

By the Committees on General Government Appropriations;
Community Affairs; and Environmental Preservation and
Conservation; and Senator Constantine

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1 A bill to be entitled
2 An act relating to environmental protection; amending
3 s. 253.034, F.S.; establishing a date by which land
4 management plans for conservation lands must contain
5 certain outcomes, goals, and elements; amending s.
6 253.111, F.S.; deleting a 40-day timeframe for a board
7 of county commissioners to decide whether to acquire
8 state land being sold by the Board of Trustees of the
9 Internal Improvement Trust Fund; amending s. 253.7829,
10 F.S.; conforming a cross-reference; amending s.
11 253.783, F.S.; revising provisions relating to the
12 disposition of surplus lands; authorizing the
13 Department of Environmental Protection to extend the
14 second right of refusal to the current owner of
15 adjacent lands affected by acquired surplus lands
16 under certain circumstances; authorizing the
17 department to extend the third right of refusal to the
18 original owner or the original owner's heirs of lands
19 acquired by the Canal Authority of the State of
20 Florida or the United States Army Corps of Engineers;
21 authorizing the department to extend the fourth right
22 of refusal to any person having a leasehold interest
23 in the land from the canal authority; conforming
24 cross-references; amending s. 259.035, F.S.;
25 increasing the maximum number of terms of appointed
26 members of the Acquisition and Restoration Council;
27 clarifying that vacancies in the unexpired term of
28 appointed members shall be filled in the same manner
29 as the original appointment; requiring an affirmative

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30 vote of six members of the council for certain
31 decisions; amending s. 259.037, F.S.; establishing
32 certain dates by which agencies managing certain lands
33 must submit certain reports and lists to the Land
34 Management Uniform Accounting Council; amending s.
35 259.105, F.S.; requiring that certain proceeds from
36 the Florida Forever Trust Fund be spent on capital
37 projects within a year after acquisition rather than
38 only at the time of acquisition; requiring an
39 affirmative vote of six members of the Acquisition and
40 Restoration Council for certain decisions; amending s.
41 253.12, F.S.; clarifying that title to certain
42 sovereignty lands which were judicially adjudicated
43 are excluded from automatically becoming private
44 property; repealing s. 288.1185, F.S., relating to the
45 Recycling Markets Advisory Committee; amending s.
46 373.0693, F.S.; providing conditions for serving on a
47 basin board after a term expires; removing ex officio
48 designation for board members serving on basin boards;
49 revising the membership of certain basin boards;
50 eliminating the Oklawaha River Basin Advisory Council;
51 amending s. 373.427, F.S.; increasing the amount of
52 time for filing a petition for an administrative
53 hearing on an application to use board of trustees-
54 owned submerged lands; amending s. 376.30702, F.S.;
55 revising contamination notification provisions;
56 requiring individuals responsible for site
57 rehabilitation to provide notice of site
58 rehabilitation to specified entities; revising

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59 provisions relating to the content of such notice;
60 requiring the Department of Environmental Protection
61 to provide notice of site rehabilitation to specified
62 entities and certain property owners; providing an
63 exemption; requiring the department to verify
64 compliance with notice requirements; authorizing the
65 department to pursue enforcement measures for
66 noncompliance with notice requirements; revising the
67 department's contamination notification requirements
68 for certain public schools; requiring the department
69 to provide specified notice to private K-12 schools
70 and child care facilities; requiring the department to
71 provide specified notice to public schools within a
72 specified area; providing notice requirements,
73 including directives to extend such notice to certain
74 other persons; requiring local governments to provide
75 specified notice of site rehabilitation; requiring the
76 department to recover notification costs from
77 responsible parties; providing an exception; amending
78 s. 403.0876, F.S.; providing that the Department of
79 Environmental Protection's failure to approve or deny
80 certain air construction permits within 90 days does
81 not automatically result in approval or denial;
82 amending s. 403.121, F.S.; excluding certain air
83 pollution violations from certain departmental
84 actions; clarifying when a respondent in an
85 administrative action is the prevailing party;
86 revising the penalties that may be assessed for
87 violations involving drinking water contamination,

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88 wastewater, dredge, fill, or stormwater, mangrove
89 trimming or alterations, solid waste, air emission,
90 and waste cleanup; increasing fines relating to public
91 water system requirements; revising provisions
92 relating to a limit on the amount of a fine for a
93 particular violation by certain violators; amending
94 ss. 403.7032 and 14.2015, F.S.; directing the
95 Department of Environmental Protection and the Office
96 of Tourism, Trade, and Economic Development to create
97 the Recycling Business Assistance Center; providing
98 requirements; authorizing the Office of Tourism,
99 Trade, and Economic Development to consult with
100 Enterprise Florida, Inc., and other state agency
101 personnel; amending s. 403.707, F.S.; providing for
102 inspections of waste-to-energy facilities by the
103 Department of Environmental Protection; amending s.
104 403.708, F.S.; authorizing the disposal of yard trash
105 at a Class I landfill if the landfill has a system for
106 collecting landfill gas and arranges for the reuse of
107 the gas; amending s. 403.9323, F.S.; clarifying
108 legislative intent with respect to the protection of
109 mangroves; amending s. 403.9324, F.S.; authorizing the
110 Department of Environmental Protection to adopt by
111 rule certain exemptions and general permits under the
112 Mangrove Trimming and Preservation Act; amending s.
113 403.9329, F.S.; clarifying the department's authority
114 to revoke a person's status as a professional mangrove
115 trimmer; amending s. 403.9331, F.S.; providing that
116 the Mangrove Trimming and Preservation Act does not

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117 authorize trimming on uninhabited islands or lands
118 that are publicly owned or set aside for conservation
119 or mitigation except under specified circumstances;
120 amending ss. 712.03 and 712.04, F.S.; providing an
121 exception from an entitlement to marketable record
122 title to interests held by governmental entities;
123 repealing s. 23, ch. 2008-150, Laws of Florida,
124 relating to a provision prohibiting the Department of
125 Environmental Protection from issuing a permit for
126 certain Class I landfills; providing an effective
127 date.

128

129 Be It Enacted by the Legislature of the State of Florida:

130

131 Section 1. Paragraphs (a) and (c) of subsection (5) of
132 section 253.034, Florida Statutes, are amended to read:

133 253.034 State-owned lands; uses.—

134 (5) Each manager of conservation lands shall submit to the
135 Division of State Lands a land management plan at least every 10
136 years in a form and manner prescribed by rule by the board and
137 in accordance with the provisions of s. 259.032. Each manager of
138 conservation lands shall also update a land management plan
139 whenever the manager proposes to add new facilities or make
140 substantive land use or management changes that were not
141 addressed in the approved plan, or within 1 year of the addition
142 of significant new lands. Each manager of nonconservation lands
143 shall submit to the Division of State Lands a land use plan at
144 least every 10 years in a form and manner prescribed by rule by
145 the board. The division shall review each plan for compliance

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146 with the requirements of this subsection and the requirements of
147 the rules established by the board pursuant to this section. All
148 land use plans, whether for single-use or multiple-use
149 properties, shall include an analysis of the property to
150 determine if any significant natural or cultural resources are
151 located on the property. Such resources include archaeological
152 and historic sites, state and federally listed plant and animal
153 species, and imperiled natural communities and unique natural
154 features. If such resources occur on the property, the manager
155 shall consult with the Division of State Lands and other
156 appropriate agencies to develop management strategies to protect
157 such resources. Land use plans shall also provide for the
158 control of invasive nonnative plants and conservation of soil
159 and water resources, including a description of how the manager
160 plans to control and prevent soil erosion and soil or water
161 contamination. Land use plans submitted by a manager shall
162 include reference to appropriate statutory authority for such
163 use or uses and shall conform to the appropriate policies and
164 guidelines of the state land management plan. Plans for managed
165 areas larger than 1,000 acres shall contain an analysis of the
166 multiple-use potential of the property, which analysis shall
167 include the potential of the property to generate revenues to
168 enhance the management of the property. Additionally, the plan
169 shall contain an analysis of the potential use of private land
170 managers to facilitate the restoration or management of these
171 lands. In those cases where a newly acquired property has a
172 valid conservation plan that was developed by a soil and
173 conservation district, such plan shall be used to guide
174 management of the property until a formal land use plan is

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175 completed.

176 (a) State lands shall be managed to ensure the conservation
177 of the state's plant and animal species and ~~to ensure~~ the
178 accessibility of state lands for the benefit and enjoyment of
179 all people of the state, both present and future. Beginning July
180 1, 2009, each newly developed or updated land management plan
181 must ~~shall~~ provide a desired outcome, describe both short-term
182 and long-term management goals, and include measurable
183 objectives for achieving these ~~to achieve these~~ goals. Short-
184 term goals must ~~shall~~ be achievable within a 2-year planning
185 period, and long-term goals must ~~shall~~ be achievable within a
186 10-year planning period. These short-term and long-term
187 management goals shall be the basis for all subsequent land
188 management activities.

