

By the Committees on General Government Appropriations;  
Environmental Preservation and Conservation; and Senator  
Saunders

601-06486-08

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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          211.3103, F.S.; creating a surcharge on the severance of  
15          phosphate rock; providing an exemption from general  
16          revenue surcharge; providing for the expiration of the  
17          surcharge; amending s. 373.228, F.S.; requiring that  
18          certain entities review the standards and guidelines for  
19          landscape irrigation and xeriscape ordinances by a date  
20          certain; amending s. 376.303, F.S.; requiring a  
21          drycleaning facility to display a current and valid  
22          Department of environmental Protection certificate of  
23          registration; prohibiting the sale or transfer of  
24          drycleaning solvents after a certain date to owners or  
25          operators of drycleaning facilities unless a registration  
26          certificate is displayed; providing penalties; amend s.  
27          403.031, F.S.; conforming the definition of the term  
28          "regulated air pollutant" to changes made in the federal  
29          Clean Air Act; amending s. 403.0623, F.S.; providing

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30 rulemaking authority for biological sampling techniques;  
31 amending s. 403.0872, F.S.; conforming the requirements  
32 for air operation permits to changes made to Title V of  
33 the Clean Air Act to delete certain minor sources from the  
34 Title V permitting requirements; amending s. 373.109,  
35 F.S.; requiring the department to initiate rulemaking by a  
36 date certain to adjust permit fees; providing for fees to  
37 be imposed for verifying that certain activities are  
38 exempt from regulation; providing for a fee for conducting  
39 informal wetland boundary determinations; specifying  
40 special conditions that apply to such determinations;  
41 amending s. 403.087, F.S.; providing minimum and maximum  
42 amounts for certain fees relating to wastewater treatment  
43 facilities; amending s. 403.861, F.S.; providing for a  
44 public water system application fee; requiring the  
45 department to adopt rules for periodically adjusting the  
46 application fee; amending s. 403.873, F.S.; providing  
47 rulemaking authority for continuing education requirements  
48 for water utility operators; amending s. 403.874, F.S.;  
49 providing for the reinstatement of certain water utility  
50 operator certifications; repealing s. 378.011, F.S.,  
51 relating to the Land Use Advisory Committee; repealing ch.  
52 325, F.S., consisting of ss. 325.2055, 325.221, 325.222,  
53 and 325.223, F.S., relating to motor vehicle air  
54 conditioning refrigerants; repealing s. 403.08725, F.S.,  
55 relating to citrus juice processing facilities; amending  
56 s. 373.503, F.S.; increasing the millage rate for the  
57 Northwest Florida Water Management district; providing  
58 that the increased millage rate is contingent upon passage

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59 | of a constitutional amendment; providing conditional  
60 | authorization for the Northwest Florida Water Management  
61 | District to adjust its millage rate, to conform; providing  
62 | an effective date.

63 |  
64 | WHEREAS, ss. 11.901-11.920, Florida Statutes, the Florida  
65 | Government Accountability Act, subjects the Department of  
66 | Environmental Protection and its respective advisory committees  
67 | to a sunset review process in order to determine whether the  
68 | agency should be retained, modified, or abolished, and

69 | WHEREAS, the Department of Environmental Protection  
70 | produced a report providing specific information, as enumerated  
71 | in s. 11.906, Florida Statutes, and

72 | WHEREAS, upon receipt of the report, the Joint Legislative  
73 | Sunset Committee and committees of the Senate and the House of  
74 | Representatives assigned to act as sunset review committees  
75 | reviewed the report and requested studies by the Office of  
76 | Program Policy Analysis and Government Accountability, and

77 | WHEREAS, based on the department's report, studies of the  
78 | Office of Program Policy Analysis and Government  
79 | Accountability, and public input, the Joint Legislative Sunset  
80 | Committee and legislative sunset review committees made  
81 | recommendations on the abolition, continuation, or  
82 | reorganization of the Department of Environmental Protection  
83 | and its advisory committees; on the need for the functions  
84 | performed by the agency and its advisory committees; and on the  
85 | consolidation, transfer, or reorganization of programs within  
86 | the Department of Environmental Protection, NOW, THEREFORE,  
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88 Be It Enacted by the Legislature of the State of Florida:

89

90 Section 1. Section 20.255, Florida Statutes, is reenacted  
91 and amended to read:

92 20.255 Department of Environmental Protection.--There is  
93 created a Department of Environmental Protection.

94 (1) The head of the Department of Environmental Protection  
95 shall be a secretary, who shall be appointed by the Governor,  
96 with the concurrence of three or more members of the Cabinet. The  
97 secretary shall be confirmed by the Florida Senate. The secretary  
98 shall serve at the pleasure of the Governor.

