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LEGISLATIVE ACTION

Senate	.	House
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Floor: WD/3R	.	
04/30/2009 02:38 PM	.	
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Senator Constantine moved the following:

Senate Amendment (with title amendment)

Between lines 767 and 768
insert:

Section 11. Paragraphs (a) and (c) of subsection (5) of section 253.034, Florida Statutes, are amended to read:

253.034 State-owned lands; uses.—

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner prescribed by rule by the board and in accordance with the provisions of s. 259.032. Each manager of conservation lands shall also update a land management plan

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whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year of the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner prescribed by rule by the board. The division shall review each plan for compliance with the requirements of this subsection and the requirements of the rules established by the board pursuant to this section. All land use plans, whether for single-use or multiple-use properties, shall include an analysis of the property to determine if any significant natural or cultural resources are located on the property. Such resources include archaeological and historic sites, state and federally listed plant and animal species, and imperiled natural communities and unique natural features. If such resources occur on the property, the manager shall consult with the Division of State Lands and other appropriate agencies to develop management strategies to protect such resources. Land use plans shall also provide for the control of invasive nonnative plants and conservation of soil and water resources, including a description of how the manager plans to control and prevent soil erosion and soil or water contamination. Land use plans submitted by a manager shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan. Plans for managed areas larger than 1,000 acres shall contain an analysis of the multiple-use potential of the property, which analysis shall include the potential of the property to generate revenues to

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enhance the management of the property. Additionally, the plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands. In those cases where a newly acquired property has a valid conservation plan that was developed by a soil and conservation district, such plan shall be used to guide management of the property until a formal land use plan is completed.

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

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

1. A physical description of the land.

2. A quantitative data description of the land which includes an inventory of forest and other natural resources; exotic and invasive plants; hydrological features; infrastructure, including recreational facilities; and other

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significant land, cultural, or historical features. The inventory must ~~shall~~ reflect the number of acres for each resource and feature, as ~~when~~ appropriate. The inventory shall be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan. All quantitative data collected must ~~shall~~ be aggregated, standardized, collected, and presented in an electronic format to allow for uniform management reporting and analysis. The information collected by the Department of Environmental Protection pursuant to s. 253.0325(2) shall be available to the land manager and his or her assignee.

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

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

5. A summary budget for the scheduled land management activities of the land management plan. For state lands containing or anticipated to contain imperiled species habitat,

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the summary budget must ~~shall~~ include any fees anticipated from public or private entities for projects to offset adverse impacts to imperiled species or such habitat, which ~~fees~~ shall be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat. The summary budget must ~~shall~~ be prepared in a ~~such~~ manner that ~~it~~ facilitates computing an aggregate of land management costs for all state-managed lands using the categories described in s. 259.037(3).

Section 12. Subsection (2) of section 253.111, Florida Statutes, is amended to read:

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

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

Section 13. Subsection (4) of section 253.7829, Florida Statutes, is amended to read:

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

(4) The Board of Trustees of the Internal Improvement Trust Fund may authorize the sale or exchange of surplus lands within the former Cross Florida Barge Canal project corridor and the acquisition of privately owned lands or easements over such

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privately owned lands within the project corridor necessary for purposes of completing a continuous corridor or for other management purposes provided by law. However, such acquisition shall be funded from the proceeds of any sale or exchange of surplus canal lands after repayment to the counties, as provided in s. 253.783(2)(f) ~~s. 253.783(2)(e)~~, or from other funds appropriated by the Legislature.

Section 14. Subsection (2) of section 253.783, Florida Statutes, is amended to read:

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

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

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

(b) Extend the second right of refusal, at current appraised value, to the current owner of adjacent lands affected when ~~original owner from whom~~ the Canal Authority of the State of Florida or the United States Army Corps of Engineers acquired

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the surplus land and when the department wants to pursue an exchange of surplus lands for privately owned lands for the purposes set forth in s. 253.7829(4).

(c) Extend the third right of refusal, at current appraised value, to the original owner from whom the Canal Authority of the State of Florida or the United States Army Corps of Engineers acquired the land or the original owner's heirs. These offers shall be made by public advertisement in not fewer than three newspapers of general circulation within the area of the canal route, one of which shall be a newspaper in the county in which the lands declared to be surplus are located. The public advertisements shall be run for a period of 14 days. These offers will be valid for 30 days after the ~~expiration date of any offers made under paragraph (a), or 30 days after the~~ date publication begins~~, whichever is later~~.

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

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

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minimum acceptable bid.

(f) ~~(e)~~ Refund to the counties of the Cross Florida Canal Navigation District moneys pursuant to this paragraph from the funds derived from the conveyance of lands of the project to the Federal Government or any agency thereof, pursuant to s. 253.781, and from the sales of surplus lands pursuant to this section. Following federal deauthorization of the project, such refunds shall consist of the $9,340,720 principal in ad valorem taxes contributed by the counties and the interest which had accrued on that amount from the time of payment to June 30, 1985. In no event shall the counties be paid less than the aggregate sum of $32 million in cash or the appraised values of the surplus lands. Such refunds shall be in proportion to the ad valorem tax share paid to the Cross Florida Canal Navigation District by the respective counties. Should the funds derived from the conveyance of lands of the project to the Federal Government for payment or from the sale of surplus land be inadequate to pay the total of the principal plus interest, first priority shall be given to repaying the principal and second priority shall be given to repaying the interest. Interest to be refunded to the counties shall be compounded annually at the following rates: 1937-1950, 4 percent; 1951-1960, 5 percent; 1961-1970, 6 percent; 1971-1975, 7 percent; 1976-June 30, 1985, 8 percent. In computing interest, amounts already repaid to the counties shall not be subject to further assessments of interest. Any partial repayments provided to the counties under this act shall be considered as contributing to the total repayment owed to the counties. Should the funds generated by conveyance to the Federal Government and sales of

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surplus lands be more than sufficient to repay said counties in accordance with this section, such excess funds may be used for the maintenance of the greenways corridor.