189 (c) Beginning July 1, 2009, a newly developed or updated
190 ~~the~~ land management plan must, ~~shall~~ at a minimum, contain the
191 following elements:

192 1. A physical description of the land.

193 2. A quantitative data description of the land which
194 includes an inventory of forest and other natural resources;
195 exotic and invasive plants; hydrological features;
196 infrastructure, including recreational facilities; and other
197 significant land, cultural, or historical features. The
198 inventory must ~~shall~~ reflect the number of acres for each
199 resource and feature, as when appropriate. The inventory shall
200 be of such detail that objective measures and benchmarks can be
201 established for each tract of land and monitored during the
202 lifetime of the plan. All quantitative data collected must ~~shall~~
203 be aggregated, standardized, collected, and presented in an

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204 electronic format to allow for uniform management reporting and
205 analysis. The information collected by the Department of
206 Environmental Protection pursuant to s. 253.0325(2) shall be
207 available to the land manager and his or her assignee.

208 3. A detailed description of each short-term and long-term
209 land management goal, the associated measurable objectives, and
210 the related activities that are to be performed to meet the land
211 management objectives. Each land management objective must be
212 addressed by the land management plan, and where practicable,
213 may not ~~no land management objective shall~~ be performed to the
214 detriment of ~~the~~ other land management objectives.

215 4. A schedule of land management activities which contains
216 short-term and long-term land management goals and ~~the~~ related
217 measurable objective and activities. The schedule must ~~shall~~
218 include for each activity a timeline for completing each
219 activity completion, quantitative measures, and detailed expense
220 and manpower budgets. The schedule must ~~shall~~ provide a
221 management tool that facilitates the development of performance
222 measures.

223 5. A summary budget for the scheduled land management
224 activities of the land management plan. For state lands
225 containing or anticipated to contain imperiled species habitat,
226 the summary budget must ~~shall~~ include any fees anticipated from
227 public or private entities for projects to offset adverse
228 impacts to imperiled species or such habitat, which ~~fees~~ shall
229 be used solely to restore, manage, enhance, repopulate, or
230 acquire imperiled species habitat. The summary budget must ~~shall~~
231 be prepared in a such manner that ~~it~~ facilitates computing an
232 aggregate of land management costs for all state-managed lands

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233 using the categories described in s. 259.037(3).

234 Section 2. Subsection (2) of section 253.111, Florida
235 Statutes, is amended to read:

236 253.111 Notice to board of county commissioners before
237 sale.—The Board of Trustees of the Internal Improvement Trust
238 Fund of the state may not sell any land to which they hold title
239 unless and until they afford an opportunity to the county in
240 which such land is situated to receive such land on the
241 following terms and conditions:

242 (2) The board of county commissioners of the county in
243 which such land is situated shall, ~~within 40 days after receipt~~
244 ~~of such notification from the board,~~ determine by resolution
245 whether ~~or not~~ it proposes to acquire such land.

246 Section 3. Subsection (4) of section 253.7829, Florida
247 Statutes, is amended to read:

248 253.7829 Management plan for retention or disposition of
249 former Cross Florida Barge Canal lands; authority to manage
250 lands until disposition.—

251 (4) The Board of Trustees of the Internal Improvement Trust
252 Fund may authorize the sale or exchange of surplus lands within
253 the former Cross Florida Barge Canal project corridor and the
254 acquisition of privately owned lands or easements over such
255 privately owned lands within the project corridor necessary for
256 purposes of completing a continuous corridor or for other
257 management purposes provided by law. However, such acquisition
258 shall be funded from the proceeds of any sale or exchange of
259 surplus canal lands after repayment to the counties, as provided
260 in s. 253.783(2) (f) ~~s. 253.783(2) (e)~~, or from other funds
261 appropriated by the Legislature.

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262 Section 4. Subsection (2) of section 253.783, Florida
263 Statutes, is amended to read:

264 253.783 Additional powers and duties of the department;
265 disposition of surplus lands; payments to counties.—

266 (2) It is declared to be in the public interest that the
267 department shall do and is hereby authorized to do any and all
268 things and incur and pay, for the public purposes described
269 herein, any and all expenses necessary, convenient, and proper
270 to:

271 (a) Offer any land declared to be surplus, at current
272 appraised value, to the counties in which the surplus land lies,
273 for acquisition for specific public purposes. Any county, at its
274 option, may elect to acquire any lands so offered without
275 monetary payment. The fair market value of any parcels so
276 transferred shall be subtracted from the county's reimbursement
277 under paragraph (f) ~~(e)~~. These offers will be made within 3
278 calendar months after the date the management plan is adopted
279 and will be valid for 180 days after the date of the offer.

280 (b) Extend the second right of refusal, at current
281 appraised value, to the current owner of adjacent lands affected
282 when original owner from whom the Canal Authority of the State
283 of Florida or the United States Army Corps of Engineers acquired
284 the surplus land and when the department wants to pursue an
285 exchange of surplus lands for privately owned lands for the
286 purposes set forth in s. 253.7829(4).

287 (c) Extend the third right of refusal, at current appraised
288 value, to the original owner from whom the Canal Authority of
289 the State of Florida or the United States Army Corps of
290 Engineers acquired the land or the original owner's heirs. These

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291 offers shall be made by public advertisement in not fewer than
292 three newspapers of general circulation within the area of the
293 canal route, one of which shall be a newspaper in the county in
294 which the lands declared to be surplus are located. The public
295 advertisements shall be run for a period of 14 days. These
296 offers will be valid for 30 days after the ~~expiration date of~~
297 ~~any offers made under paragraph (a), or 30 days after the date~~
298 ~~publication begins, whichever is later.~~

299 (d) ~~(e)~~ Extend the fourth ~~third~~ right of refusal, at current
300 appraised value, to any person having a leasehold interest in
301 the land from the canal authority. These offers shall be
302 advertised as provided in paragraph (c) ~~(b)~~ and will be valid
303 for 30 days after the expiration date of the offers made under
304 paragraph (c) ~~(b)~~, or 30 days after the date publication begins,
305 whichever is later.

306 (e) ~~(d)~~ Offer surplus lands not purchased or transferred
307 under paragraphs (a)-(d) ~~(a)-(e)~~ to the highest bidder at public
308 sale. Such surplus lands and the public sale shall be described
309 and advertised in a newspaper of general circulation within the
310 county in which the lands are located not less than 14 calendar
311 days prior to the date on which the public sale is to be held.
312 The current appraised value of such surplus lands will be the
313 minimum acceptable bid.

314 (f) ~~(e)~~ Refund to the counties of the Cross Florida Canal
315 Navigation District moneys pursuant to this paragraph from the
316 funds derived from the conveyance of lands of the project to the
317 Federal Government or any agency thereof, pursuant to s.
318 253.781, and from the sales of surplus lands pursuant to this
319 section. Following federal deauthorization of the project, such

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320 refunds shall consist of the \$9,340,720 principal in ad valorem
321 taxes contributed by the counties and the interest which had
322 accrued on that amount from the time of payment to June 30,
323 1985. In no event shall the counties be paid less than the
324 aggregate sum of \$32 million in cash or the appraised values of
325 the surplus lands. Such refunds shall be in proportion to the ad
326 valorem tax share paid to the Cross Florida Canal Navigation
327 District by the respective counties. Should the funds derived
328 from the conveyance of lands of the project to the Federal
329 Government for payment or from the sale of surplus land be
330 inadequate to pay the total of the principal plus interest,
331 first priority shall be given to repaying the principal and
332 second priority shall be given to repaying the interest.
333 Interest to be refunded to the counties shall be compounded
334 annually at the following rates: 1937-1950, 4 percent; 1951-
335 1960, 5 percent; 1961-1970, 6 percent; 1971-1975, 7 percent;
336 1976-June 30, 1985, 8 percent. In computing interest, amounts
337 already repaid to the counties shall not be subject to further
338 assessments of interest. Any partial repayments provided to the
339 counties under this act shall be considered as contributing to
340 the total repayment owed to the counties. Should the funds
341 generated by conveyance to the Federal Government and sales of
342 surplus lands be more than sufficient to repay said counties in
343 accordance with this section, such excess funds may be used for
344 the maintenance of the greenways corridor.

345 (g)~~(f)~~ Carry out the purposes of this act.

346 Section 5. Subsections (1), (2), and (5) of section
347 259.035, Florida Statutes, are amended to read:

348 259.035 Acquisition and Restoration Council.—

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349 (1) There is created the Acquisition and Restoration
350 Council.