99 (2) (a) There shall be three deputy secretaries who are to  
100 be appointed by and shall serve at the pleasure of the secretary.  
101 The secretary may assign any deputy secretary the responsibility  
102 to supervise, coordinate, and formulate policy for any division,  
103 office, or district. The following special offices are  
104 established and headed by managers, each of whom is to be  
105 appointed by and serve at the pleasure of the secretary:

- 106 1. Office of Chief of Staff;7  
107 2. Office of General Counsel;7  
108 3. Office of Inspector General;7  
109 4. Office of External Affairs;7  
110 5. Office of Legislative ~~and Government~~ Affairs;7 and  
111 6. Office of Intergovernmental Programs; and  
112 7.6. Office of Greenways and Trails.

113 (b) There shall be six administrative districts involved in  
114 regulatory matters of waste management, water resource  
115 management, wetlands, and air resources, which shall be headed by  
116 managers, each of whom is to be appointed by and serve at the

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117 | pleasure of the secretary. Divisions of the department may have  
118 | one assistant or two deputy division directors, as required to  
119 | facilitate effective operation.

120

121 | The managers of all divisions and offices specifically named in  
122 | this section and the directors of the six administrative  
123 | districts are exempt from part II of chapter 110 and are included  
124 | in the Senior Management Service in accordance with s.

125 | 110.205(2)(j).

126 | (3) The following divisions of the Department of  
127 | Environmental Protection are established:

128 | (a) Division of Administrative Services.

129 | (b) Division of Air Resource Management.

130 | (c) Division of Water Resource Management.

131 | (d) Division of Law Enforcement.

132 | (e) Division of Environmental Assessment and Restoration

133 | ~~Resource Assessment and Management.~~

134 | (f) Division of Waste Management.

135 | (g) Division of Recreation and Parks.

136 | (h) Division of State Lands, the director of which is to be  
137 | appointed by the secretary of the department, subject to  
138 | confirmation by the Governor and Cabinet sitting as the Board of  
139 | Trustees of the Internal Improvement Trust Fund.

140

141 | In order to ensure statewide and intradepartmental consistency,  
142 | the department's divisions shall direct the district offices and  
143 | bureaus on matters of interpretation and applicability of the  
144 | department's rules and programs.

145 | (4) Law enforcement officers of the Department of

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146 Environmental Protection who meet the provisions of s. 943.13 are  
147 constituted law enforcement officers of this state with full  
148 power to investigate and arrest for any violation of the laws of  
149 this state, and the rules of the department and the Board of  
150 Trustees of the Internal Improvement Trust Fund. The general laws  
151 applicable to investigations, searches, and arrests by peace  
152 officers of this state apply to such law enforcement officers.

153 (5) Records and documents of the Department of  
154 Environmental Protection shall be retained by the department as  
155 specified in record retention schedules established under the  
156 general provisions of chapters 119 and 257. Further, the  
157 department is authorized to:

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

160 (b) Photograph, microphotograph, or reproduce such records  
161 and documents on film, as authorized and directed by the approved  
162 retention schedules, whereby each page will be exposed in exact  
163 conformity with the original records and documents retained in  
164 compliance with the provisions of this section. Photographs or  
165 microphotographs in the form of film or print of any records,  
166 made in compliance with the provisions of this section, shall  
167 have the same force and effect as the originals thereof would  
168 have and shall be treated as originals for the purpose of their  
169 admissibility in evidence. Duly certified or authenticated  
170 reproductions of such photographs or microphotographs shall be  
171 admitted in evidence equally with the original photographs or  
172 microphotographs. The impression of the seal of the Department of  
173 Environmental Protection on a certificate made by the department  
174 and signed by the Secretary of Environmental Protection entitles

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175 the certificate to be received in all courts and in all  
176 proceedings in this state and is prima facie evidence of all  
177 factual matters set forth in the certificate. A certificate may  
178 relate to one or more records as set forth in the certificate or  
179 in a schedule attached to the certificate.

180 (6) The Department of Environmental Protection may require  
181 that bond be given by any employee of the department, payable to  
182 the Governor of the state and the Governor's successor in office,  
183 for the use and benefit of those whom it concerns, in such penal  
184 sums and with such good and sufficient surety or sureties as are  
185 approved by the department, conditioned upon the faithful  
186 performance of the duties of the employee.

187 (7) There is created as a part of the Department of  
188 Environmental Protection an Environmental Regulation Commission.  
189 The commission shall be composed of seven residents of this state  
190 appointed by the Governor, subject to confirmation by the Senate.  
191 In making appointments, the Governor shall provide reasonable  
192 representation from all sections of the state. Membership shall  
193 be representative of agriculture, the development industry, local  
194 government, the environmental community, lay citizens, and  
195 members of the scientific and technical community who have  
196 substantial expertise in the areas of the fate and transport of  
197 water pollutants, toxicology, epidemiology, geology, biology,  
198 environmental sciences, or engineering. The Governor shall  
199 appoint the chair, and the vice chair shall be elected from among  
200 the membership. All appointments shall be for 4-year terms. The  
201 Governor may at any time fill a vacancy for the unexpired term.  
202 The members of the commission shall serve without compensation,  
203 but shall be paid travel and per diem as provided in s. 112.061

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204 while in the performance of their official duties.  
205 Administrative, personnel, and other support services necessary  
206 for the commission shall be furnished by the department. The  
207 commission may employ independent counsel and contract for the  
208 services of outside technical consultants.

