



426696

LEGISLATIVE ACTION

Senate	.	House
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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  
whenever the manager proposes to add new facilities or make



426696

14 substantive land use or management changes that were not  
15 addressed in the approved plan, or within 1 year of the addition  
16 of significant new lands. Each manager of nonconservation lands  
17 shall submit to the Division of State Lands a land use plan at  
18 least every 10 years in a form and manner prescribed by rule by  
19 the board. The division shall review each plan for compliance  
20 with the requirements of this subsection and the requirements of  
21 the rules established by the board pursuant to this section. All  
22 land use plans, whether for single-use or multiple-use  
23 properties, shall include an analysis of the property to  
24 determine if any significant natural or cultural resources are  
25 located on the property. Such resources include archaeological  
26 and historic sites, state and federally listed plant and animal  
27 species, and imperiled natural communities and unique natural  
28 features. If such resources occur on the property, the manager  
29 shall consult with the Division of State Lands and other  
30 appropriate agencies to develop management strategies to protect  
31 such resources. Land use plans shall also provide for the  
32 control of invasive nonnative plants and conservation of soil  
33 and water resources, including a description of how the manager  
34 plans to control and prevent soil erosion and soil or water  
35 contamination. Land use plans submitted by a manager shall  
36 include reference to appropriate statutory authority for such  
37 use or uses and shall conform to the appropriate policies and  
38 guidelines of the state land management plan. Plans for managed  
39 areas larger than 1,000 acres shall contain an analysis of the  
40 multiple-use potential of the property, which analysis shall  
41 include the potential of the property to generate revenues to  
42 enhance the management of the property. Additionally, the plan



426696

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

50 (a) State lands shall be managed to ensure the conservation  
51 of the state's plant and animal species and ~~to ensure~~ the  
52 accessibility of state lands for the benefit and enjoyment of  
53 all people of the state, both present and future. Beginning July  
54 1, 2009, each newly developed or updated land management plan  
55 must ~~shall~~ provide a desired outcome, describe both short-term  
56 and long-term management goals, and include measurable  
57 objectives for achieving these ~~to achieve these~~ goals. Short-  
58 term goals must ~~shall~~ be achievable within a 2-year planning  
59 period, and long-term goals must ~~shall~~ be achievable within a  
60 10-year planning period. These short-term and long-term  
61 management goals shall be the basis for all subsequent land  
62 management activities.

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

- 66 1. A physical description of the land.
- 67 2. A quantitative data description of the land which  
68 includes an inventory of forest and other natural resources;  
69 exotic and invasive plants; hydrological features;  
70 infrastructure, including recreational facilities; and other  
71 significant land, cultural, or historical features. The



426696

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

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

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

97 5. A summary budget for the scheduled land management  
98 activities of the land management plan. For state lands  
99 containing or anticipated to contain imperiled species habitat,  
100 the summary budget must ~~shall~~ include any fees anticipated from



426696

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

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

110 253.111 Notice to board of county commissioners before  
111 sale.—The Board of Trustees of the Internal Improvement Trust  
112 Fund of the state may not sell any land to which they hold title  
113 unless and until they afford an opportunity to the county in  
114 which such land is situated to receive such land on the  
115 following terms and conditions:

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

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

122 253.7829 Management plan for retention or disposition of  
123 former Cross Florida Barge Canal lands; authority to manage  
124 lands until disposition.—

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



426696

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

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

138 253.783 Additional powers and duties of the department;  
139 disposition of surplus lands; payments to counties.—

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

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

154 (b) Extend the second right of refusal, at current  
155 appraised value, to the current owner of adjacent lands affected  
156 when original owner from whom the Canal Authority of the State  
157 of Florida or the United States Army Corps of Engineers acquired  
158 the surplus land and when the department wants to pursue an



426696

159 exchange of surplus lands for privately owned lands for the  
160 purposes set forth in s. 253.7829(4).