351 ~~(a) The council shall be composed of eleven voting members,~~
352 ~~of which six members shall be appointed pursuant to paragraphs~~
353 ~~(a), (b), and (c) four of whom shall be appointed by the~~
354 ~~Governor. The appointed members shall be appointed~~ ~~Of these four~~
355 ~~appointees, three shall be from scientific disciplines related~~
356 ~~to land, water, or environmental sciences and the fourth shall~~
357 ~~have at least 5 years of experience in managing lands for both~~
358 ~~active and passive types of recreation. They shall serve 4 year~~
359 ~~terms, except that, initially, to provide for staggered terms,~~
360 ~~two of the appointees shall serve 2-year terms. All subsequent~~
361 ~~appointments shall be for 4-year staggered terms. An~~ ~~No~~
362 ~~appointee may not shall serve more than two terms 6 years. A~~
363 ~~vacancy shall be filled for the remainder of an unexpired term~~
364 ~~in the same manner as the original appointment. The Governor may~~
365 ~~at any time fill a vacancy for the unexpired term of a member~~
366 ~~appointed under this paragraph.~~

367 (a) Four members shall be appointed by the Governor. Of
368 these, three members shall be from scientific disciplines
369 related to land, water, or environmental sciences and the fourth
370 member must have at least 5 years of experience in managing
371 lands for both active and passive types of recreation.

372 (b) One member shall be appointed by the Commissioner of
373 Agriculture from a discipline related to agriculture including
374 silviculture.

375 (c) One member shall be appointed by the Fish and Wildlife
376 Conservation Commission from a discipline related to wildlife
377 management or wildlife ecology.

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378 (d)~~(b)~~ The five remaining members ~~appointees~~ shall be
379 composed of the Secretary of Environmental Protection, the
380 director of the Division of Forestry of the Department of
381 Agriculture and Consumer Services, the executive director of the
382 Fish and Wildlife Conservation Commission, the director of the
383 Division of Historical Resources of the Department of State, and
384 the secretary of the Department of Community Affairs, or their
385 respective designees.

386 ~~(c) One member shall be appointed by the Commissioner of~~
387 ~~Agriculture with a discipline related to agriculture including~~
388 ~~silviculture. One member shall be appointed by the Fish and~~
389 ~~Wildlife Conservation Commission with a discipline related to~~
390 ~~wildlife management or wildlife ecology.~~

391 (e)~~(d)~~ The Governor shall appoint the chair of the council,
392 and a vice chair shall be elected from among the members.

393 (f)~~(e)~~ The council shall hold periodic meetings at the
394 request of the chair.

395 (g)~~(f)~~ The Department of Environmental Protection shall
396 provide primary staff support to the council and shall ensure
397 that council meetings are electronically recorded. Such
398 recording must ~~shall~~ be preserved pursuant to chapters 119 and
399 257.

400 (h)~~(g)~~ The board of trustees may ~~has authority to~~ adopt
401 rules ~~pursuant to~~ administer ~~ss. 120.536(1) and 120.54 to~~
402 ~~implement the provisions of~~ this section.

403 (2) The six appointed ~~four~~ members of the council ~~appointed~~
404 ~~pursuant to paragraph (a) and the two members of the council~~
405 ~~appointed pursuant to paragraph (c)~~ shall receive reimbursement
406 for expenses and per diem for travel, to attend council

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407 meetings, ~~as allowed state officers and employees while in the~~
408 ~~performance of their duties,~~ pursuant to s. 112.061.

409 (5) An affirmative vote of six ~~five~~ members of the council
410 is required ~~in order~~ to change a project boundary or to place a
411 proposed project on a list developed pursuant to subsection (4).
412 Any member of the council who by family or a business
413 relationship has a connection with all or a portion of any
414 proposed project shall declare the interest before voting on its
415 inclusion on a list.

416 Section 6. Paragraph (b) of subsection (3) and subsection
417 (6) of section 259.037, Florida Statutes, are amended to read:

418 259.037 Land Management Uniform Accounting Council.—

419 (3)

420 (b) Beginning July 1, 2009, each reporting agency shall
421 also:

422 1. Include a report of the available public use
423 opportunities for each management unit of state land, the total
424 management cost for public access and public use, and the cost
425 associated with each use option.

426 2. List the acres of land requiring minimal management
427 effort, moderate management effort, and significant management
428 effort pursuant to s. 259.032(11)(c). For each category created
429 in paragraph (a), the reporting agency shall include the amount
430 of funds requested, the amount of funds received, and the amount
431 of funds expended for land management.

432 3. List acres managed and cost of management for each park,
433 preserve, forest, reserve, or management area.

434 4. List acres managed, cost of management, and lead manager
435 for each state lands management unit for which secondary

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436 management activities were provided.

437 5. Include a report of the estimated calculable financial
438 benefits to the public for the ecosystem services provided by
439 conservation lands, based on the best readily available
440 information or science that provides a standard measurement
441 methodology to be consistently applied by the land managing
442 agencies. Such information may include, but need not be limited
443 to, the value of natural lands for protecting the quality and
444 quantity of drinking water through natural water filtration and
445 recharge, contributions to protecting and improving air quality,
446 benefits to agriculture through increased soil productivity and
447 preservation of biodiversity, and savings to property and lives
448 through flood control.

449 (6) Beginning July 1, 2010 ~~Biennially~~, each reporting
450 agency shall ~~also~~ submit an operational report every 5 years for
451 each management area to which a new or updated ~~along with an~~
452 ~~approved~~ management plan was approved by the board of trustees
453 pursuant to ss. 253.034(5) and 259.032(10). The report should
454 assess ~~the~~ progress toward achieving short-term and long-term
455 management goals of the approved management plan, including all
456 land management activities, and identify any deficiencies in
457 management and corrective actions to address identified
458 deficiencies as appropriate. This report shall be submitted to
459 the Acquisition and Restoration Council and the division for
460 inclusion in its annual report required pursuant to s. 259.036.

461 Section 7. Paragraphs (b), (e), (f), (g), and (h) of
462 subsection (3) and subsection (13) of section 259.105, Florida
463 Statutes, are amended to read:

464 259.105 The Florida Forever Act.—

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465 (3) Less the costs of issuing and the costs of funding
466 reserve accounts and other costs associated with bonds, the
467 proceeds of cash payments or bonds issued pursuant to this
468 section shall be deposited into the Florida Forever Trust Fund
469 created by s. 259.1051. The proceeds shall be distributed by the
470 Department of Environmental Protection in the following manner:

471 (b) Thirty-five percent to the Department of Environmental
472 Protection for the acquisition of lands and capital project
473 expenditures described in this section. Of the proceeds
474 distributed ~~pursuant to this paragraph~~, it is the intent of the
475 Legislature that ~~an~~ increased priority be given to those
476 acquisitions which achieve a combination of conservation goals,
477 including protecting Florida's water resources and natural
478 groundwater recharge. At a minimum, 3 percent, and no more than
479 10 percent, of the funds allocated pursuant to this paragraph
480 shall be spent on capital project expenditures identified in the
481 management prospectus prepared pursuant to s. 259.032(9)(d)
482 during the time of acquisition, or in the management plan
483 prepared pursuant to s. 259.032(10). Such capital projects must
484 ~~which~~ meet land management planning activities necessary for
485 public access.

486 (e) One and five-tenths percent to the Department of
487 Environmental Protection for the purchase of inholdings and
488 additions to state parks and for capital project expenditures as
489 described in this section. At a minimum, 1 percent, and no more
490 than 10 percent, of the funds allocated pursuant to this
491 paragraph shall be spent on capital project expenditures
492 identified in the management prospectus prepared pursuant to s.
493 259.032(9)(d) during the time of acquisition, or in the

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494 management plan prepared pursuant to s. 259.032(10). Such
495 capital projects must ~~which~~ meet land management planning
496 activities necessary for public access. For the purposes of this
497 paragraph, the term "state park" means any real property in the
498 state which is under the jurisdiction of the Division of
499 Recreation and Parks of the department, or which may come under
500 its jurisdiction.

501 (f) One and five-tenths percent to the Division of Forestry
502 of the Department of Agriculture and Consumer Services to fund
503 the acquisition of state forest inholdings and additions
504 pursuant to s. 589.07, the implementation of reforestation plans
505 or sustainable forestry management practices, and for capital
506 project expenditures as described in this section. At a minimum,
507 1 percent, and no more than 10 percent, of the funds allocated
508 for the acquisition of inholdings and additions pursuant to this
509 paragraph shall be spent on capital project expenditures
510 identified in the management prospectus prepared pursuant to s.
511 259.032(9)(d) during the time of acquisition, or in the
512 management plan prepared pursuant to s. 259.032(10). Such
513 capital projects must ~~which~~ meet land management planning
514 activities necessary for public access.

515 (g) One and five-tenths percent to the Fish and Wildlife
516 Conservation Commission to fund the acquisition of inholdings
517 and additions to lands managed by the commission which are
518 important to the conservation of fish and wildlife and for
519 capital project expenditures as described in this section. At a
520 minimum, 1 percent, and no more than 10 percent, of the funds
521 allocated pursuant to this paragraph shall be spent on capital
522 project expenditures identified in the management prospectus

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523 prepared pursuant to s. 259.032(9)(d) during the time of
524 acquisition, or in the management plan prepared pursuant to s.
525 259.032(10). Such capital projects must ~~which~~ meet land
526 management planning activities necessary for public access.