209 (8) The department is the agency of state government  
210 responsible for collecting and analyzing information concerning  
211 energy resources in this state; for coordinating the energy  
212 conservation programs of state agencies; and for coordinating the  
213 development, review, and implementation of the state's energy  
214 policy.

215 Section 2. Subsection (12) is added to section 211.3103,  
216 Florida Statutes, to read:

217 211.3103 Levy of tax on severance of phosphate rock; rate,  
218 basis, and distribution of tax.--

219 (12) Beginning July 1, 2008, there is levied a surcharge  
220 per ton severed on the excise tax levied by this section.  
221 Revenues derived from the surcharge shall be deposited into the  
222 Nonmandatory Land Reclamation Trust Fund and are exempt from the  
223 distribution formula provided in this section and are also exempt  
224 from the general revenue service charge. Revenues derived from  
225 the surcharge shall be used to augment funds appropriated for the  
226 rehabilitation, management, and closure of the Piney Point and  
227 Mulberry sites and for approved reclamation of nonmandatory lands  
228 in accordance with chapter 378.

229 (a) The surcharge shall be levied as follows:

230 1. One dollar per ton severed for July 1, 2008, to December  
231 31, 2009.

232 2. Seventy cents per ton severed for January 1, 2010, to



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233 December 31, 2010.

234 3. Fifty-five cents per ton severed for January 1, 2011, to  
235 December 31, 2011.

236 4. Eighteen cents per ton severed for January 1, 2012, to  
237 December 31, 2013.

238 5. Seventeen cents per ton severed for January 1, 2014, to  
239 December 31, 2015.

240 6. Sixteen cents per ton severed for January 1, 2016, to  
241 June 30, 2018.

242 (b) Beginning July 1, 2018, the surcharge authorized by  
243 this subsection shall no longer be levied.

244 Section 3. Section 373.228, Florida Statutes, is amended to  
245 read:

246 373.228 Landscape irrigation design.--

247 (1) The Legislature finds that multiple areas throughout  
248 the state have been identified by water management districts as  
249 water resource caution areas, which indicates that in the near  
250 future water demand in those areas will exceed the current  
251 available water supply and that conservation is one of the  
252 mechanisms by which future water demand will be met.

253 (2) The Legislature finds that landscape irrigation  
254 comprises a significant portion of water use and that the current  
255 typical landscape irrigation system and xeriscape designs offer  
256 significant potential water conservation benefits.

257 (3) It is the intent of the Legislature to improve  
258 landscape irrigation water use efficiency by ensuring that  
259 landscape irrigation systems meet or exceed minimum design  
260 criteria.

261 (4) The water management districts shall work with the

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262 Florida Nurserymen and Growers Association, the Florida Chapter  
263 of the American Society of Landscape Architects, the Florida  
264 Irrigation Society, the Department of Agriculture and Consumer  
265 Services, the Institute of Food and Agricultural Sciences, the  
266 Department of Environmental Protection, the Department of  
267 Transportation, the Florida League of Cities, the Florida  
268 Association of Counties, and the Florida Association of Community  
269 Developers to develop landscape irrigation and xeriscape design  
270 standards for new construction which incorporate a landscape  
271 irrigation system and develop scientifically based model  
272 guidelines for urban, commercial, and residential landscape  
273 irrigation, including drip irrigation, for plants, trees, sod,  
274 and other landscaping. The landscape and irrigation design  
275 standards shall be based on the irrigation code defined in the  
276 Florida Building Code, Plumbing Volume, Appendix F. Local  
277 governments shall use the standards and guidelines when  
278 developing landscape irrigation and xeriscape ordinances. By  
279 January 1, 2011 ~~Every 5 years~~, the agencies and entities  
280 specified in this subsection shall review the standards and  
281 guidelines to determine whether new research findings require a  
282 change or modification of the standards and guidelines.

283 Section 4. Paragraph (d) of subsection (1) of section  
284 376.303, Florida Statutes, is amended to read:

285 376.303 Powers and duties of the Department of  
286 Environmental Protection.--

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

288 (d) Establish a registration program for drycleaning  
289 facilities and wholesale supply facilities.