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

Section 15. Subsections (1), (2), and (5) of section 259.035, Florida Statutes, are amended to read:

259.035 Acquisition and Restoration Council.—

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

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

(a) Four members shall be appointed by the Governor. Of these, three members shall be from scientific disciplines related to land, water, or environmental sciences and the fourth member must have at least 5 years of experience in managing

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lands for both active and passive types of recreation.

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

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

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

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

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

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

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

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

(2) The six appointed ~~four~~ members of the council ~~appointed pursuant to paragraph (a) and the two members of the council appointed pursuant to paragraph (c)~~ shall receive reimbursement for expenses and per diem for travel~~,~~ to attend council meetings~~, as allowed state officers and employees while in the performance of their duties,~~ pursuant to s. 112.061.

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

Section 16. Paragraph (b) of subsection (3) and subsection (6) of section 259.037, Florida Statutes, are amended to read:

259.037 Land Management Uniform Accounting Council.—

(3)

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

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

2. List the acres of land requiring minimal management effort, moderate management effort, and significant management effort pursuant to s. 259.032(11)(c). For each category created

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in paragraph (a), the reporting agency shall include the amount of funds requested, the amount of funds received, and the amount of funds expended for land management.

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

4. List acres managed, cost of management, and lead manager for each state lands management unit for which secondary management activities were provided.

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

(6) Beginning July 1, 2010 ~~Biennially~~, each reporting agency shall ~~also~~ submit an operational report every 5 years for each management area to which a new or updated ~~along with an approved~~ management plan was approved by the board of trustees pursuant to ss. 253.034(5) and 259.032(10). The report should assess ~~the~~ progress toward achieving short-term and long-term management goals of the approved management plan, including all land management activities, and identify any deficiencies in management and corrective actions to address identified

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deficiencies as appropriate. This report shall be submitted to the Acquisition and Restoration Council and the division for inclusion in its annual report required pursuant to s. 259.036.

Section 17. Paragraphs (b), (e), (f), (g), and (h) of subsection (3) and subsection (13) of section 259.105, Florida Statutes, are amended to read:

259.105 The Florida Forever Act.—

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

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

(e) One and five-tenths percent to the Department of

Environmental Protection for the purchase of inholdings and additions to state parks and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified in the management prospectus prepared pursuant to s. 259.032(9)(d) during the time of acquisition, or in the management plan prepared pursuant to s. 259.032(10). Such capital projects must ~~which~~ meet land management planning activities necessary for public access. For the purposes of this paragraph, the term "state park" means any real property in the state which is under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

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

(g) One and five-tenths percent to the Fish and Wildlife

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Conservation Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified in the management prospectus prepared pursuant to s. 259.032(9)(d) during the time of acquisition, or in the management plan prepared pursuant to s. 259.032(10). Such capital projects must ~~which~~ meet land management planning activities necessary for public access.

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

(13) An affirmative vote of six ~~five~~ members of the Acquisition and Restoration Council is ~~shall be~~ required ~~in order~~ to place a proposed project on the list developed pursuant to subsection (8). Any member of the council who by family or a business relationship has a connection with any project proposed

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to be ranked shall declare such interest before ~~prior to~~ voting for a project's inclusion on the list.

Section 18. Subsection (10) of section 253.12, Florida Statutes, is amended to read:

253.12 Title to tidal lands vested in state.—

(10) Subsection (9) does ~~shall~~ not ~~operate to~~ affect the title to lands which have been judicially adjudicated or which were the subject of litigation pending on January 1, 1993, involving title to such lands. Further, the provisions of subsection (9) do ~~shall~~ not apply to spoil islands or ~~nor~~ to any lands that ~~which~~ are included on an official acquisition list, on July 1, 1993, of a state agency or water management district for conservation, preservation, or recreation, ~~nor~~ to lands maintained as state or local recreation areas or shore protection structures, or to sovereignty lands that were filled before July 1, 1975, by any governmental entity for a public purpose or pursuant to proprietary authorization from the Board of Trustees of the Internal Improvement Trust Fund.

Section 19. Section 288.1185, Florida Statutes, is repealed.

Section 20. Subsections (3), (6), and (7) and paragraph (a) of subsection (8) of section 373.0693, Florida Statutes, are amended to read:

373.0693 Basins; basin boards.—

(3) Each member of the various basin boards shall serve for a period of 3 years or until a successor is appointed, but not more than 180 days beyond the end of the expired term, except that the board membership of each new basin shall be divided into three groups as equally as possible, with members in such

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groups to be appointed for 1, 2, and 3 years, respectively. Each basin board shall choose a vice chair and a secretary to serve for a period of 1 year. The term of office of a basin board member shall be construed to commence on March 2 preceding the date of appointment and to terminate March 1 of the year of the end of a term or may continue until a successor is appointed, but not more than 180 days beyond the end of the expired term.

(6)(a) Notwithstanding the provisions of any other general or special law to the contrary, a member of the governing board of the district residing in the basin or, if no member resides in the basin, a member of the governing board designated by the chair of the governing board shall be the ~~ex officio~~ chair of the basin board. The ~~ex officio~~ chair shall preside at all meetings of the basin board, except that the vice chair may preside in his or her absence. The ~~ex officio~~ chair ~~shall have no official vote, except in case of a tie vote being cast by the members, but~~ shall be the liaison officer of the district in all affairs in the basin and shall be kept informed of all such affairs.

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

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counties, of any vacancies occurring in the district governing board or their respective basin boards.

(7) At 11:59 p.m. on December 31, 1976, the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District, which is annexed to the Southwest Florida Water Management District by change of its boundaries pursuant to chapter 76-243, Laws of Florida, shall be formed into a subdistrict or basin of the Southwest Florida Water Management District, subject to the same provisions as the other basins in such district. Such subdistrict shall be designated initially as the Manasota Basin. The members of the governing board of the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District shall become members of the governing board of the Manasota Basin of the Southwest Florida Water Management District. Notwithstanding other provisions in this section, beginning on July 1, 2001, the membership of the Manasota Basin Board shall be comprised of two ~~three~~ members from Manatee County and two ~~three~~ members from Sarasota County. Matters relating to tie votes shall be resolved pursuant to subsection (6) by the ~~ex officio~~ chair designated by the governing board to vote in case of a tie vote.