527 (h) One and five-tenths percent to the Department of
528 Environmental Protection for the Florida Greenways and Trails
529 Program, to acquire greenways and trails or greenways and trail
530 systems pursuant to chapter 260, including, but not limited to,
531 abandoned railroad rights-of-way and the Florida National Scenic
532 Trail and for capital project expenditures as described in this
533 section. At a minimum, 1 percent, and no more than 10 percent,
534 of the funds allocated pursuant to this paragraph shall be spent
535 on capital project expenditures identified in the management
536 prospectus prepared pursuant to s. 259.032(9)(d) during the time
537 of acquisition, or in the management plan prepared pursuant to
538 s. 259.032(10). Such capital projects must ~~which~~ meet land
539 management planning activities necessary for public access.

540 (13) An affirmative vote of six ~~five~~ members of the
541 Acquisition and Restoration Council is ~~shall be~~ required ~~in~~
542 ~~order~~ to place a proposed project on the list developed pursuant
543 to subsection (8). Any member of the council who by family or a
544 business relationship has a connection with any project proposed
545 to be ranked shall declare such interest before ~~prior to~~ voting
546 for a project's inclusion on the list.

547 Section 8. Subsection (10) of section 253.12, Florida
548 Statutes, is amended to read:

549 253.12 Title to tidal lands vested in state.—

550 (10) Subsection (9) does ~~shall~~ not ~~operate to~~ affect the
551 title to lands which have been judicially adjudicated or which

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552 were the subject of litigation pending on January 1, 1993,
553 involving title to such lands. Further, the provisions of
554 subsection (9) do ~~shall~~ not apply to spoil islands or ~~nor~~ to any
555 lands that ~~which~~ are included on an official acquisition list,
556 on July 1, 1993, of a state agency or water management district
557 for conservation, preservation, or recreation, ~~nor~~ to lands
558 maintained as state or local recreation areas or shore
559 protection structures, or to sovereignty lands that were filled
560 before July 1, 1975, by any governmental entity for a public
561 purpose or pursuant to proprietary authorization from the Board
562 of Trustees of the Internal Improvement Trust Fund.

563 Section 9. Section 288.1185, Florida Statutes, is repealed.

564 Section 10. Subsections (3), (6), and (7) and paragraph (a)
565 of subsection (8) of section 373.0693, Florida Statutes, are
566 amended to read:

567 373.0693 Basins; basin boards.—

568 (3) Each member of the various basin boards shall serve for
569 a period of 3 years or until a successor is appointed, but not
570 more than 180 days beyond the end of the expired term, except
571 that the board membership of each new basin shall be divided
572 into three groups as equally as possible, with members in such
573 groups to be appointed for 1, 2, and 3 years, respectively. Each
574 basin board shall choose a vice chair and a secretary to serve
575 for a period of 1 year. The term of office of a basin board
576 member shall be construed to commence on March 2 preceding the
577 date of appointment and to terminate March 1 of the year of the
578 end of a term or may continue until a successor is appointed,
579 but not more than 180 days beyond the end of the expired term.

580 (6) (a) Notwithstanding the provisions of any other general

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581 or special law to the contrary, a member of the governing board
582 of the district residing in the basin or, if no member resides
583 in the basin, a member of the governing board designated by the
584 chair of the governing board shall be the ~~ex officio~~ chair of
585 the basin board. The ~~ex officio~~ chair shall preside at all
586 meetings of the basin board, except that the vice chair may
587 preside in his or her absence. The ~~ex officio~~ chair shall have
588 ~~no official vote, except in case of a tie vote being cast by the~~
589 ~~members, but~~ shall be the liaison officer of the district in all
590 affairs in the basin and shall be kept informed of all such
591 affairs.

592 (b) Basin boards within the Southwest Florida Water
593 Management District shall meet regularly as determined by a
594 majority vote of the basin board members. Subject to notice
595 requirements of chapter 120, special meetings, both emergency
596 and nonemergency, may be called either by the ~~ex officio~~ chair
597 or the elected vice chair of the basin board or upon request of
598 two basin board members. The district staff shall include on the
599 agenda of any basin board meeting any item for discussion or
600 action requested by a member of that basin board. The district
601 staff shall notify any basin board, as well as their respective
602 counties, of any vacancies occurring in the district governing
603 board or their respective basin boards.

604 (7) At 11:59 p.m. on December 31, 1976, the Manasota
605 Watershed Basin of the Ridge and Lower Gulf Coast Water
606 Management District, which is annexed to the Southwest Florida
607 Water Management District by change of its boundaries pursuant
608 to chapter 76-243, Laws of Florida, shall be formed into a
609 subdistrict or basin of the Southwest Florida Water Management

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610 District, subject to the same provisions as the other basins in
611 such district. Such subdistrict shall be designated initially as
612 the Manasota Basin. The members of the governing board of the
613 Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water
614 Management District shall become members of the governing board
615 of the Manasota Basin of the Southwest Florida Water Management
616 District. Notwithstanding other provisions in this section,
617 beginning on July 1, 2001, the membership of the Manasota Basin
618 Board shall be comprised of two ~~three~~ members from Manatee
619 County and two ~~three~~ members from Sarasota County. Matters
620 relating to tie votes shall be resolved pursuant to subsection
621 (6) by the ~~ex officio~~ chair designated by the governing board to
622 vote in case of a tie vote.

623 (8) (a) At 11:59 p.m. on June 30, 1988, the area transferred
624 from the Southwest Florida Water Management District to the St.
625 Johns River Water Management District by change of boundaries
626 pursuant to chapter 76-243, Laws of Florida, shall cease to be a
627 subdistrict or basin of the St. Johns River Water Management
628 District known as the Oklawaha River Basin and said Oklawaha
629 River Basin shall cease to exist. However, any recognition of an
630 Oklawaha River Basin or an Oklawaha River Hydrologic Basin for
631 regulatory purposes shall be unaffected. The area formerly known
632 as the Oklawaha River Basin shall continue to be part of the St.
633 Johns River Water Management District. ~~There shall be~~
634 ~~established by the governing board of the St. Johns River Water~~
635 ~~Management District the Oklawaha River Basin Advisory Council to~~
636 ~~receive public input and advise the St. Johns River Water~~
637 ~~Management District's governing board on water management issues~~
638 ~~affecting the Oklawaha River Basin. The Oklawaha River Basin~~

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639 ~~Advisory Council shall be appointed by action of the St. Johns~~
640 ~~River Water Management District's governing board and shall~~
641 ~~include one representative from each county which is wholly or~~
642 ~~partly included in the Oklawaha River Basin. The St. Johns River~~
643 ~~Water Management District's governing board member currently~~
644 ~~serving pursuant to s. 373.073(2)(c)3. shall serve as chair of~~
645 ~~the Oklawaha River Basin Advisory Council. Members of the~~
646 ~~Oklawaha River Basin Advisory Council shall receive no~~
647 ~~compensation for their services but are entitled to be~~
648 ~~reimbursed for per diem and travel expenses as provided in s.~~
649 ~~112.061.~~

650 Section 11. Paragraph (c) of subsection (2) of section
651 373.427, Florida Statutes, is amended to read:

652 373.427 Concurrent permit review.-

653 (2) In addition to the provisions set forth in subsection
654 (1) and notwithstanding s. 120.60, the procedures established in
655 this subsection shall apply to concurrently reviewed
656 applications which request proprietary authorization to use
657 board of trustees-owned submerged lands for activities for which
658 there has been no delegation of authority to take final agency
659 action without action by the board of trustees.

660 (c) Any petition for an administrative hearing pursuant to
661 ss. 120.569 and 120.57 must be filed within 21 ~~14~~ days after ~~of~~
662 the notice of consolidated intent to grant or deny. Unless
663 waived by the applicant, within 60 days after the recommended
664 order is submitted, or at the next regularly scheduled meeting
665 for which notice may be properly given, whichever is latest, the
666 board of trustees shall determine what action to take on a ~~any~~
667 recommended order issued under ss. 120.569 and 120.57 on the

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668 application to use board of trustees-owned submerged lands, and
669 shall direct the department or water management district on what
670 action to take in the final order concerning the application ~~to~~
671 ~~use board of trustees-owned submerged lands~~. The department or
672 water management district shall determine what action to take on
673 any recommended order issued under ss. 120.569 and 120.57
674 regarding any concurrently processed permits, waivers,
675 variances, or approvals required by this chapter or chapter 161.
676 The department or water management district shall ~~then~~ take
677 final agency action by entering a consolidated final order
678 addressing each of the concurrently reviewed authorizations,
679 permits, waivers, or approvals. Failure to satisfy these
680 timeframes may ~~shall~~ not result in approval by default of the
681 application to use board of trustees-owned submerged lands. Any
682 provisions relating to authorization to use such ~~board of~~
683 ~~trustees-owned submerged~~ lands shall be as directed by the board
684 of trustees. Issuance of the consolidated final order within 45
685 days after receipt of the direction of the board of trustees
686 regarding the application to use board of trustees-owned
687 submerged lands is deemed in compliance with the timeframes for
688 issuance of final orders under s. 120.60. The final order is
689 ~~shall be~~ subject to ~~the provisions of~~ s. 373.4275.