290 1. Owners or operators of drycleaning facilities and

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291 wholesale supply facilities and real property owners shall  
292 jointly register each facility owned and in operation with the  
293 department by June 30, 1995, pay initial registration fees by  
294 December 31, 1995, and pay annual renewal registration fees by  
295 December 31, 1996, and each year thereafter, in accordance with  
296 this subsection. If the registration form cannot be jointly  
297 submitted, then the applicant shall provide notice of the  
298 registration to other interested parties. The department shall  
299 establish reasonable requirements for the registration of such  
300 facilities. The department shall use reasonable efforts to  
301 identify and notify drycleaning facilities and wholesale supply  
302 facilities of the registration requirements by certified mail,  
303 return receipt requested. The department shall provide to the  
304 Department of Revenue a copy of each applicant's registration  
305 materials, within 30 working days of the receipt of the  
306 materials. This copy may be in such electronic format as the two  
307 agencies mutually designate.

308 2.a. The department shall issue an invoice for annual  
309 registration fees to each registered drycleaning facility or  
310 wholesale supply facility by December 31 of each year. Owners of  
311 drycleaning facilities and wholesale supply facilities shall  
312 submit to the department an initial fee of \$100 and an annual  
313 renewal registration fee of \$100 for each drycleaning facility or  
314 wholesale supply facility owned and in operation. The fee shall  
315 be paid within 30 days after receipt of billing by the  
316 department. Facilities that fail to pay their renewal fee within  
317 30 days after receipt of billing are subject to a late fee of  
318 \$75.

319 b. Revenues derived from registration, renewal, and late

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320 fees shall be deposited into the Water Quality Assurance Trust  
321 Fund to be used as provided in s. 376.3078.

322 3. Effective March 1, 2009, a registered drycleaning  
323 facility shall display in the vicinity of its drycleaning  
324 machines the original or a copy of a valid and current  
325 certificate evidencing registration with the department pursuant  
326 to this paragraph. After that date, a person may not sell or  
327 transfer any drycleaning solvents to an owner or operator of a  
328 drycleaning facility unless the owner or operator of the  
329 drycleaning facility displays the certificate issued by the  
330 department. Violators of this subparagraph are subject to the  
331 remedies available to the department pursuant to s. 376.302.

332 Section 5. Subsection (19) of section 403.031, Florida  
333 Statutes, is amended to read:

334 403.031 Definitions.--In construing this chapter, or rules  
335 and regulations adopted pursuant hereto, the following words,  
336 phrases, or terms, unless the context otherwise indicates, have  
337 the following meanings:

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

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

341 ~~(b) Any pollutant regulated under 42 U.S.C. s. 7411 or s.~~  
342 ~~7412; or~~

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

345 Section 6. Section 403.0623, Florida Statutes, is amended  
346 to read:

347 403.0623 Environmental data; quality assurance.--The  
348 department must establish, by rule, appropriate quality assurance

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349 requirements for environmental data submitted to the department  
350 and the criteria by which environmental data may be rejected by  
351 the department. The department may adopt and enforce rules to  
352 establish data quality objectives and specify requirements for  
353 training of laboratory and field staff, sample collection  
354 methodology, proficiency testing, and audits of laboratory and  
355 field sampling activities. Such rules may be in addition to any  
356 laboratory certification provisions under ss. 403.0625 and  
357 403.863.

358 Section 7. Subsection (1) of section 403.0872, Florida  
359 Statutes, is amended to read:

360 403.0872 Operation permits for major sources of air  
361 pollution; annual operation license fee.--Provided that program  
362 approval pursuant to 42 U.S.C. s. 7661a has been received from  
363 the United States Environmental Protection Agency, beginning  
364 January 2, 1995, each major source of air pollution, including  
365 electrical power plants certified under s. 403.511, must obtain  
366 from the department an operation permit for a major source of air  
367 pollution under this section. This operation permit is the only  
368 department operation permit for a major source of air pollution  
369 required for such source; provided, at the applicant's request,  
370 the department shall issue a separate acid rain permit for a  
371 major source of air pollution that is an affected source within  
372 the meaning of 42 U.S.C. s. 7651a(1). Operation permits for major  
373 sources of air pollution, except general permits issued pursuant  
374 to s. 403.814, must be issued in accordance with the procedures  
375 contained in this section and in accordance with chapter 120;  
376 however, to the extent that chapter 120 is inconsistent with the  
377 provisions of this section, the procedures contained in this

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378 section prevail.

379 (1) For purposes of this section, a major source of air  
380 pollution means a stationary source of air pollution, or any  
381 group of stationary sources within a contiguous area and under  
382 common control, which emits any regulated air pollutant and which  
383 is ~~any of the following~~:

384 (a) A major source within the meaning of 42 U.S.C. s.  
385 7412(a)(1);

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

389 (c) An affected source within the meaning of 42 U.S.C. s.  
390 7651a(1);

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

395 (e) A stationary air pollution source belonging to a  
396 category designated as a 40 C.F.R. part 70 source by regulations  
397 adopted by the administrator of the United States Environmental  
398 Protection Agency under 42 U.S.C. ss. 7661 et seq. The department  
399 shall exempt those facilities that are subject to this section  
400 solely because they are subject to requirements under 42 U.S.C.  
401 s. 7411 or s. 7412 or solely because they are subject to  
402 reporting requirements under 42 U.S.C. s. 7412 for as long as the  
403 exemption is available under federal law.