(8)(a) At 11:59 p.m. on June 30, 1988, the area transferred from the Southwest Florida Water Management District to the St. Johns River Water Management District by change of boundaries pursuant to chapter 76-243, Laws of Florida, shall cease to be a subdistrict or basin of the St. Johns River Water Management District known as the Oklawaha River Basin and said Oklawaha River Basin shall cease to exist. However, any recognition of an Oklawaha River Basin or an Oklawaha River Hydrologic Basin for

regulatory purposes shall be unaffected. The area formerly known as the Oklawaha River Basin shall continue to be part of the St. Johns River Water Management District. ~~There shall be established by the governing board of the St. Johns River Water Management District the Oklawaha River Basin Advisory Council to receive public input and advise the St. Johns River Water Management District's governing board on water management issues affecting the Oklawaha River Basin. The Oklawaha River Basin Advisory Council shall be appointed by action of the St. Johns River Water Management District's governing board and shall include one representative from each county which is wholly or partly included in the Oklawaha River Basin. The St. Johns River Water Management District's governing board member currently serving pursuant to s. 373.073(2)(c)3. shall serve as chair of the Oklawaha River Basin Advisory Council. Members of the Oklawaha River Basin Advisory Council shall receive no compensation for their services but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

Section 21. Paragraph (c) of subsection (2) of section 373.427, Florida Statutes, is amended to read:

373.427 Concurrent permit review.—

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

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(c) Any petition for an administrative hearing pursuant to ss. 120.569 and 120.57 must be filed within 21 ~~14~~ days after ~~of~~ the notice of consolidated intent to grant or deny. Unless waived by the applicant, within 60 days after the recommended order is submitted, or at the next regularly scheduled meeting for which notice may be properly given, whichever is latest, the board of trustees shall determine what action to take on a ~~any~~ recommended order issued under ss. 120.569 and 120.57 on the application to use board of trustees-owned submerged lands, and shall direct the department or water management district on what action to take in the final order concerning the application ~~to use board of trustees-owned submerged lands~~. The department or water management district shall determine what action to take on any recommended order issued under ss. 120.569 and 120.57 regarding any concurrently processed permits, waivers, variances, or approvals required by this chapter or chapter 161. The department or water management district shall ~~then~~ take final agency action by entering a consolidated final order addressing each of the concurrently reviewed authorizations, permits, waivers, or approvals. Failure to satisfy these timeframes may ~~shall~~ not result in approval by default of the application to use board of trustees-owned submerged lands. Any provisions relating to authorization to use such ~~board of trustees-owned submerged~~ lands shall be as directed by the board of trustees. Issuance of the consolidated final order within 45 days after receipt of the direction of the board of trustees regarding the application to use board of trustees-owned submerged lands is deemed in compliance with the timeframes for issuance of final orders under s. 120.60. The final order is

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~~shall be~~ subject to ~~the provisions of~~ s. 373.4275.

Section 22. Section 376.30702, Florida Statutes, is amended to read:

376.30702 Contamination notification.—

(1) FINDINGS; INTENT; APPLICABILITY.—The Legislature finds and declares that when contamination is discovered by any person as a result of site rehabilitation activities conducted pursuant to the risk-based corrective action provisions found in s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or pursuant to an administrative or court order, it is in the public's best interest that potentially affected persons be notified of the existence of such contamination. Therefore, persons discovering such contamination shall notify the department and those identified under this section of the ~~such~~ discovery in accordance with the requirements of this section~~, and the department shall be responsible for notifying the affected public~~. The Legislature intends for the provisions of this section to govern the notice requirements for early notification of the discovery of contamination.

(2)(a) INITIAL NOTICE OF CONTAMINATION BEYOND PROPERTY BOUNDARIES.—If at any time during site rehabilitation conducted pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an administrative or court order the person responsible for site rehabilitation, the person's authorized agent, or another representative of the person discovers from laboratory analytical results that comply with appropriate quality assurance protocols specified in department rules that contamination as defined in applicable department rules exists in any groundwater, surface water, or soil ~~medium~~ beyond the

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boundaries of the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an administrative or court order the person responsible for site rehabilitation shall give actual notice as soon as possible, but no later than 10 days from such discovery, to the Division of Waste Management at the department's Tallahassee office. The actual notice shall be provided on a form adopted by department rule and mailed by certified mail, return receipt requested. The person responsible for site rehabilitation shall simultaneously provide ~~mail~~ a copy of the ~~such~~ notice to the appropriate department district office~~,~~ and the appropriate county health department~~, and all known lessees and tenants of the source property~~.

(b) The notice shall include the following information:

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

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

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

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

(3) DEPARTMENT'S NOTICE RESPONSIBILITIES.—

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

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

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

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3. The school district superintendent representing the affected area.

4. The state senator, state representative, and United States Representative representing the affected area and both United States Senators.

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

b. All real property owners, presidents of any condominium associations or sole owners of condominiums, lessees, and tenants of record of any properties within a 500-foot radius of each sampling point at which contamination is discovered, if site rehabilitation was initiated pursuant to s. 376.30701 or an administrative or court order; and

c. All real property owners, presidents of any condominium associations or sole owners of condominiums, lessees, and tenants of record of any properties within a 250-foot radius of each sampling point at which contamination is discovered or any properties identified on a contaminant plume map provided pursuant to subparagraph (2)(b)4., if site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), or s. 376.81 or at or in connection with a permitted solid waste management facility subject to a ground water monitoring plan.

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

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

(c) Within 30 days after receiving the actual notice required under ~~pursuant to~~ subsection (2), ~~or within 30 days of the effective date of this act if the department already possesses information equivalent to that required by the notice,~~ the department shall verify that the person responsible for site rehabilitation has complied with the notice requirements of this section ~~send a copy of such notice, or an equivalent notification, to all record owners of any real property, other than the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, at which contamination has been discovered~~. If the person responsible for site rehabilitation has not complied with the notice requirements of this section, the department may pursue enforcement as provided under this chapter and chapter 403.