690 Section 12. Section 376.30702, Florida Statutes, is amended
691 to read:

692 376.30702 Contamination notification.—

693 (1) FINDINGS; INTENT; APPLICABILITY.—The Legislature finds
694 and declares that when contamination is discovered by any person
695 as a result of site rehabilitation activities conducted pursuant
696 to the risk-based corrective action provisions found in s.

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697 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or
698 pursuant to an administrative or court order, it is in the
699 public's best interest that potentially affected persons be
700 notified of the existence of such contamination. Therefore,
701 persons discovering such contamination shall notify the
702 department and those identified under this section of the ~~such~~
703 discovery in accordance with the requirements of this section,
704 ~~and the department shall be responsible for notifying the~~
705 ~~affected public~~. The Legislature intends for the provisions of
706 this section to govern the notice requirements for early
707 notification of the discovery of contamination.

708 (2) (a) INITIAL NOTICE OF CONTAMINATION ~~BEYOND PROPERTY~~
709 ~~BOUNDARIES~~.—If at any time during site rehabilitation conducted
710 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s.
711 376.30701, or an administrative or court order the person
712 responsible for site rehabilitation, the person's authorized
713 agent, or another representative of the person discovers from
714 laboratory analytical results that comply with appropriate
715 quality assurance protocols specified in department rules that
716 contamination as defined in applicable department rules exists
717 in any groundwater, surface water, or soil at or ~~medium~~ beyond
718 the boundaries of the property at which site rehabilitation was
719 initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81,
720 ~~or~~ s. 376.30701, or an administrative or court order the person
721 responsible for site rehabilitation shall give actual notice as
722 soon as possible, but no later than 10 days from such discovery,
723 to the Division of Waste Management at the department's
724 Tallahassee office. The actual notice shall be provided on a
725 form adopted by department rule and mailed by certified mail,

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726 return receipt requested. The person responsible for site
727 rehabilitation shall simultaneously provide ~~mail~~ a copy of the
728 ~~such~~ notice to the appropriate department district office, and
729 the appropriate county health department, ~~and all known lessees~~
730 ~~and tenants of the source property.~~

731 (b) The notice shall include the following information:

732 1.(a) The location of the property at which site
733 rehabilitation was initiated pursuant to s. 376.3071(5), s.
734 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an administrative or
735 court order and contact information for the person responsible
736 for site rehabilitation, the person's authorized agent, or
737 another representative of the person.

738 2.(b) A listing of all record owners of any real property,
739 ~~other than the property at which site rehabilitation was~~
740 ~~initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81,~~
741 ~~or s. 376.30701,~~ at which contamination has been discovered; the
742 parcel identification number for any such real property; the
743 owner's address listed in the current county property tax office
744 records; and the owner's telephone number. ~~The requirements of~~
745 ~~this paragraph do not apply to the notice to known tenants and~~
746 ~~lessees of the source property.~~

747 3.(c) Separate tables for ~~by~~ medium, such as groundwater,
748 soil, and surface water which, ~~or sediment,~~ that list sampling
749 locations identified on the vicinity map as provided in
750 subparagraph 4.; sampling dates; names of contaminants detected
751 above cleanup target levels; their corresponding cleanup target
752 levels; the contaminant concentrations; and whether the cleanup
753 target level is based on health, nuisance, organoleptic, or
754 aesthetic concerns.

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755 4.~~(d)~~ A vicinity map that shows each sampling location with
756 corresponding laboratory analytical results pursuant to
757 subparagraph 3. and the date on which the sample was collected
758 and that identifies the property boundaries of the property at
759 which site rehabilitation was initiated pursuant to s.
760 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an
761 administrative or court order and any ~~the~~ other properties at
762 which contamination has been discovered during such site
763 rehabilitation. If available, a contaminant plume map signed and
764 sealed by a Florida-licensed professional engineer or geologist
765 may be included with the vicinity map.

766 (3) DEPARTMENT'S NOTICE RESPONSIBILITIES.—

767 (a) After receiving the actual notice required under
768 subsection (2), the department shall notify the following
769 persons of such contamination:

770 1. The mayor, the chair of the county commission, or the
771 comparable senior elected official representing the affected
772 area.

773 2. The city manager, the county administrator, or the
774 comparable senior administrative official representing the
775 affected area.

776 3. The state senator, state representative, and United
777 States Representative representing the affected area and both
778 United States Senators.

779 4.a. All real property owners, presidents of any
780 condominium associations or sole owners of condominiums,
781 lessees, and tenants of record of the property at which site
782 rehabilitation is being conducted, if different from the person
783 responsible for site rehabilitation;

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784 b. All real property owners, presidents of any condominium
785 associations or sole owners of condominiums, lessees, and
786 tenants of record of any properties within a 1000-foot radius of
787 each sampling point at which contamination is discovered, if
788 site rehabilitation was initiated pursuant to s. 376.30701 or an
789 administrative or court order; and

790 c. All real property owners, presidents of any condominium
791 associations or sole owners of condominiums, lessees, and
792 tenants of record of any properties within a 250-foot radius of
793 each sampling point at which contamination is discovered or any
794 properties identified on a contaminant plume map provided
795 pursuant to subparagraph (2)(b)4., if site rehabilitation was
796 initiated pursuant to s. 376.3071(5), s. 376.3078(4), or s.
797 376.81.

798 (b)1. The notice provided to local government officials
799 shall be mailed by certified mail, return receipt requested, and
800 shall advise the local government of its responsibilities under
801 subsection (4).

802 2. The notice provided to real property owners, presidents
803 of any condominium associations or sole owners of condominiums,
804 lessees, and tenants of record may be delivered by certified
805 mail, return receipt requested, first-class mail, hand delivery,
806 or door-hanger.

807 (c) Within 30 days after receiving the actual notice
808 required under pursuant to subsection (2), ~~or within 30 days of~~
809 ~~the effective date of this act if the department already~~
810 ~~possesses information equivalent to that required by the notice,~~
811 the department shall verify that the person responsible for site
812 rehabilitation has complied with the notice requirements of this

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813 section ~~send a copy of such notice, or an equivalent~~
814 ~~notification, to all record owners of any real property, other~~
815 ~~than the property at which site rehabilitation was initiated~~
816 ~~pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s.~~
817 ~~376.30701, at which contamination has been discovered. If the~~
818 person responsible for site rehabilitation has not complied with
819 the notice requirements of this section, the department may
820 pursue enforcement as provided under this chapter and chapter
821 403.

822 (d)1. If the property at which contamination has been
823 discovered is the site of a school as defined in s. 1003.01, the
824 department shall mail ~~also send~~ a copy of the notice to the
825 superintendent ~~chair of the school board~~ of the school district
826 in which the property is located and direct the superintendent
827 ~~said school board~~ to provide actual notice annually to teachers
828 and parents or guardians of students attending the school during
829 the period of site rehabilitation.

830 2. If the property at which contamination has been
831 discovered is the site of a private K-12 school or a child care
832 facility as defined in s. 402.302, the department shall mail a
833 copy of the notice to the governing board, principal, or owner
834 of the school or child care facility and direct the governing
835 board, principal, or owner to provide actual notice annually to
836 teachers and parents or guardians of students or children
837 attending the school or child care facility during the period of
838 site rehabilitation.

839 3. If any property within a 1-mile radius of the property
840 at which contamination has been discovered during site
841 rehabilitation pursuant to s. 376.30701 or an administrative or

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842 court order is the site of a school as defined in s. 1003.01,
843 the department shall mail a copy of the notice to the
844 superintendent of the school district in which the property is
845 located and direct the superintendent to provide actual notice
846 annually to the principal of the school.

847 4. If any property within a 250-foot radius of the property
848 at which contamination has been discovered during site
849 rehabilitation pursuant to s. 376.3071(5), s. 376.3078(4), or s.
850 376.81 is the site of a school as defined in s. 1003.01, the
851 department shall mail a copy of the notice to the superintendent
852 of the school district in which the property is located and
853 direct the superintendent to provide actual notice annually to
854 the principal of the school.

855 (e) Along with the copy of the notice ~~or its equivalent,~~
856 the department shall include a letter identifying sources of
857 additional information about the contamination and a telephone
858 number to which further inquiries should be directed. The
859 department may collaborate with the Department of Health to
860 develop such sources of information and to establish procedures
861 for responding to public inquiries about health risks associated
862 with contaminated sites.

863 (4) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.—Within 30
864 days after receiving the actual notice required under subsection
865 (2), the local government shall mail a copy of the notice to the
866 president or comparable executive officer of each homeowners'
867 association or neighborhood association within the potentially
868 affected area as described in subsection (2).

869 (5) ~~(4)~~ RULEMAKING AUTHORITY; RECOVERY OF COSTS OF
870 NOTIFICATION.—The department shall adopt rules and forms

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871 pursuant to ss. 120.536(1) and 120.54 to implement the
872 requirements of this section and shall recover the costs of
873 postage, materials, and labor associated with notification from
874 the responsible party, except when site rehabilitation is
875 initiated pursuant to the risk-based corrective action
876 provisions found in s. 376.3071(5) or s. 376.3078(4).