404 Section 8. Section 373.109, Florida Statutes, is amended to  
405 read:

406 373.109 Permit application fees.--When a water management

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407 | district governing board, the department, or a local government  
408 | implements a regulatory system under this chapter or one which  
409 | has been delegated pursuant to chapter 403, it may establish a  
410 | schedule of fees for filing applications for the required  
411 | permits. Such fees shall not exceed the cost to the district, the  
412 | department, or the local government for processing, monitoring,  
413 | and inspecting for compliance with the permit.

414 |       (1) (a) The department shall initiate rulemaking no later  
415 | than December 1, 2008, to increase each application fee  
416 | authorized under part IV of this chapter and adopted by rule to  
417 | ensure that such fees reflect, at a minimum, any upward  
418 | adjustment in the Consumer Price Index compiled by the United  
419 | States Department of Labor, or similar inflation indicator, since  
420 | the original fee was established or most recently revised. The  
421 | department shall establish by rule the inflation index to be used  
422 | for this purpose.

423 |       (b) The department shall charge a fee of at least \$250 for  
424 | a noticed general permit or individual permit as established in  
425 | department rules.

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

430 |       (d) The department shall charge a fee of at least \$100 and  
431 | not to exceed \$500 for conducting informal wetland boundary  
432 | determinations as a public service to applicants or potential  
433 | applicants for permits under part IV of this chapter. An informal  
434 | wetland boundary determination is not an application for a  
435 | permit, is not subject to the permit review timeframes

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436 established in this chapter or chapter 120, and does not  
437 constitute final agency action.

438 (2) The department shall review the fees authorized under  
439 part IV of this chapter at least once every 5 years and shall  
440 adjust the fees upward, as necessary, to reflect changes in the  
441 Consumer Price Index or similar inflation indicator. In the event  
442 of deflation, the department shall consult with the Executive  
443 Office of the Governor and the Legislature to determine whether  
444 downward fee adjustments are appropriate based on the current  
445 budget and appropriation considerations.

446 (3)~~(1)~~ All moneys received under the provisions of this  
447 section shall be allocated for the use of the water management  
448 district, the department, or the local government, whichever  
449 processed the permit, and shall be in addition to moneys  
450 otherwise appropriated in any general appropriation act. All  
451 moneys received by the department under the provisions of this  
452 section shall be deposited in the Florida Permit Fee Trust Fund  
453 established by s. 403.0871 and shall be used by the department as  
454 provided therein. Moneys received by a water management district  
455 or the department under the provisions of this section shall be  
456 in addition to moneys otherwise appropriated in any general  
457 appropriation act.

458 (4)~~(2)~~ The failure of any person to pay the fees  
459 established hereunder constitutes grounds for revocation or  
460 denial of the permit.

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



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465 Section 9. Section 403.087, Florida Statutes, is amended to  
466 read:

467 403.087 Permits; general issuance; denial; revocation;  
468 prohibition; penalty.--

469 (1) A stationary installation that is reasonably expected  
470 to be a source of air or water pollution must not be operated,  
471 maintained, constructed, expanded, or modified without an  
472 appropriate and currently valid permit issued by the department,  
473 unless exempted by department rule. In no event shall a permit  
474 for a water pollution source be issued for a term of more than 10  
475 years, nor may an operation permit issued after July 1, 1992, for  
476 a major source of air pollution have a fixed term of more than 5  
477 years. However, upon expiration, a new permit may be issued by  
478 the department in accordance with this chapter and the rules of  
479 the department.

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

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

490 (a) The waters from the treatment facility are not  
491 discharged to Class I municipal injection wells or the treatment  
492 facility is not required to comply with the federal standards  
493 under the Underground Injection Control Program under chapter 62-

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494 528 of the Florida Administrative Code;

495 (b) The treatment facility is not operating under a  
496 temporary operating permit or a permit with an accompanying  
497 administrative order and does not have any enforcement action  
498 pending against it by the United States Environmental Protection  
499 Agency, the department, or a local program approved under s.  
500 403.182;

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

505 (d) The department has reviewed the discharge-monitoring  
506 reports required under department rule and is satisfied that the  
507 reports are accurate;

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

514 (f) The department, or a local program approved under s.  
515 403.182, has conducted, in the preceding 12 months, an inspection  
516 of the facility and has verified in writing to the operator of  
517 the facility that it is not exceeding the permitted capacity and  
518 is in substantial compliance.

519  
520 The department shall keep records of the number of 10-year  
521 permits applied for and the number and duration of permits issued  
522 for longer than 5 years.