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

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

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



426696

188        (f)~~(e)~~ Refund to the counties of the Cross Florida Canal  
189        Navigation District moneys pursuant to this paragraph from the  
190        funds derived from the conveyance of lands of the project to the  
191        Federal Government or any agency thereof, pursuant to s.  
192        253.781, and from the sales of surplus lands pursuant to this  
193        section. Following federal deauthorization of the project, such  
194        refunds shall consist of the \$9,340,720 principal in ad valorem  
195        taxes contributed by the counties and the interest which had  
196        accrued on that amount from the time of payment to June 30,  
197        1985. In no event shall the counties be paid less than the  
198        aggregate sum of \$32 million in cash or the appraised values of  
199        the surplus lands. Such refunds shall be in proportion to the ad  
200        valorem tax share paid to the Cross Florida Canal Navigation  
201        District by the respective counties. Should the funds derived  
202        from the conveyance of lands of the project to the Federal  
203        Government for payment or from the sale of surplus land be  
204        inadequate to pay the total of the principal plus interest,  
205        first priority shall be given to repaying the principal and  
206        second priority shall be given to repaying the interest.  
207        Interest to be refunded to the counties shall be compounded  
208        annually at the following rates: 1937-1950, 4 percent; 1951-  
209        1960, 5 percent; 1961-1970, 6 percent; 1971-1975, 7 percent;  
210        1976-June 30, 1985, 8 percent. In computing interest, amounts  
211        already repaid to the counties shall not be subject to further  
212        assessments of interest. Any partial repayments provided to the  
213        counties under this act shall be considered as contributing to  
214        the total repayment owed to the counties. Should the funds  
215        generated by conveyance to the Federal Government and sales of  
216        surplus lands be more than sufficient to repay said counties in





426696

217 accordance with this section, such excess funds may be used for  
218 the maintenance of the greenways corridor.

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

220 Section 15. Subsections (1), (2), and (5) of section  
221 259.035, Florida Statutes, are amended to read:

222 259.035 Acquisition and Restoration Council.—

223 (1) There is created the Acquisition and Restoration  
224 Council—

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

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



426696

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

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

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

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

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

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

269           (g)~~(f)~~ The Department of Environmental Protection shall  
270 provide primary staff support to the council and shall ensure  
271 that council meetings are electronically recorded. Such  
272 recording must ~~shall~~ be preserved pursuant to chapters 119 and  
273 257.

274           (h)~~(g)~~ The board of trustees may ~~has authority to~~ adopt



426696

275 rules pursuant to administer ~~ss. 120.536(1) and 120.54~~ to  
276 ~~implement the provisions of~~ this section.

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

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

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

292 259.037 Land Management Uniform Accounting Council.-

293 (3)

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

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

300 2. List the acres of land requiring minimal management  
301 effort, moderate management effort, and significant management  
302 effort pursuant to s. 259.032(11)(c). For each category created  
303 in paragraph (a), the reporting agency shall include the amount



426696

304 of funds requested, the amount of funds received, and the amount  
305 of funds expended for land management.

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

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

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

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



426696

333 the Acquisition and Restoration Council and the division for  
334 inclusion in its annual report required pursuant to s. 259.036.

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

338 259.105 The Florida Forever Act.—

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

345 (b) Thirty-five percent to the Department of Environmental  
346 Protection for the acquisition of lands and capital project  
347 expenditures described in this section. Of the proceeds  
348 distributed ~~pursuant to this paragraph~~, it is the intent of the  
349 Legislature that ~~an~~ increased priority be given to those  
350 acquisitions which achieve a combination of conservation goals,  
351 including protecting Florida's water resources and natural  
352 groundwater recharge. At a minimum, 3 percent, and no more than  
353 10 percent, of the funds allocated pursuant to this paragraph  
354 shall be spent on capital project expenditures identified in the  
355 management prospectus prepared pursuant to s. 259.032(9)(d)  
356 during the time of acquisition, or in the management plan  
357 prepared pursuant to s. 259.032(10). Such capital projects must  
358 ~~which~~ meet land management planning activities necessary for  
359 public access.

360 (e) One and five-tenths percent to the Department of  
361 Environmental Protection for the purchase of inholdings and



426696

362 additions to state parks and for capital project expenditures as  
363 described in this section. At a minimum, 1 percent, and no more  
364 than 10 percent, of the funds allocated pursuant to this  
365 paragraph shall be spent on capital project expenditures  
366 identified in the management prospectus prepared pursuant to s.  
367 259.032(9)(d) during the time of acquisition, or in the  
368 management plan prepared pursuant to s. 259.032(10). Such  
369 capital projects must ~~which~~ meet land management planning  
370 activities necessary for public access. For the purposes of this  
371 paragraph, the term "state park" means any real property in the  
372 state which is under the jurisdiction of the Division of  
373 Recreation and Parks of the department, or which may come under  
374 its jurisdiction.

375 (f) One and five-tenths percent to the Division of Forestry  
376 of the Department of Agriculture and Consumer Services to fund  
377 the acquisition of state forest inholdings and additions  
378 pursuant to s. 589.07, the implementation of reforestation plans  
379 or sustainable forestry management practices, and for capital  
380 project expenditures as described in this section. At a minimum,  
381 1 percent, and no more than 10 percent, of the funds allocated  
382 for the acquisition of inholdings and additions pursuant to this  
383 paragraph shall be spent on capital project expenditures  
384 identified in the management prospectus prepared pursuant to s.  
385 259.032(9)(d) during the time of acquisition, or in the  
386 management plan prepared pursuant to s. 259.032(10). Such  
387 capital projects must ~~which~~ meet land management planning  
388 activities necessary for public access.