877 Section 13. Paragraph (c) of subsection (2) of section
878 403.0876, Florida Statutes, is amended to read:

879 403.0876 Permits; processing.—

880 (2)

881 (c) The failure of the department to approve or deny an
882 application for an air construction permit for which a federally
883 delegated or approved program requires a public participation
884 period of 30 days or longer, or for an operation permit for a
885 major source of air pollution, as defined in s. 403.0872, within
886 the 90-day time period shall not result in the automatic
887 approval or denial of the permit and shall not prevent the
888 inclusion of specific permit conditions that ~~which~~ are necessary
889 to ensure compliance with applicable statutes and rules. If the
890 department fails to approve or deny such an operation permit ~~for~~
891 ~~a major source of air pollution~~ within the 90-day period
892 specified in this section or in s. 403.0872, as applicable, the
893 applicant or a party who participated in the public comment
894 process may petition for a writ of mandamus to compel the
895 department to act.

896 Section 14. Paragraphs (b) and (f) of subsection (2), and
897 subsections (3), (4), (5), and (9) of section 403.121, Florida
898 Statutes, are amended to read:

899 403.121 Enforcement; procedure; remedies.—The department

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900 shall have the following judicial and administrative remedies
901 available to it for violations of this chapter, as specified in
902 s. 403.161(1).

903 (2) Administrative remedies:

904 (b) If the department has reason to believe a violation has
905 occurred, it may institute an administrative proceeding to order
906 the prevention, abatement, or control of the conditions creating
907 the violation or other appropriate corrective action. Except for
908 violations involving hazardous wastes, asbestos, major sources
909 of air pollution, or underground injection, the department shall
910 proceed administratively in all cases in which the department
911 seeks administrative penalties that do not exceed \$10,000 per
912 assessment as calculated in accordance with subsections (3),
913 (4), (5), (6), ~~and (7)~~, and (9). Pursuant to 42 U.S.C. s. 300g-
914 2, the administrative penalty assessed pursuant to subsection
915 (3), subsection (4), or subsection (5) against a public water
916 system serving a population of more than 10,000 may ~~shall be~~ not
917 be less than \$1,000 per day per violation. The department may
918 ~~shall~~ not impose administrative penalties greater than ~~in excess~~
919 ~~of~~ \$10,000 in a notice of violation. The department may ~~shall~~
920 not have more than one notice of violation seeking
921 administrative penalties pending against the same party at the
922 same time unless the violations occurred at a different site or
923 the violations were discovered by the department after
924 ~~subsequent to~~ the filing of a previous notice of violation.

925 (f) In any administrative proceeding brought by the
926 department, the prevailing party shall recover all costs as
927 provided in ss. 57.041 and 57.071. The costs must be included in
928 the final order. The respondent is the prevailing party when a

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929 final an order is entered which does not require the respondent
930 to perform any corrective actions or award any damages or
931 ~~awarding no~~ penalties to the department and such order has not
932 been reversed on appeal or the time for seeking judicial review
933 has expired. The respondent is ~~shall be~~ entitled to an award of
934 attorney's fees if the administrative law judge determines that
935 the notice of violation issued by the department seeking the
936 imposition of administrative penalties was not substantially
937 justified as defined in s. 57.111(3) ~~s. 57.111(3)(e)~~. An ~~No~~
938 award of attorney's fees as provided by this subsection may not
939 ~~shall~~ exceed \$15,000.

940 (3) Except for violations involving hazardous wastes,
941 asbestos, major sources of air pollution, or underground
942 injection, administrative penalties must be in accordance with
943 ~~calculated according to~~ the following schedule:

944 (a) For a drinking water violations ~~contamination~~
945 ~~violation~~, the department shall assess:

946 1. A penalty of \$2,000 for a maximum contaminant
947 ~~containment level (MCL)~~ violation; plus \$1,000 if the violation
948 is for a primary inorganic, organic, or radiological maximum
949 contaminant level or ~~it is~~ a fecal coliform bacteria violation;
950 plus \$1,000 if the violation occurs at a community water system;
951 and plus \$1,000 if any maximum contaminant level is exceeded by
952 more than 100 percent.

953 2. A penalty of \$3,000 for failure to obtain a clearance
954 letter before ~~prior to~~ placing a drinking water system into
955 service if ~~when~~ the system would not have been eligible for
956 clearance, ~~the department shall assess a penalty of \$3,000. All~~
957 other failures to obtain a clearance letter before placing a

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958 drinking water system into service shall result in a penalty of
959 \$1,500.

960 3. A penalty of \$2,000 for failure to properly complete a
961 required public notice of violations, exceedances, or failures
962 that may pose an acute risk to human health, plus \$2,000 if the
963 violation occurs at a community water system. All other failures
964 to properly complete a required public notice relating to
965 maximum contaminant level violations shall result in a penalty
966 of \$1,000, plus \$1,000 if the violation occurs at a community
967 water system.

968 4. A penalty of \$1,000 for failure to submit a consumer
969 confidence report.

970 5. A penalty of \$1,000 for failure to provide or meet
971 licensed operator or staffing requirements at a drinking water
972 facility, plus \$1,000 if the violation occurs at a community
973 water system.

974 (b) For wastewater violations, the department shall assess:

975 1. A penalty of \$5,000 for failure to obtain a required
976 wastewater permit before construction or modification, other
977 than a permit required for surface water discharge.

978 2. A penalty of \$4,000 for failure to obtain a permit to
979 construct a domestic wastewater collection or transmission
980 system.

981 3. A penalty of \$1,000 for failure to ~~renew~~ obtain a
982 required wastewater permit, other than a permit required for
983 surface water discharge, ~~the department shall assess a penalty~~
984 ~~of \$1,000.~~

985 4. For a domestic or industrial wastewater violation not
986 involving a surface water or groundwater quality violation, ~~the~~

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987 ~~department shall assess~~ a penalty of \$2,000 for an unpermitted
988 or unauthorized discharge or effluent-limitation exceedance.

989 5. A penalty of \$5,000 for an unpermitted or unauthorized
990 discharge or effluent-limitation exceedance that resulted in a
991 surface water or groundwater quality violation, ~~the department~~
992 ~~shall assess a penalty of \$5,000.~~

993 6. A penalty of \$2,000 for failure to properly notify the
994 department of an unauthorized spill, discharge, or abnormal
995 event that may impact public health or the environment.

996 7. A penalty of \$2,000 for failure to provide or meet
997 requirements for licensed operators or staffing at a wastewater
998 facility.

999 (c) For ~~a~~ dredge, and fill, or stormwater violations, the
1000 department shall assess:

1001 1. A penalty of \$1,000 for unpermitted or unauthorized
1002 dredging, ~~or~~ filling, or unauthorized construction of a
1003 stormwater management system against the person or persons
1004 responsible; ~~for the illegal dredging or filling, or~~
1005 unauthorized construction of a stormwater management system plus
1006 \$2,000 if the dredging or filling occurs in an aquatic preserve,
1007 Outstanding Florida Water, ~~conservation easement,~~ or Class I or
1008 Class II surface water; plus \$1,000 if the area dredged or
1009 filled is greater than one-quarter acre but less than or equal
1010 to one-half acre; and plus \$1,000 if the area dredged or filled
1011 is greater than one-half acre but less than or equal to one
1012 acre; and plus \$3,000 if the person or persons responsible
1013 previously applied for or obtained authorization from the
1014 department to dredge or fill within wetlands or surface waters.

1015 2. A penalty of \$10,000 for dredge, fill, or stormwater

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1016 management system violations occurring in a conservation
1017 easement.

1018 3. The administrative penalty schedule does ~~shall~~ not apply
1019 to a dredge or ~~and~~ fill violation if the area dredged or filled
1020 exceeds one acre. The department retains the authority to seek
1021 the judicial imposition of civil penalties for all dredge and
1022 fill violations involving more than one acre. ~~The department~~
1023 ~~shall assess~~

1024 4. A penalty of \$3,000 for the failure to complete required
1025 mitigation, failure to record a required conservation easement,
1026 or for a water quality violation resulting from dredging or
1027 filling activities, stormwater construction activities, or
1028 failure of a stormwater treatment facility.

1029 5. For stormwater management systems serving less than 5
1030 acres, ~~the department shall assess~~ a penalty of \$2,000 for the
1031 failure to properly or timely construct a stormwater management
1032 system.

1033 6. In addition to the penalties authorized in this
1034 subsection, ~~the department shall assess~~ a penalty of \$5,000 per
1035 violation against the contractor or agent of the owner or tenant
1036 that conducts unpermitted or unauthorized dredging or filling.
1037 For purposes of this paragraph, the preparation or signing of a
1038 permit application by a person currently licensed under chapter
1039 471 to practice as a professional engineer does ~~shall~~ not make
1040 that person an agent of the owner or tenant.