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

2. If the property at which contamination has been

discovered is the site of a private K-12 school or a child care facility as defined in s. 402.302, the department shall mail a copy of the notice to the governing board, principal, or owner of the school or child care facility and direct the governing board, principal, or owner to provide actual notice annually to teachers and parents or guardians of students or children attending the school or child care facility during the period of site rehabilitation.

3. After receiving the notice required under subsection (2), if any property within a 500-foot radius of the property at which contamination has been discovered during site rehabilitation pursuant to s. 376.30701 or an administrative or court order is the site of a school as defined in s. 1003.01, the department shall mail a copy of the notice to the superintendent of the school district in which the property is located and direct the superintendent to provide actual notice annually to the principal of the school.

4. After receiving the notice required under subsection (2), if any property within a 250-foot radius of the property at which contamination has been discovered during site rehabilitation pursuant to s. 376.3071(5), s. 376.3078(4), or s. 376.81 or at or in connection with a permitted solid waste management facility subject to a ground water monitoring plan is the site of a school as defined in s. 1003.01, the department shall mail a copy of the notice to the superintendent of the school district in which the property is located and direct the superintendent to provide actual notice annually to the principal of the school.

(e) Along with the copy of the notice ~~or its equivalent~~,

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the department shall include a letter identifying sources of additional information about the contamination and a telephone number to which further inquiries should be directed. The department may collaborate with the Department of Health to develop such sources of information and to establish procedures for responding to public inquiries about health risks associated with contaminated sites.

(4) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.—Within 30 days after receiving the actual notice required under subsection (3), the local government shall mail a copy of the notice to the president or comparable executive officer of each homeowners' association or neighborhood association within the potentially affected area as described in subsection (3).

(5) ~~(4)~~ RULEMAKING AUTHORITY; RECOVERY OF COSTS OF NOTIFICATION.—The department shall adopt rules and forms pursuant to ss. 120.536(1) and 120.54 to implement the requirements of this section and shall recover the costs of postage, materials, and labor associated with notification from the responsible party, except when site rehabilitation is eligible for state-funded cleanup pursuant to the risk-based corrective action provisions found in s. 376.3071(5) or s. 376.3078(4).

Section 23. Paragraph (c) of subsection (2) of section 403.0876, Florida Statutes, is amended to read:

403.0876 Permits; processing.—

(2)

(c) The failure of the department to approve or deny an application for an air construction permit for which a federally delegated or approved program requires a public participation

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period of 30 days or longer, or for an operation permit for a major source of air pollution, as defined in s. 403.0872, within the 90-day ~~time~~ period shall not result in the automatic approval or denial of the permit and shall not prevent the inclusion of specific permit conditions that ~~which~~ are necessary to ensure compliance with applicable statutes and rules. If the department fails to approve or deny such ~~an operation~~ permit ~~for a major source of air pollution~~ within the 90-day period specified in this section or in s. 403.0872, as applicable, the applicant or a party who participated in the public comment process may petition for a writ of mandamus to compel the department to act.

Section 24. Paragraphs (b) and (f) of subsection (2), and subsections (3), (4), (5), and (9) of section 403.121, Florida Statutes, are amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(2) Administrative remedies:

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, major sources of air pollution, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $10,000 per assessment as calculated in accordance with subsections (3),

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(4), (5), (6), ~~and~~ (7), and (9). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 may ~~shall be~~ not be less than $1,000 per day per violation. The department may ~~shall~~ not impose administrative penalties greater than ~~in excess of~~ $10,000 in a notice of violation. The department may ~~shall~~ not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department after ~~subsequent to~~ the filing of a previous notice of violation.

(f) In any administrative proceeding brought by the department, the prevailing party shall recover all costs as provided in ss. 57.041 and 57.071. The costs must be included in the final order. The respondent is the prevailing party when a final ~~an~~ order is entered which does not require the respondent to perform any corrective actions or award any damages or ~~awarding no~~ penalties to the department and such order has not been reversed on appeal or the time for seeking judicial review has expired. The respondent is ~~shall be~~ entitled to an award of attorney's fees if the administrative law judge determines that the notice of violation issued by the department seeking the imposition of administrative penalties was not substantially justified as defined in s. 57.111(3) ~~s. 57.111(3)(c)~~. An ~~No~~ award of attorney's fees as provided by this subsection may not ~~shall~~ exceed $15,000.

(3) Except for violations involving hazardous wastes, asbestos, major sources of air pollution, or underground

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injection, administrative penalties must be in accordance with ~~calculated according to~~ the following schedule:

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

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

2. A penalty of $3,000 for failure to obtain a clearance letter before ~~prior to~~ placing a drinking water system into service if ~~when~~ the system would not have been eligible for clearance~~, the department shall assess a penalty of $3,000~~. All other failures to obtain a clearance letter before placing a drinking water system into service shall result in a penalty of $1,500.

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

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

5. A penalty of $1,000 for failure to provide or meet

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licensed operator or staffing requirements at a drinking water facility, plus $1,000 if the violation occurs at a community water system.

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

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

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

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

4. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, ~~the department shall assess~~ a penalty of $2,000 for an unpermitted or unauthorized discharge or effluent-limitation exceedance.

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

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

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

(c) For ~~a~~ dredge, ~~and~~ fill, or stormwater violations, the

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department shall assess:

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

2. A penalty of $10,000 for dredge, fill, or stormwater management system violations occurring in a conservation easement.

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

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

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

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

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

1. A penalty of up to $5,000 per violation against any person who violates any provision of ss. 403.9321-403.9333 ~~the contractor or agent of the owner or tenant that conducts mangrove trimming or alteration without a permit as required by s. 403.9328~~. However, for minor unauthorized trimming that otherwise would have qualified for a general permit under s. 403.9327 or that has only minimal or insignificant individual or cumulative adverse impacts on mangrove resources, the department shall assess a penalty of up to $1,000 for the first offense. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does ~~shall~~ not constitute a violation ~~make that person an agent of the owner or tenant~~.

2. For major unauthorized trimming or a second or


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subsequent violation of subparagraph 1., an additional penalty of up to $100 for each mangrove illegally trimmed and up to $250 for each mangrove illegally altered, not to exceed a total of $10,000.