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

526 (5) The department shall issue permits to construct,  
527 operate, maintain, expand, or modify an installation which may  
528 reasonably be expected to be a source of pollution only when it  
529 determines that the installation is provided or equipped with  
530 pollution control facilities that will abate or prevent pollution  
531 to the degree that will comply with the standards or rules  
532 adopted by the department, except as provided in s. 403.088 or s.  
533 403.0872. However, separate construction permits shall not be  
534 required for installations permitted under s. 403.0885, except  
535 that the department may require an owner or operator proposing to  
536 construct, expand, or modify such an installation to submit for  
537 department review, as part of application for permit or permit  
538 modification, engineering plans, preliminary design reports, or  
539 other information 90 days prior to commencing construction. The  
540 department may also require the engineer of record or another  
541 registered professional engineer, within 30 days after  
542 construction is complete, to certify that the construction was  
543 completed in accordance with the plans submitted to the  
544 department, noting minor deviations which were necessary because  
545 of site-specific conditions.

546 (6) (a) The department shall require a processing fee in an  
547 amount sufficient, to the greatest extent possible, to cover the  
548 costs of reviewing and acting upon any application for a permit  
549 or request for site-specific alternative criteria or for an  
550 exemption from water quality criteria and to cover the costs of  
551 surveillance and other field services and related support

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552 activities associated with any permit or plan approval issued  
553 pursuant to this chapter. The department shall review the fees  
554 authorized under this chapter at least once every 5 years and  
555 shall adjust the fees upward, as necessary, within the fee caps  
556 established in this paragraph to reflect changes in the Consumer  
557 Price Index or similar inflation indicator. The department shall  
558 establish by rule the inflation index to be used for this  
559 purpose. In the event of deflation, the department shall consult  
560 with the Executive Office of the Governor and the Legislature to  
561 determine whether downward fee adjustments are appropriate based  
562 on the current budget and appropriation considerations. However,  
563 when an application is received without the required fee, the  
564 department shall acknowledge receipt of the application and shall  
565 immediately return the unprocessed application to the applicant  
566 and shall take no further action until the application is  
567 received with the appropriate fee. The department shall adopt a  
568 schedule of fees by rule, subject to the following limitations:

- 569 1. The fee for any of the following may not exceed \$32,500:
  - 570 a. Hazardous waste, construction permit.
  - 571 b. Hazardous waste, operation permit.
  - 572 c. Hazardous waste, postclosure permit, or clean closure  
573 plan approval.
  - 574 d. Hazardous waste, corrective action permit.
- 575 2. The permit fee for a drinking water construction or  
576 operation permit, not including the operation license fee  
577 required under s. 403.861(7), shall be at least \$500 and may not  
578 exceed \$15,000.

579 3.2. The permit fee for a Class I injection well  
580 construction permit may not exceed \$12,500.

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581        ~~4.3.~~ The permit fee for any of the following permits may  
582 not exceed \$10,000:

- 583            a. Solid waste, construction permit.
- 584            b. Solid waste, operation permit.
- 585            c. Class I injection well, operation permit.

586        ~~5.4.~~ The permit fee for any of the following permits may  
587 not exceed \$7,500:

- 588            a. Air pollution, construction permit.
- 589            b. Solid waste, closure permit.
- 590            ~~e. Drinking water, construction or operation permit.~~
- 591            ~~c.d.~~ Domestic waste residuals, construction or operation  
592 permit.

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

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

595        ~~6.5.~~ The permit fee for any of the following permits may  
596 not exceed \$5,000:

- 597            a. Domestic waste, operation permit.
- 598            b. Domestic waste, construction permit.

599        ~~7.6.~~ The permit fee for any of the following permits may  
600 not exceed \$4,000:

- 601            a. Wetlands resource management--(dredge and fill and  
602 mangrove alteration), ~~standard form permit.~~
- 603            b. Hazardous waste, research and development permit.
- 604            c. Air pollution, operation permit, for sources not subject  
605 to s. 403.0872.
- 606            d. Class III injection well, construction, operation, or  
607 abandonment permits.

608        8. The permit fee for a drinking water distribution system  
609 permit, including a general permit, shall be at least \$500 and

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610 may not exceed \$1,000.

611 ~~9.7.~~ The permit fee for Class V injection wells,  
612 construction, operation, and abandonment permits may not exceed  
613 \$750.

614 ~~10.8.~~ The permit fee for domestic waste collection system  
615 permits ~~any of the following permits~~ may not exceed \$500:

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

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

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

620 11.9. The permit fee for stormwater operation permits may  
621 not exceed \$100.

622 ~~12.10.~~ Except as provided in subparagraph 8., the general  
623 permit fees for permits that require certification by a  
624 registered professional engineer or professional geologist may  
625 not exceed \$500; ~~the.~~ The general permit fee for other permit  
626 types may not exceed \$100.

627 ~~13.11.~~ The fee for a permit issued pursuant to s. 403.816  
628 is \$5,000, and the fee for any modification of such permit  
629 requested by the applicant is \$1,000.