1041 (d) For mangrove trimming or alteration violations, the
1042 department shall assess:

1043 1. A penalty of up to \$5,000 per violation against any
1044 person who violates any provision of ss. 403.9321-403.9333 ~~the~~

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1045 ~~contractor or agent of the owner or tenant that conducts~~
1046 ~~mangrove trimming or alteration without a permit as required by~~
1047 ~~s. 403.9328. However, for minor unauthorized trimming that~~
1048 otherwise would have qualified for a general permit under s.
1049 403.9327 or that has only minimal or insignificant individual or
1050 cumulative adverse impacts on mangrove resources, the department
1051 shall assess a penalty of up to \$1,000 for the first offense.
1052 For purposes of this paragraph, the preparation or signing of a
1053 permit application by a person currently licensed under chapter
1054 471 to practice as a professional engineer does ~~shall~~ not
1055 constitute a violation ~~make that person an agent of the owner or~~
1056 ~~tenant.~~

1057 2. For major unauthorized trimming or a second or
1058 subsequent violation of subparagraph 1., an additional penalty
1059 of up to \$100 for each mangrove illegally trimmed and up to \$250
1060 for each mangrove illegally altered, not to exceed a total of
1061 \$10,000.

1062 3. For major unauthorized trimming or a second or
1063 subsequent violation of subparagraph 1. by a professional
1064 mangrove trimmer, an additional penalty of up to \$250 for each
1065 mangrove illegally trimmed or altered, not to exceed a total of
1066 \$10,000.

1067 (e) For solid waste violations, the department shall
1068 assess:

1069 1. A penalty of \$2,000 for the unpermitted or unauthorized
1070 disposal or storage of solid waste; plus \$1,000 if the solid
1071 waste is Class I or Class III ~~(excluding yard trash)~~ or ~~if the~~
1072 ~~solid waste~~ is construction and demolition debris in excess of
1073 20 cubic yards; ~~7~~ plus \$1,000 if the solid waste is disposed of

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1074 or stored in any natural or artificial body of water or within
1075 500 feet of a potable water well; and, plus \$1,000 if the solid
1076 waste contains PCB at a concentration of 50 parts per million or
1077 greater; untreated biomedical waste; more than 1 cubic meter of
1078 regulated friable asbestos material that ~~greater than 1 cubic~~
1079 ~~meter which~~ is not wetted, bagged, and covered; more than 25
1080 gallons of used oil ~~greater than 25 gallons~~; or 10 or more lead
1081 acid batteries.

1082 2. A penalty of \$5,000 for failure to timely implement
1083 evaluation monitoring or corrective actions in response to
1084 adverse impacts to water quality at permitted facilities. The
1085 ~~department shall assess~~

1086 3. A penalty of \$3,000 for failure to properly maintain
1087 leachate control; unauthorized burning; failure to have a
1088 trained spotter or trained operator on duty as required by
1089 department rule at the working face when accepting waste;
1090 failure to apply and maintain adequate initial, intermediate, or
1091 final cover; failure to control or correct erosion resulting in
1092 exposed waste; failure to implement a gas management system as
1093 required by department rule; processing or disposing of
1094 unauthorized waste ~~failure to provide access control for three~~
1095 ~~consecutive inspections. The department shall assess~~

1096 4. A penalty of \$2,000 for failure to construct or maintain
1097 a required stormwater management system; failure to compact and
1098 slope waste as required by department rule; or failure to
1099 maintain a small working face as required by department rule.

1100 5. A penalty of \$1,000 for failure to timely submit annual
1101 updates required for financial assurance.

1102 (f) For ~~an~~ air emission violations violation, the

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1103 department shall assess a penalty of \$1,000 for an unpermitted
1104 or unauthorized air emission or an air-emission-permit
1105 exceedance; ~~plus \$1,000 if the emission results in an air~~
1106 ~~quality violation,~~ plus \$3,000 if the emission was from a major
1107 source and the source was major for the pollutant in violation;
1108 and plus \$1,000 if the emission was more than 150 percent of the
1109 allowable level.

1110 (g) For storage tank system and petroleum contamination
1111 violations, the department shall assess:

1112 1. A penalty of \$5,000 for failure to empty a damaged storage
1113 system as necessary to ensure that a release does not occur
1114 until repairs to the storage system are completed; if ~~when~~ a
1115 release has occurred from that storage tank system; for failure
1116 to timely recover free product as required by department rule;
1117 for failure to submit a site assessment report; or for failure
1118 to conduct remediation or monitoring activities until a no-
1119 further-action or site-rehabilitation completion order has been
1120 issued. ~~The department shall assess~~

1121 2. A penalty of \$3,000 for failure to timely upgrade a
1122 storage tank system or to timely assess or remediate petroleum
1123 contamination as required by department rule. ~~The department~~
1124 ~~shall assess~~

1125 3. A penalty of \$2,000 for failure to conduct or maintain
1126 required release detection; failure to timely investigate a
1127 suspected release from a storage system as required by
1128 department rule; depositing motor fuel into an unregistered
1129 storage tank system; ~~failure to timely assess or remediate~~
1130 ~~petroleum contamination;~~ or failure to properly install a
1131 storage tank system. ~~The department shall assess~~

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1132 4. A penalty of \$1,000 for failure to properly operate,
1133 maintain, repair, or close a storage tank system.

1134 (h) For contaminated site rehabilitation violations, the
1135 department shall assess:

1136 1. A penalty of \$5,000 for failure to submit a complete
1137 site assessment report; for failure to provide notice of
1138 contamination beyond property boundaries or complete a well
1139 survey as required by department rules; for the use or injection
1140 of substances or materials to surface water or groundwater for
1141 remediation purposes without prior department approval; or for
1142 operation of a remedial treatment system without prior approval
1143 by the department.

1144 2. A penalty of \$3,000 for failure to timely assess or
1145 remediate contamination as required by department rule.

1146 (4) In an administrative proceeding, in addition to ~~the~~ any
1147 penalties that may be assessed under subsection (3), or for
1148 violations not otherwise listed in subsection (3), the
1149 department shall assess administrative penalties according to
1150 the following schedule:

1151 (a) For failure to satisfy financial responsibility
1152 requirements or for violation of s. 377.371(1), \$5,000.

1153 (b) For failure to properly install, operate, maintain, or
1154 use a required pollution control, collection, treatment, or
1155 disposal system or device, or failure to use appropriate best-
1156 management practices or erosion and sediment controls, \$4,000.

1157 (c) For failure to obtain a required permit or license
1158 ~~before construction or modification~~, \$3,000 if the facility is
1159 constructed, modified, or operated in compliance with applicable
1160 requirements; or \$5,000 if the facility is constructed,

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1161 modified, or operated out of compliance with applicable
1162 requirements.

1163 (d) For failure to conduct required monitoring or testing;
1164 failure to conduct required release detection; or failure to
1165 construct in compliance with a permit, \$2,000.

1166 (e) For failure to maintain required staff to respond to
1167 emergencies; failure to conduct required training; failure to
1168 prepare, maintain, or update required contingency plans; failure
1169 to adequately respond to emergencies to bring an emergency
1170 situation under control; or failure to submit required
1171 notification to the department, \$1,000.

1172 (f) Except as provided in subsection (2) with respect to
1173 public water systems serving a population of more than 10,000,
1174 for failure to prepare, submit, maintain, or use required
1175 reports or other required documentation, \$1,000 ~~\$500~~.

1176 (5) Except as provided in subsection (2) with respect to
1177 public water systems serving a population of more than 10,000,
1178 for failure to comply with any other departmental regulatory
1179 statute or rule requirement not otherwise identified in this
1180 section, the department may assess a penalty of \$1,000 ~~\$500~~.

1181 (9) The administrative penalties assessed for any
1182 particular violation may ~~shall~~ not exceed \$5,000 against any one
1183 violator, unless the violator has a history of noncompliance,
1184 the violator received economic benefit from ~~of~~ the violation ~~as~~
1185 ~~described in subsection (8) exceeds \$5,000~~, or there are
1186 multiday violations. The total administrative penalties may
1187 ~~shall~~ not exceed \$10,000 per assessment for all violations
1188 attributable to a specific person in the notice of violation.