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

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

1. A penalty of $2,000 for the unpermitted or unauthorized disposal or storage of solid waste; plus $1,000 if the solid waste is Class I or Class III ~~(excluding yard trash)~~ or ~~if the solid waste~~ is construction and demolition debris in excess of 20 cubic yards;~~,~~ plus $1,000 if the solid waste is disposed of or stored in any natural or artificial body of water or within 500 feet of a potable water well; and~~,~~ plus $1,000 if the solid waste contains PCB at a concentration of 50 parts per million or greater; untreated biomedical waste; more than 1 cubic meter of regulated ~~friable~~ asbestos material that ~~greater than 1 cubic meter which~~ is not wetted, bagged, and covered; more than 25 gallons of used oil ~~greater than 25 gallons~~; or 10 or more lead acid batteries.

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

3. A penalty of $3,000 for failure to properly maintain

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leachate control; unauthorized burning; failure to have a trained spotter or trained operator on duty as required by department rule ~~at the working face when accepting waste~~; failure to apply and maintain adequate initial, intermediate, or final cover; failure to control or correct erosion resulting in exposed waste; failure to implement a gas management system as required by department rule; processing or disposing of unauthorized waste ~~failure to provide access control for three consecutive inspections~~. ~~The department shall assess~~

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

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

(f) For ~~an~~ air emission violations ~~violation~~, the department shall assess a penalty of $1,000 for an unpermitted or unauthorized air emission or an air-emission-permit exceedance;~~, plus $1,000 if the emission results in an air quality violation,~~ plus $3,000 if the emission was from a major source and the source was major for the pollutant in violation; and plus $1,000 if the emission was more than 150 percent of the allowable level.

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

1. A penalty of $5,000 for failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed; if ~~when~~ a release has occurred from that storage tank system; for

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failure to timely recover free product as required by department rule; for failure to submit a site assessment report; or for failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued. ~~The department shall assess~~

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

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

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

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

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

2. A penalty of $3,000 for failure to timely assess or

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remediate contamination as required by department rule.

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

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

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

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

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

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

(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000,

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for failure to prepare, submit, maintain, or use required reports or other required documentation, $1,000 ~~$500~~.

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

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

Section 25. Subsection (4) is added to section 403.7032, Florida Statutes, to read:

403.7032 Recycling.—

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

(a) Identifying and developing new markets and expanding

and enhancing existing markets for recyclable materials;

(b) Pursuing expanded end uses for recycled materials;

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

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

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

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

(g) Evaluating source-reduced products as they relate to state procurement policy. The evaluation shall include, but is not limited to, the environmental and economic impact of source-reduced product purchases to the state. For the purposes of this subsection, the term “source-reduced” means any method, process, product, or technology that significantly or substantially reduces the volume or weight of a product while providing, at a minimum, equivalent or generally similar performance and service to and for the users of such materials;

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

(i) Providing below-market financing for companies that manufacture products from recycled materials or convert

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recyclable materials into raw materials for use in manufacturing, pursuant to the Florida Recycling Loan Program as administered by the Florida First Capital Finance Corporation;

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

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

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

Section 26. Subsection (11) is added to section 14.2015, Florida Statutes, to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

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

Section 27. Present subsections (8) through (14) of section 403.707, Florida Statutes, are renumbered as subsections (9) through (15), respectively, and a new subsection (8) is added to

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that section, to read:

403.707 Permits.—

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

Section 28. Paragraph (c) of subsection (12) of section 403.708, Florida Statutes, is amended to read:

403.708 Prohibition; penalty.—

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

(c) Yard trash in lined landfills classified by department rule as Class I landfills unless the landfill uses an active gas collection system to collect landfill gas generated at the disposal facility and provides or arranges for a beneficial reuse of the gas. Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area where separate yard trash composting facilities are provided and maintained. The department recognizes that incidental amounts of yard trash may be disposed of in Class I landfills. In any enforcement action taken pursuant to this paragraph, the department shall consider the difficulty of removing incidental amounts of yard trash from a mixed solid waste stream.

Section 29. Subsection (3) of section 403.9323, Florida Statutes, is amended to read:

403.9323 Legislative intent.—

(3) It is the intent of the Legislature to provide

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waterfront property owners their riparian right of view, and other rights of riparian property ownership as recognized by s. 253.141 and any other provision of law, by allowing mangrove trimming in riparian mangrove fringes without prior government approval when conducted in conformance with the provisions of ss. 403.9321-403.9333 and the trimming ~~activities~~ will not result in the removal, defoliation, or destruction of the mangroves.

Section 30. Present subsections (1) through (6) of section 403.9324, Florida Statutes, are redesignated as subsections (2) through (7), respectively, a new subsection (1) is added to that section, and present subsections (1) and (4) of that section are amended, to read:

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

(1) The department may adopt rules providing for exemptions and general permits authorizing activities that have, singularly or cumulatively, a minimal adverse effect on the water resources of the state. This subsection does not grant the department the authority to adopt rules for the exemptions and general permits provided in ss. 403.9326 and 403.9327.

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

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

Section 31. Subsection (7) of section 403.9325, Florida Statutes, is amended to read:

403.9325 Definitions.—For the purposes of ss. 403.9321-403.9333, the term:

(7) "Riparian mangrove fringe" means mangroves growing along the shoreline on private property, property owned by a governmental entity, or sovereign submerged land, the depth of which does not exceed 50 feet as measured waterward from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline to the trunk of the most waterward mangrove tree. Riparian mangrove fringe does not include mangroves on uninhabited islands, or public lands that have been set aside for conservation or preservation, or mangroves on lands that have been set aside as mitigation, if the permit, enforcement instrument, or conservation easement establishing the mitigation area did not include provisions for the trimming of mangroves.

Section 32. Subsection (5) of section 403.9329, Florida

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Statutes, is amended to read:

403.9329 Professional mangrove trimmers.—

(5) A professional mangrove trimmer status granted under ss. 403.9321-403.9333 or by the department may be revoked by the department for any person who is responsible for any violations of ss. 403.9321-403.9333 or any adopted mangrove rules.