630 ~~14.12.~~ The regulatory program and surveillance fees for  
631 facilities permitted pursuant to s. 403.088 or s. 403.0885, or  
632 for facilities permitted pursuant to s. 402 of the Clean Water  
633 Act, as amended, 33 U.S.C. ss. 1251 et seq., and for which the  
634 department has been granted administrative authority, shall be  
635 limited as follows:

636 a. The fees for domestic wastewater facilities shall not  
637 exceed \$7,500 annually. The department shall establish a sliding  
638 scale of fees based on the permitted capacity and shall ensure

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639 smaller domestic waste dischargers do not bear an inordinate  
640 share of costs of the program.

641 b. The annual fees for industrial waste facilities shall  
642 not exceed \$11,500. The department shall establish a sliding  
643 scale of fees based upon the volume, concentration, or nature of  
644 the industrial waste discharge and shall ensure smaller  
645 industrial waste dischargers do not bear an inordinate share of  
646 costs of the program.

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

651 (b) If substantially similar air pollution sources are to  
652 be constructed or modified at the same facility, the applicant  
653 may submit a single application and permit fee for construction  
654 or modification of the sources at that facility. If substantially  
655 similar air pollution sources located at the same facility do not  
656 constitute a major source of air pollution subject to permitting  
657 under s. 403.0872, the applicant may submit a single application  
658 and permit fee for the operation of those sources. The department  
659 may develop, by rule, criteria for determining what constitutes  
660 substantially similar sources.

661 (c) The fee schedule shall be adopted by rule. The amount  
662 of each fee shall be reasonably related to the costs of  
663 permitting, field services, and related support activities for  
664 the particular permitting activity taking into consideration  
665 consistently applied standard cost-accounting principles and  
666 economies of scale. If the department requires, by rule or by  
667 permit condition, that a permit be renewed more frequently than

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668 once every 5 years, the permit fee shall be prorated based upon  
669 the permit fee schedule in effect at the time of permit renewal.

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

673 (e) For all domestic waste collection system permits and  
674 drinking water distribution system permits, the department shall  
675 adopt a fee schedule, by rule, based on a sliding scale relating  
676 to pipe diameter, length of the proposed main, or equivalent  
677 dwelling units, or any combination of these factors. The  
678 department shall require a separate permit application and fee  
679 for each noncontiguous project within the system.

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

683 (a) Has submitted false or inaccurate information in his or  
684 her application;

685 (b) Has violated law, department orders, rules, or  
686 regulations, or permit conditions;

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

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

690 (8) The department shall not issue a permit to any person  
691 for the purpose of engaging in, or attempting to engage in, any  
692 activity relating to the extraction of solid minerals not exempt  
693 pursuant to chapter 211 within any state or national park or  
694 state or national forest when the activity will degrade the  
695 ambient quality of the waters of the state or the ambient air  
696 within those areas. In the event the Federal Government prohibits



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697 the mining or leasing of solid minerals on federal park or forest  
698 lands, then, and to the extent of such prohibition, this act  
699 shall not apply to those federal lands.

700 (9) A violation of this section is punishable as provided  
701 in this chapter.

702 (10) Effective July 1, 2008, the minimum fee amounts shall  
703 be the minimum fee prescribed in this section, and such fee  
704 amounts shall remain in effect until the effective date of a fee  
705 adopted by rule by the department.

706 Section 10. Subsections (7) and (8) of section 403.861,  
707 Florida Statutes, are amended to read:

708 403.861 Department; powers and duties.--The department  
709 shall have the power and the duty to carry out the provisions and  
710 purposes of this act and, for this purpose, to:

711 (7) Issue permits for constructing, altering, extending, or  
712 operating a public water system, based upon the size of the  
713 system, type of treatment provided by the system, or population  
714 served by the system, including issuance of an annual operation  
715 license.

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

721 ~~(8)~~ require a fee in an amount sufficient to cover the  
722 costs of viewing and acting upon any application for the  
723 construction and operation of a public water supply system and  
724 the costs of surveillance and other field services associated  
725 with any permit issued, but the amount in no case shall exceed

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726 \$15,000 ~~\$7,500~~. The fee schedule shall be adopted by rule based  
727 on a sliding scale relating to the size, type of treatment, or  
728 population served by the system that is proposed by the  
729 applicant.

730 (b) Each public water system that operates in this state  
731 shall submit annually to the department an operation license fee,  
732 separate from and in addition to any permit application fees  
733 required under paragraph (a), in an amount established by  
734 department rule. The amount of each fee shall be reasonably  
735 related to the size of the public water system, type of  
736 treatment, population served, amount of source water used, or any  
737 combination of these factors, but the fee may not be less than  
738 \$50 or greater than \$7,500. Public water systems shall pay annual  
739 operation license fees at a time and in a manner prescribed by  
740 department rule.