1189 Section 15. Subsection (4) is added to section 403.7032,

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1190 Florida Statutes, to read:

1191 403.7032 Recycling.—

1192 (4) The Department of Environmental Protection, in
1193 cooperation with the Office of Tourism, Trade, and Economic
1194 Development, shall create the Recycling Business Assistance
1195 Center by July 1, 2010. The purpose of the center shall be to
1196 serve as the mechanism for coordination among state agencies and
1197 the private sector to coordinate policy and overall strategic
1198 planning for developing new markets and expanding and enhancing
1199 existing markets for recyclable materials in this state, other
1200 states, and foreign countries. The duties of the center must
1201 include, at a minimum:

1202 (a) Identifying and developing new markets and expanding
1203 and enhancing existing markets for recyclable materials;

1204 (b) Pursuing expanded end uses for recycled materials;

1205 (c) Targeting materials for concentrated market-development
1206 efforts;

1207 (d) Developing proposals for new incentives for market
1208 development, particularly focusing on targeted materials;

1209 (e) Providing guidance on issues such as permitting,
1210 finance options for recycling market development, site location,
1211 research and development, grant program criteria for recycled
1212 materials markets, recycling markets education and information,
1213 and minimum content;

1214 (f) Coordinating the efforts of various governmental
1215 entities having market-development responsibilities in order to
1216 optimize supply and demand for recyclable materials;

1217 (g) Evaluating source-reduced products as they relate to
1218 state procurement policy. The evaluation shall include, but is

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1219 not limited to, the environmental and economic impact of source-
1220 reduced product purchases to the state. For the purposes of this
1221 subsection, the term "source-reduced" means any method, process,
1222 product, or technology that significantly or substantially
1223 reduces the volume or weight of a product while providing, at a
1224 minimum, equivalent or generally similar performance and service
1225 to and for the users of such materials;

1226 (h) Providing innovative solid waste management grants,
1227 pursuant to s. 403.7095, to reduce the flow of solid waste to
1228 disposal facilities and encourage the sustainable recovery of
1229 materials from Florida's waste stream;

1230 (i) Providing below-market financing for companies that
1231 manufacture products from recycled materials or convert
1232 recyclable materials into raw materials for use in
1233 manufacturing, pursuant to the Florida Recycling Loan Program as
1234 administered by the Florida First Capital Finance Corporation;

1235 (j) Maintaining a continuously updated online directory,
1236 listing the public and private entities that collect, transport,
1237 broker, process, or remanufacture recyclable materials in
1238 Florida.

1239 (k) Providing information on the availability and benefits
1240 of using recycled materials to private entities and industries
1241 in the state; and

1242 (l) Distributing any materials prepared in implementing
1243 this subsection to the public, private entities, industries,
1244 governmental entities, or other organizations upon request.

1245 Section 16. Subsection (11) is added to section 14.2015,
1246 Florida Statutes, to read:

1247 14.2015 Office of Tourism, Trade, and Economic Development;

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1248 creation; powers and duties.-

1249 (11) The Office of Tourism, Trade, and Economic
1250 Development, in cooperation with the Department of Environmental
1251 Protection, shall create the Recycling Business Assistance
1252 Center by July 1, 2010, pursuant to the requirements of s.
1253 403.7032(4). In carrying out its duties under this subsection,
1254 the Office of Tourism, Trade, and Economic Development shall
1255 consult with Enterprise Florida, Inc., and with state agency
1256 personnel appointed to serve as economic development liaisons
1257 under s. 288.021.

1258 Section 17. Present subsections (8) through (14) of section
1259 403.707, Florida Statutes, are renumbered as subsections (9)
1260 through (15), respectively, and a new subsection (8) is added to
1261 that section, to read:

1262 403.707 Permits.-

1263 (8) The department must conduct at least one inspection per
1264 year of each waste-to-energy facility for the purposes of
1265 determining compliance with permit conditions. The facility
1266 shall be given only a 24-hour notice of the inspection required
1267 in this subsection.

1268 Section 18. Paragraph (c) of subsection (12) of section
1269 403.708, Florida Statutes, is amended to read:

1270 403.708 Prohibition; penalty.-

1271 (12) A person who knows or should know of the nature of the
1272 following types of solid waste may not dispose of such solid
1273 waste in landfills:

1274 (c) Yard trash in lined landfills classified by department
1275 rule as Class I landfills unless the landfill uses an active gas
1276 collection system to collect landfill gas generated at the

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1277 disposal facility and provides or arranges for a beneficial
1278 reuse of the gas. Yard trash that is source separated from solid
1279 waste may be accepted at a solid waste disposal area where
1280 separate yard trash composting facilities are provided and
1281 maintained. The department recognizes that incidental amounts of
1282 yard trash may be disposed of in Class I landfills. In any
1283 enforcement action taken pursuant to this paragraph, the
1284 department shall consider the difficulty of removing incidental
1285 amounts of yard trash from a mixed solid waste stream.

1286 Section 19. Subsection (3) of section 403.9323, Florida
1287 Statutes, is amended to read:

1288 403.9323 Legislative intent.—

1289 (3) It is the intent of the Legislature to provide
1290 waterfront property owners their riparian right of view, and
1291 other rights of riparian property ownership as recognized by s.
1292 253.141 and any other provision of law, by allowing mangrove
1293 trimming in riparian mangrove fringes without prior government
1294 approval when conducted in conformance with the provisions of
1295 ss. 403.9321-403.9333 and the trimming ~~activities~~ will not
1296 result in the removal, defoliation, or destruction of the
1297 mangroves.

1298 Section 20. Present subsections (1) through (6) of section
1299 403.9324, Florida Statutes, are redesignated as subsections (2)
1300 through (7), respectively, a new subsection (1) is added to that
1301 section, and present subsections (1) and (4) of that section are
1302 amended, to read:

1303 403.9324 Mangrove protection rule; delegation of mangrove
1304 protection to local governments.—

1305 (1) The department may adopt rules providing for exemptions

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1306 and general permits authorizing activities that have, singularly
1307 or cumulatively, a minimal adverse effect on the water resources
1308 of the state. This subsection does not grant the department the
1309 authority to adopt rules for the exemptions and general permits
1310 provided in ss. 403.9326 and 403.9327.

1311 (2)~~(1)~~ Sections 403.9321-403.9333 and any lawful
1312 regulations adopted in accordance with this section by a local
1313 government that receives a delegation of the department's
1314 authority to administer and enforce the regulation of mangroves
1315 as provided by this section shall be the sole regulations in
1316 this state for the trimming and alteration of mangroves on
1317 privately or publicly owned lands. All other state and local
1318 regulation of mangrove is as provided in subsection (4) ~~(3)~~.

1319 (5)~~(4)~~ Within 45 days after receipt of a written request
1320 for delegation from a local government, the department shall
1321 grant or deny the request in writing. The request is deemed
1322 approved if the department fails to respond within the 45-day
1323 ~~time~~ period. In reviewing requests for delegation, the
1324 department shall limit its review to whether the request
1325 complies with the requirements of subsection (3) ~~(2)~~. The
1326 department shall set forth in writing with specificity the
1327 reasons for denial of a request for delegation. The department's
1328 determination regarding delegation constitutes final agency
1329 action and is subject to review under chapter 120.

1330 Section 21. Subsection (5) of section 403.9329, Florida
1331 Statutes, is amended to read:

1332 403.9329 Professional mangrove trimmers.—

1333 (5) A professional mangrove trimmer status granted under
1334 ss. 403.9321-403.9333 or by the department may be revoked by the

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1335 department for any person who is responsible for any violations
1336 of ss. 403.9321-403.9333 or any adopted mangrove rules.

1337 Section 22. Subsection (3) is added to section 403.9331,
1338 Florida Statutes, to read:

1339 403.9331 Applicability; rules and policies.—

1340 (3) Pursuant to s. 403.9323(2), the provisions of ss.
1341 403.9321-403.9333 do not allow the trimming of mangroves on
1342 uninhabited islands that are publicly owned or on lands that are
1343 set aside for conservation and preservation or mitigation,
1344 except where necessary to protect the public health, safety, and
1345 welfare or to enhance public use of, or access to, conservation
1346 areas in accordance with approved management plans.

1347 Section 23. Subsection (9) is added to section 712.03,
1348 Florida Statutes, to read:

1349 712.03 Exceptions to marketability.—Such marketable record
1350 title shall not affect or extinguish the following rights:

1351 (9) Any right, title, or interest held by the Board of
1352 Trustees of the Internal Improvement Trust Fund, any water
1353 management district created under chapter 373, or the Federal
1354 Government.

1355 Section 24. Section 712.04, Florida Statutes, is amended to
1356 read:

1357 712.04 Interests extinguished by marketable record title.—
1358 Subject to the matters stated in s. 712.03, a ~~such~~ marketable
1359 record title is ~~shall be~~ free and clear of all estates,
1360 interests, claims, or charges whatsoever, the existence of which
1361 depends upon any act, title transaction, event or omission that
1362 occurred before ~~prior to~~ the effective date of the root of
1363 title. Except as provided in s. 712.03, all such estates,

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1364 interests, claims, or charges, however denominated, whether such
1365 estates, interests, claims, or charges are or appear to be held
1366 or asserted by a person sui juris or under a disability, whether
1367 such person is within or without the state, ~~whether such person~~
1368 ~~is~~ natural or corporate, or ~~is~~ private or governmental, are
1369 hereby declared to be null and void. However, ~~except that~~ this
1370 chapter does ~~shall~~ not ~~be deemed to~~ affect any right, title, or
1371 interest of the United States, Florida, or any of its officers,
1372 boards, commissions, or other agencies reserved in the patent or
1373 deed by which the United States, Florida, or any of its agencies
1374 parted with title.

1375 Section 25. Section 23 of chapter 2008-150, Laws of
1376 Florida, is repealed.

1377 Section 26. This act shall take effect July 1, 2009.