Section 33. Subsection (3) is added to section 403.9331, Florida Statutes, to read:

403.9331 Applicability; rules and policies.—

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

Section 34. Subsection (9) is added to section 712.03, Florida Statutes, to read:

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

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

Section 35. Section 712.04, Florida Statutes, is amended to read:

712.04 Interests extinguished by marketable record title.—Subject to the matters stated in s. 712.03, a ~~such~~ marketable record title is ~~shall be~~ free and clear of all estates,

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interests, claims, or charges whatsoever, the existence of which depends upon any act, title transaction, event or omission that occurred before ~~prior to~~ the effective date of the root of title. Except as provided in s. 712.03, all such estates, interests, claims, or charges, however denominated, whether such estates, interests, claims, or charges are or appear to be held or asserted by a person sui juris or under a disability, whether such person is within or without the state, ~~whether such person is~~ natural or corporate, or ~~is~~ private or governmental, are hereby declared to be null and void. However, ~~except that~~ this chapter does ~~shall~~ not ~~be deemed to~~ affect any right, title, or interest of the United States, Florida, or any of its officers, boards, commissions, or other agencies reserved in the patent or deed by which the United States, Florida, or any of its agencies parted with title.

Section 36. Subsection (14) of section 403.503, Florida Statutes, is amended to read:

403.503 Definitions relating to Florida Electrical Power Plant Siting Act.—As used in this act:

(14) "Electrical power plant" means, for the purpose of certification, any steam, wind or solar electrical generating facility using any process or fuel, including nuclear materials, except that this term does not include any steam, wind or solar electrical generating facility of less than 75 megawatts in capacity unless the applicant for such a facility elects to apply for certification under this act. This term also includes the site; all associated facilities that will be owned by the applicant that are physically connected to the site; all associated facilities that are indirectly connected to the site

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by other proposed associated facilities that will be owned by the applicant; and associated transmission lines that will be owned by the applicant which connect the electrical power plant to an existing transmission network or rights-of-way to which the applicant intends to connect. At the applicant's option, this term may include any offsite associated facilities that will not be owned by the applicant; offsite associated facilities that are owned by the applicant but that are not directly connected to the site; any proposed terminal or intermediate substations or substation expansions connected to the associated transmission line; or new transmission lines, upgrades, or improvements of an existing transmission line on any portion of the applicant's electrical transmission system necessary to support the generation injected into the system from the proposed electrical power plant.

Section 37. Subsection (1) of section 403.506, Florida Statutes, is amended to read:

403.506 Applicability, thresholds, and certification.—

(1) The provisions of this act shall apply to any electrical power plant as defined herein, except that the provisions of this act shall not apply to any electrical power plant, including its associated facilities, of less than 75 megawatts in gross capacity, or to any electrical power plant of any gross capacity which exclusively uses wind or solar energy as its sole fuel source ~~including its associated facilities~~, unless the applicant has elected to apply for certification of such electrical power plant under this act. The provisions of this act shall not apply to capacity expansions of 75 megawatts or less, in the aggregate, of an existing exothermic reaction

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cogeneration electrical generating facility that was exempt from this act when it was originally built; however, this exemption shall not apply if the unit uses oil or natural gas for purposes other than unit startup. No construction of any new electrical power plant or expansion in steam generating capacity as measured by an increase in the maximum electrical generator rating of any existing electrical power plant may be undertaken after October 1, 1973, without first obtaining certification in the manner as herein provided, except that this act shall not apply to any such electrical power plant which is presently operating or under construction or which has, upon the effective date of chapter 73-33, Laws of Florida, applied for a permit or certification under requirements in force prior to the effective date of such act.

Section 38. Subsection (7) of section 6 of chapter 99-395, Laws of Florida, is amended to read:

Section 6. Sewage requirements in Monroe County.—

(7) Class V injection wells, as defined by Department of Environmental Protection or Department of Health rule, shall meet the following requirements and shall otherwise comply with Department of Environmental Protection or Department of Health rules, as applicable:

(a) If the design capacity of the facility is less than 1,000,000 gallons per day, the injection well shall be at least 90 feet deep and cased to a minimum depth of 60 feet or to such greater cased depth and total well depth as may be required by Department of Environmental Protection rule.

(b) Except as provided in paragraph (c) for backup wells, if the design capacity of the facility is equal to or greater

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than 1,000,000 gallons per day, the injection well shall be cased to a minimum depth of 2,000 feet or to such greater depth as may be required by Department of Environmental Protection rule.

(c) If the injection well is used as a backup to a primary injection well, the following conditions apply:

1. The backup well may be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair;

2. The backup well may not be used for a total of more than 500 hours during any 5-year period, unless specifically authorized in writing by the Department of Environmental Protection;

3. The backup well shall be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by rule of the Department of Environmental Protection; and

4. Fluid injected into the backup well shall meet the requirements of subsections (5) and (6).

Section 39. Section 403.9335, Florida Statutes, is created to read:

403.9335 Coral reef protection.—

(1) This section may be cited as the "Florida Coral Reef Protection Act."

(2) This act applies to the sovereign submerged lands that contain coral reefs as defined in this act off the coasts of Broward, Martin, Miami-Dade, Monroe, and Palm Beach counties.

(3) As used in this section, the term:

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(a) "Aggravating circumstances" means operating, anchoring, or mooring a vessel in a reckless or wanton manner; under the influence of drugs or alcohol; or otherwise with disregard for boating regulations concerning speed, navigation, or safe operation.

(b) "Coral" means species of the phylum *Cnidaria* found in state waters including:

1. Class *Anthozoa*, including the subclass *Octocorallia*, commonly known as gorgonians, soft corals, and telestaceans; and

2. Orders *Scleractinia*, commonly known as stony corals; *Stolonifera*, including, among others, the organisms commonly known as organ-pipe corals; *Antipatharia*, commonly known as black corals; and *Hydrozoa*, including the family *Millaporidae* and family *Stylasteridae*, commonly known as hydrocoral.