389 (g) One and five-tenths percent to the Fish and Wildlife  
390 Conservation Commission to fund the acquisition of inholdings



426696

391 and additions to lands managed by the commission which are  
392 important to the conservation of fish and wildlife and for  
393 capital project expenditures as described in this section. At a  
394 minimum, 1 percent, and no more than 10 percent, of the funds  
395 allocated pursuant to this paragraph shall be spent on capital  
396 project expenditures identified in the management prospectus  
397 prepared pursuant to s. 259.032(9)(d) during the time of  
398 acquisition, or in the management plan prepared pursuant to s.  
399 259.032(10). Such capital projects must ~~which~~ meet land  
400 management planning activities necessary for public access.

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

414 (13) An affirmative vote of six ~~five~~ members of the  
415 Acquisition and Restoration Council is ~~shall be~~ required ~~in~~  
416 ~~order~~ to place a proposed project on the list developed pursuant  
417 to subsection (8). Any member of the council who by family or a  
418 business relationship has a connection with any project proposed  
419 to be ranked shall declare such interest before ~~prior to~~ voting



426696

420 for a project's inclusion on the list.

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

423 253.12 Title to tidal lands vested in state.—

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

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

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

442 373.0693 Basins; basin boards.—

443 (3) Each member of the various basin boards shall serve for  
444 a period of 3 years or until a successor is appointed, but not  
445 more than 180 days beyond the end of the expired term, except  
446 that the board membership of each new basin shall be divided  
447 into three groups as equally as possible, with members in such  
448 groups to be appointed for 1, 2, and 3 years, respectively. Each





426696

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

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

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



426696

478 board or their respective basin boards.

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

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



426696

507 as the Oklawaha River Basin shall continue to be part of the St.  
508 Johns River Water Management District. ~~There shall be~~  
509 ~~established by the governing board of the St. Johns River Water~~  
510 ~~Management District the Oklawaha River Basin Advisory Council to~~  
511 ~~receive public input and advise the St. Johns River Water~~  
512 ~~Management District's governing board on water management issues~~  
513 ~~affecting the Oklawaha River Basin. The Oklawaha River Basin~~  
514 ~~Advisory Council shall be appointed by action of the St. Johns~~  
515 ~~River Water Management District's governing board and shall~~  
516 ~~include one representative from each county which is wholly or~~  
517 ~~partly included in the Oklawaha River Basin. The St. Johns River~~  
518 ~~Water Management District's governing board member currently~~  
519 ~~serving pursuant to s. 373.073(2)(c)3. shall serve as chair of~~  
520 ~~the Oklawaha River Basin Advisory Council. Members of the~~  
521 ~~Oklawaha River Basin Advisory Council shall receive no~~  
522 ~~compensation for their services but are entitled to be~~  
523 ~~reimbursed for per diem and travel expenses as provided in s.~~  
524 ~~112.061.~~

525 Section 21. Paragraph (c) of subsection (2) of section  
526 373.427, Florida Statutes, is amended to read:

527 373.427 Concurrent permit review.—

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

535 (c) Any petition for an administrative hearing pursuant to



426696

536 ss. 120.569 and 120.57 must be filed within 21 ~~14~~ days after ~~of~~  
537 the notice of consolidated intent to grant or deny. Unless  
538 waived by the applicant, within 60 days after the recommended  
539 order is submitted, or at the next regularly scheduled meeting  
540 for which notice may be properly given, whichever is latest, the  
541 board of trustees shall determine what action to take on a ~~any~~  
542 recommended order issued under ss. 120.569 and 120.57 on the  
543 application to use board of trustees-owned submerged lands, and  
544 shall direct the department or water management district on what  
545 action to take in the final order concerning the application ~~to~~  
546 ~~use board of trustees-owned submerged lands~~. The department or  
547 water management district shall determine what action to take on  
548 any recommended order issued under ss. 120.569 and 120.57  
549 regarding any concurrently processed permits, waivers,  
550 variances, or approvals required by this chapter or chapter 161.  
551 The department or water management district shall ~~then~~ take  
552 final agency action by entering a consolidated final order  
553 addressing each of the concurrently reviewed authorizations,  
554 permits, waivers, or approvals. Failure to satisfy these  
555 timeframes may ~~shall~~ not result in approval by default of the  
556 application to use board of trustees-owned submerged lands. Any  
557 provisions relating to authorization to use such ~~board of~~  
558 ~~trustees-owned submerged~~ lands shall be as directed by the board  
559 of trustees. Issuance of the consolidated final order within 45  
560 days after receipt of the direction of the board of trustees  
561 regarding the application to use board of trustees-owned  
562 submerged lands is deemed in compliance with the timeframes for  
563 issuance of final orders under s. 120.60. The final order is  
564 ~~shall be~~ subject to ~~the provisions of~~ s. 373.4275.



