation license fees at a time and in a manner prescribed by
753 department rule.

754 (8) Initiate rulemaking no later than July 1, 2008, to

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755 increase each drinking water permit application fee authorized
756 under s. 403.087(6) and this part and adopted by rule to ensure
757 that such fees are increased to reflect, at a minimum, any upward
758 adjustment in the Consumer Price Index compiled by the United
759 States Department of Labor, or similar inflation indicator, since
760 the original fee was established or most recently revised. The
761 department shall establish by rule the inflation index to be used
762 for this purpose. The department shall review the drinking water
763 permit application fees authorized under s. 403.087(6) and this
764 part at least once every 5 years and shall adjust the fees
765 upward, as necessary, within the fee caps established below, to
766 reflect changes in the Consumer Price Index or similar inflation
767 indicator. In the event of deflation, the department shall
768 consult with the Executive Office of the Governor and the
769 Legislature to determine whether downward fee adjustments are
770 appropriate based on the current budget and appropriation
771 considerations. The department shall also review the drinking
772 water operation license fees established pursuant to paragraph
773 (7) (b) at least once every 5 years to adopt, as necessary, the
774 same inflationary adjustments provided for in this subsection.

775 Section 9. Section 378.011, Florida Statutes, is repealed.

776 Section 10. Chapter 325, Florida Statutes, consisting of
777 ss. 325.2055, 325.221, 325.222, and 325.223, Florida Statutes, is
778 repealed.

779 Section 11. Section 403.08725, Florida Statutes, is
780 repealed.

781 Section 12. Paragraph (a) of subsection (3) of section
782 373.503, Florida Statutes, is amended to read:

783 373.503 Manner of taxation.--

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784 (3) (a) The districts may levy ad valorem taxes on property
785 within the district solely for the purposes of this chapter and
786 of chapter 25270, 1949, Laws of Florida, as amended, and chapter
787 61-691, Laws of Florida, as amended. The authority to levy ad
788 valorem taxes as provided in this act shall commence with the
789 year 1977. However, the taxes levied for 1977 by the governing
790 boards pursuant to this section shall be prorated to ensure that
791 no such taxes will be levied for the first 4 days of the tax
792 year, which days will fall prior to the effective date of the
793 amendment to s. 9(b), Art. VII of the State Constitution, which
794 was approved March 9, 1976. When appropriate, taxes levied by
795 each governing board may be separated by the governing board into
796 a millage necessary for the purposes of the district and a
797 millage necessary for financing basin functions specified in s.
798 373.0695. Beginning with the taxing year 1977, and
799 notwithstanding the provisions of any other general or special
800 law to the contrary, the maximum total millage rate for district
801 and basin purposes shall be:

- 802 1. Northwest Florida Water Management District: 0.2 ~~0.05~~
803 mill.
804 2. Suwannee River Water Management District: 0.75 mill.
805 3. St. Johns River Water Management District: 0.6 mill.
806 4. Southwest Florida Water Management District: 1.0 mill.
807 5. South Florida Water Management District: 0.80 mill.

808 Section 13. The amendment to paragraph (a) of subsection
809 (3) of s. 373.503, Florida Statutes, made by this act shall take
810 effect on the same date that the amendment to the State
811 Constitution proposed in Senate Joint Resolution or similar
812 legislation takes effect, if such Joint Resolution is enacted

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813 | during the 2008 Regular Session of the Legislature or an
814 | extension thereof and is submitted to the electors of this state
815 | for their approval or rejection at the general election to be
816 | held in November 2008.

817 | Section 14. This act shall take effect upon becoming a law.