(c) "Coral reefs" mean:

1. Limestone structures composed wholly or partially of living corals, their skeletal remains, or both, and hosting other coral, associated benthic invertebrates, and plants; or

2. Hard-bottom communities, also known as live bottom habitat or colonized pavement, characterized by the presence of coral and associated reef organisms or worm reefs created by the *Phragmatopoma* species.

(d) "Damages" means moneys paid by any person or entity, whether voluntarily or as a result of administrative or judicial action, to the state as compensation, restitution, penalty, civil penalty, or mitigation for causing injury to or destruction of coral reefs.

(e) "Department" means the Department of Environmental Protection.

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(f) "Fund" means the Ecosystem Management and Restoration Trust Fund.

(g) "Person" means any and all persons, natural or artificial, foreign or domestic, including any individual, firm, partnership, business, corporation, and company and the United States and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

(h) "Responsible party" means the owner, operator, manager, or insurer of any vessel.

(4) The Legislature finds that coral reefs are valuable natural resources that contribute ecologically, aesthetically, and economically to the state. Therefore, the Legislature declares it is in the best interest of the state to clarify the department's powers and authority to protect coral reefs through timely and efficient recovery of monetary damages resulting from vessel groundings and anchoring-related injuries. It is the intent of the Legislature that the department be recognized as the state's lead trustee for coral reef resources located within waters of the state or on sovereignty submerged lands unless preempted by federal law. This section does not divest other state agencies and political subdivisions of the state of their interests in protecting coral reefs.

(5) The responsible party who knows or should know that their vessel has run aground, struck, or otherwise damaged coral reefs must notify the department of such an event within 24 hours after its occurrence. Unless otherwise prohibited or restricted by the United States Coast Guard, the responsible party must remove or cause the removal of the grounded or anchored vessel within 72 hours after the initial grounding or

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anchoring absent extenuating circumstances such as weather, or marine hazards that would prevent safe removal of the vessel. The responsible party must remove or cause the removal of the vessel or its anchor in a manner that avoids further damage to coral reefs and shall consult with the department in accomplishing this task. The responsible party must cooperate with the department to undertake damage assessment and primary restoration of the coral reef in a timely fashion.

(6) In any action or suit initiated pursuant to chapter 253 on the behalf of the Board of Trustees of the Internal Improvement Trust Fund, or under chapter 373 or this chapter for damage to coral reefs, the department may recover all damages from the responsible party, including, but not limited to:

(a) Compensation for the cost of replacing, restoring, or acquiring the equivalent of the coral reef injured and the value of the lost use and services of the coral reef pending its restoration, replacement, or acquisition of the equivalent coral reef, or the value of the coral reef if the coral reef cannot be restored or replaced or if the equivalent cannot be acquired.

(b) The cost of damage assessments, including staff time.

(c) The cost of activities undertaken by or at the request of the department to minimize or prevent further injury to coral or coral reefs pending restoration, replacement, or acquisition of an equivalent.

(d) The reasonable cost of monitoring the injured, restored, or replaced coral reef for at least 10 years. Such monitoring is not required for a single occurrence of damage to a coral reef damage totaling less than or equal to 1 square meter.

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(e) The cost of enforcement actions undertaken in response to the destruction or loss of or injury to a coral reef, including court costs, attorney's fees, and expert witness fees.

(7) The department may use habitat equivalency analysis as the method by which the compensation described in subsection (5) is calculated. The parameters for calculation by this method may be prescribed by rule adopted by the department.

(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according the following schedule:

(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, $150, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a warning letter in lieu of penalty; with aggravating circumstances, an additional $150; occurring within a state park or aquatic preserve, an additional $150.

(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters, $300 per square meter; with aggravating circumstances, an additional $300 per square meter; occurring within a state park or aquatic preserve, an additional $300 per square meter.

(c) For damage exceeding an area of 10 square meters, $1,000 per square meter; with aggravating circumstances, an additional $1,000 per square meter; occurring within a state park or aquatic preserve, an additional $1,000 per square meter.

(d) For a second violation, the total penalty may be

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doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed $250,000 per occurrence.

(9) To carry out the intent of this section, the department may enter into delegation agreements with another state agency or any coastal county with coral reefs within its jurisdiction. In deciding to execute such agreements, the department must consider the ability of the potential delegee to adequately and competently perform the duties required to fulfill the intent of this section. When such agreements are executed by the parties and incorporated in department rule, the delegee shall have all rights accorded the department by this section. Nothing herein shall be construed to require the department, another state agency, or a coastal county to enter into such an agreement.

(10) Nothing in this section shall be construed to prevent the department or other state agencies from entering into agreements with federal authorities related to the administration of the Florida Keys National Marine Sanctuary.

(11) All damages recovered by or on behalf of this state for injury to, or destruction of, the coral reefs of the state that would otherwise be deposited in the general revenue accounts of the State Treasury or in the Internal Improvement Trust Fund shall be deposited in the Ecosystem Management and Restoration Trust Fund in the department and shall remain in such account until expended by the department for the purposes

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of this section. Moneys in the fund received from damages recovered for injury to, or destruction of, coral reefs must be expended only for the following purposes:

(a) To provide funds to the department for reasonable costs incurred in obtaining payment of the damages for injury to, or destruction of, coral reefs, including administrative costs and costs of experts and consultants. Such funds may be provided in advance of recovery of damages.

(b) To pay for restoration or rehabilitation of the injured or destroyed coral reefs or other natural resources by a state agency or through a contract to any qualified person.

(c) To pay for alternative projects selected by the department. Any such project shall be selected on the basis of its anticipated benefits to the residents of this state who used the injured or destroyed coral reefs or other natural resources or will benefit from the alternative project.

(d) All claims for trust fund reimbursements under paragraph (a) must be made within 90 days after payment of damages is made to the state.

(e) Each private recipient of fund disbursements shall be required to agree in advance that its accounts and records of expenditures of such moneys are subject to audit at any time by appropriate state officials and to submit a final written report describing such expenditures within 90 days after the funds have been expended.

(f) When payments are made to a state agency from the fund for expenses compensable under this subsection, such expenditures shall be considered as being for extraordinary expenses, and no agency appropriation shall be reduced by any

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amount as a result of such reimbursement.