741 (8) Initiate rulemaking no later than July 1, 2008, to  
742 increase each drinking water permit application fee authorized  
743 under s. 403.087(6) and this part and adopted by rule to ensure  
744 that such fees are increased to reflect, at a minimum, any upward  
745 adjustment in the Consumer Price Index compiled by the United  
746 States Department of Labor, or similar inflation indicator, since  
747 the original fee was established or most recently revised. The  
748 department shall establish by rule the inflation index to be used  
749 for this purpose. The department shall review the drinking water  
750 permit application fees authorized under s. 403.087(6) and this  
751 part at least once every 5 years and shall adjust the fees  
752 upward, as necessary, within the fee caps established below, to  
753 reflect changes in the Consumer Price Index or similar inflation  
754 indicator. In the event of deflation, the department shall

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755 consult with the Executive Office of the Governor and the  
756 Legislature to determine whether downward fee adjustments are  
757 appropriate based on the current budget and appropriation  
758 considerations. The department shall also review the drinking  
759 water operation license fees established pursuant to paragraph  
760 (7) (b) at least once every 5 years to adopt, as necessary, the  
761 same inflationary adjustments provided for in this subsection.

762 (9) Effective July 1, 2008, the minimum fee amounts shall  
763 be the minimum fee prescribed in this section, and such fee  
764 amount shall remain in effect until the effective date of a fee  
765 adopted by rule by the department.

766 Section 11. Section 403.873, Florida Statutes, is amended  
767 to read:

768 403.873 Renewal of license.--

769 (1) The department shall renew a license upon receipt of  
770 the renewal application, proof of completion of department-  
771 approved continuing education units during the current biennium,  
772 and fee and in accordance with the other provisions of ss.  
773 403.865-403.876.

774 (2) The department shall adopt rules establishing a  
775 procedure for the biennial renewal of licenses, including the  
776 requirements for continuing education.

777 Section 12. Section 403.874, Florida Statutes, is amended  
778 to read:

779 403.874 Inactive status.--

780 (1) The department shall reactivate an inactive license  
781 upon receipt of the reactivation application and fee within the  
782 2-year period immediately following the expiration date of the  
783 license. Any license not reactivated within this 2-year period

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784 shall be null and void and an operator seeking a license  
785 thereafter must meet the training, examination, and experience  
786 requirements for the type and class or level of license sought.

787 (2) The department shall adopt rules relating to licenses  
788 that have become inactive and for the reactivation of inactive  
789 licenses, and for the procedure for null and void licenses and  
790 how to obtain a new license after a license has become null and  
791 void.

792 Section 13. Section 378.011, Florida Statutes, is repealed.

793 Section 14. Chapter 325, Florida Statutes, consisting of  
794 ss. 325.2055, 325.221, 325.222, and 325.223, Florida Statutes, is  
795 repealed.

796 Section 15. Section 403.08725, Florida Statutes, is  
797 repealed.

798 Section 16. Paragraph (a) of subsection (3) of section  
799 373.503, Florida Statutes, is amended to read:

800 373.503 Manner of taxation.--

801 (3)(a) The districts may levy ad valorem taxes on property  
802 within the district solely for the purposes of this chapter and  
803 of chapter 25270, 1949, Laws of Florida, as amended, and chapter  
804 61-691, Laws of Florida, as amended. The authority to levy ad  
805 valorem taxes as provided in this act shall commence with the  
806 year 1977. However, the taxes levied for 1977 by the governing  
807 boards pursuant to this section shall be prorated to ensure that  
808 no such taxes will be levied for the first 4 days of the tax  
809 year, which days will fall prior to the effective date of the  
810 amendment to s. 9(b), Art. VII of the State Constitution, which  
811 was approved March 9, 1976. When appropriate, taxes levied by  
812 each governing board may be separated by the governing board into

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813 a millage necessary for the purposes of the district and a  
814 millage necessary for financing basin functions specified in s.  
815 373.0695. Beginning with the taxing year 1977, and  
816 notwithstanding the provisions of any other general or special  
817 law to the contrary, the maximum total millage rate for district  
818 and basin purposes shall be:

819 1. Northwest Florida Water Management District: 0.2 ~~0.05~~  
820 mill.

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

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

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

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

825 Section 17. The amendment to paragraph (a) of subsection  
826 (3) of s. 373.503, Florida Statutes, made by this act shall take  
827 effect on the same date that the amendment to the State  
828 Constitution proposed in Senate Joint Resolution 1848 or similar  
829 legislation takes effect, if such Joint Resolution is enacted  
830 during the 2008 Regular Session of the Legislature or an  
831 extension thereof and is submitted to the electors of this state  
832 for their approval or rejection at the general election to be  
833 held in November 2008.

834 Section 18. If the amendment to paragraph (a) of subsection  
835 (3) of s. 373.503, Florida Statutes, takes effect, the Northwest  
836 Florida Water Management District may adjust its millage rate  
837 pursuant to the provisions of s. 373.503, Florida Statutes, and  
838 notwithstanding the provisions of s. 200.185, Florida Statutes.

839 Section 19. This act shall take effect upon becoming a law.