(12) The department may adopt rules pursuant to ss. 120.536 and 120.54 to administer this section.

Section 40. Paragraph (b) of subsection (2) of section 403.1651, Florida Statutes, is amended to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(2) The trust fund shall be used for the deposit of all moneys recovered by the state:

(b) For injury to or destruction of coral reefs, which moneys would otherwise be deposited into the General Revenue Fund or the Internal Improvement Trust Fund. The department may enter into settlement agreements that require responsible parties to pay a third party to fund projects related to the restoration of a coral reef, to accomplish mitigation for injury to a coral reef, or to support the activities of law enforcement agencies related to coral reef injury response, investigation and assessment. Participation of a law enforcement agency in the receipt of funds through this mechanism shall be at the law enforcement agency's discretion.

Section 41. Subsection (3) of section 253.04, Florida Statutes, is repealed.

Section 42. Section 380.0558, Florida Statutes, is repealed.

Section 43. Section 23 of chapter 2008-150, Laws of Florida, is repealed.

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

And the title is amended as follows:

Delete lines 2 - 62

and insert:

An act relating to water resources; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and groundwater; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; creating s. 403.093, F.S.; providing legislative intent to consider creation of a statewide onsite sewage treatment and disposal system inspection program; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified

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date; requiring the Department of Environmental Protection to provide procedures for implementing an inspection program; requiring minimum standards; directing disposition of revenues to fund the costs of the program; directing remaining revenues be used to fund the grant program; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; amending s. 253.034, F.S.; establishing a date by which land management plans for conservation lands must contain certain outcomes, goals, and elements; amending s. 253.111, F.S.; deleting a 40-day timeframe for a board of county commissioners to decide whether to acquire state land being sold by the Board of Trustees of the Internal

Improvement Trust Fund; amending s. 253.7829, F.S.; conforming a cross-reference; amending s. 253.783, F.S.; revising provisions relating to the disposition of surplus lands; authorizing the Department of Environmental Protection to extend the second right of refusal to the current owner of adjacent lands affected by acquired surplus lands under certain circumstances; authorizing the department to extend the third right of refusal to the original owner or the original owner's heirs of lands acquired by the Canal Authority of the State of Florida or the United States Army Corps of Engineers; authorizing the department to extend the fourth right of refusal to any person having a leasehold interest in the land from the canal authority; conforming cross-references; amending s. 259.035, F.S.; increasing the maximum number of terms of appointed members of the Acquisition and Restoration Council; clarifying that vacancies in the unexpired term of appointed members shall be filled in the same manner as the original appointment; requiring an affirmative vote of six members of the council for certain decisions; amending s. 259.037, F.S.; establishing certain dates by which agencies managing certain lands must submit certain reports and lists to the Land Management Uniform Accounting Council; amending s. 259.105, F.S.; requiring that certain proceeds from the Florida Forever Trust Fund be spent on capital projects within a year after acquisition rather than only at the time of acquisition; requiring an affirmative vote of six members of the Acquisition and Restoration Council for certain decisions; amending s. 253.12, F.S.; clarifying that title to certain sovereignty lands which were judicially adjudicated are excluded from automatically becoming private

property; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 373.0693, F.S.; providing conditions for serving on a basin board after a term expires; removing ex officio designation for board members serving on basin boards; revising the membership of certain basin boards; eliminating the Oklawaha River Basin Advisory Council; amending s. 373.427, F.S.; increasing the amount of time for filing a petition for an administrative hearing on an application to use board of trustees-owned submerged lands; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content of such notice; requiring the Department of Environmental Protection to provide notice of site rehabilitation to specified entities and certain property owners; providing an exemption; requiring the department to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; revising the department’s contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements, including directives to extend such notice to certain other persons; requiring local governments to provide specified notice of site rehabilitation; requiring the department to recover notification costs from responsible parties; providing an exception; amending s. 403.0876, F.S.;

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providing that the Department of Environmental Protection's failure to approve or deny certain air construction permits within 90 days does not automatically result in approval or denial; amending s. 403.121, F.S.; excluding certain air pollution violations from certain departmental actions; clarifying when a respondent in an administrative action is the prevailing party; revising the penalties that may be assessed for violations involving drinking water contamination, wastewater, dredge, fill, or stormwater, mangrove trimming or alterations, solid waste, air emission, and waste cleanup; increasing fines relating to public water system requirements; revising provisions relating to a limit on the amount of a fine for a particular violation by certain violators; amending ss. 403.7032 and 14.2015, F.S.; directing the Department of Environmental Protection and the Office of Tourism, Trade, and Economic Development to create the Recycling Business Assistance Center; providing requirements; authorizing the Office of Tourism, Trade, and Economic Development to consult with Enterprise Florida, Inc., and other state agency personnel; amending s. 403.707, F.S.; providing for inspections of waste-to-energy facilities by the Department of Environmental Protection; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act;

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amending s. 403.9325, F.S.; revising the definition of "riparian mangrove fringe"; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; amending ss. 712.03 and 712.04, F.S.; providing an exception from an entitlement to marketable record title to interests held by governmental entities; amending s. 6, ch. 99-395, Laws of Florida; providing exceptions to requirements of the Department of Environmental Protection regarding minimum casing for injection wells used by facilities that have a specified design capacity; providing requirements for an injection well used as a backup to a primary injection well; creating s. 403.9335, F.S.; creating the "Florida Coral Reef Protection Act"; providing definitions; providing legislative intent; requiring responsible parties to notify the Department of Environmental Protection if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; providing that moneys collected from damages and civil penalties for injury to coral reefs be

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deposited in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing requirements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04(3), F.S., relating to civil penalties for damage to coral reefs; repealing s. 380.0558, F.S., relating to coral reef restoration; repealing s. 23, ch. 2008-150, Laws of Florida, relating to a provision prohibiting the Department of Environmental Protection from issuing a permit for certain Class I landfills; amending s. 403.503, F.S.; revising definitions; amending s. 403.506, F.S.; revising provisions of power plants using wind or solar energy; providing effective dates.