426696

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

567 376.30702 Contamination notification.—

568 (1) FINDINGS; INTENT; APPLICABILITY.—The Legislature finds  
569 and declares that when contamination is discovered by any person  
570 as a result of site rehabilitation activities conducted pursuant  
571 to the risk-based corrective action provisions found in s.  
572 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or  
573 pursuant to an administrative or court order, it is in the  
574 public's best interest that potentially affected persons be  
575 notified of the existence of such contamination. Therefore,  
576 persons discovering such contamination shall notify the  
577 department and those identified under this section of the such  
578 discovery in accordance with the requirements of this section,  
579 ~~and the department shall be responsible for notifying the~~  
580 ~~affected public~~. The Legislature intends for the provisions of  
581 this section to govern the notice requirements for early  
582 notification of the discovery of contamination.

583 (2) (a) INITIAL NOTICE OF CONTAMINATION BEYOND PROPERTY  
584 BOUNDARIES.—If at any time during site rehabilitation conducted  
585 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s.  
586 376.30701, or an administrative or court order the person  
587 responsible for site rehabilitation, the person's authorized  
588 agent, or another representative of the person discovers from  
589 laboratory analytical results that comply with appropriate  
590 quality assurance protocols specified in department rules that  
591 contamination as defined in applicable department rules exists  
592 in any groundwater, surface water, or soil medium beyond the  
593 boundaries of the property at which site rehabilitation was



426696

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

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

607 1. ~~(a)~~ The location of the property at which site  
608 rehabilitation was initiated pursuant to s. 376.3071(5), s.  
609 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an administrative or  
610 court order and contact information for the person responsible  
611 for site rehabilitation, the person's authorized agent, or  
612 another representative of the person.

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

622 3. ~~(c)~~ Separate tables for ~~by~~ ~~medium,~~ such as groundwater,



426696

623 soil, and surface water which, ~~or sediment~~, that list sampling  
624 locations identified on the vicinity map as provided in  
625 subparagraph 4.; sampling dates; names of contaminants detected  
626 above cleanup target levels; their corresponding cleanup target  
627 levels; the contaminant concentrations; and whether the cleanup  
628 target level is based on health, nuisance, organoleptic, or  
629 aesthetic concerns.

630 ~~4.(d)~~ A vicinity map that shows each sampling location with  
631 corresponding laboratory analytical results pursuant to  
632 subparagraph 3. ~~and the date on which the sample was collected~~  
633 and that identifies the property boundaries of the property at  
634 which site rehabilitation was initiated pursuant to s.  
635 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an  
636 administrative or court order and any ~~the~~ other properties at  
637 which contamination has been discovered during such site  
638 rehabilitation. If available, a contaminant plume map signed and  
639 sealed by a Florida-licensed professional engineer or geologist  
640 may be included with the vicinity map.

641 (3) DEPARTMENT'S NOTICE RESPONSIBILITIES.-

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

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

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

651 3. The school district superintendent representing the



426696

652 affected area.

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

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

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

667 c. All real property owners, presidents of any condominium  
668 associations or sole owners of condominiums, lessees, and  
669 tenants of record of any properties within a 250-foot radius of  
670 each sampling point at which contamination is discovered or any  
671 properties identified on a contaminant plume map provided  
672 pursuant to subparagraph (2)(b)4., if site rehabilitation was  
673 initiated pursuant to s. 376.3071(5), s. 376.3078(4), or s.  
674 376.81 or at or in connection with a permitted solid waste  
675 management facility subject to a ground water monitoring plan.

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

680 2. The notice provided to real property owners, presidents





426696

681 of any condominium associations or sole owners of condominiums,  
682 lessees, and tenants of record may be delivered by certified  
683 mail, return receipt requested, first-class mail, hand delivery,  
684 or door-hanger.

685 (c) Within 30 days after receiving the actual notice  
686 required under pursuant to subsection (2), or within 30 days of  
687 the effective date of this act if the department already  
688 possesses information equivalent to that required by the notice,  
689 the department shall verify that the person responsible for site  
690 rehabilitation has complied with the notice requirements of this  
691 section send a copy of such notice, or an equivalent  
692 notification, to all record owners of any real property, other  
693 than the property at which site rehabilitation was initiated  
694 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s.  
695 376.30701, at which contamination has been discovered. If the  
696 person responsible for site rehabilitation has not complied with  
697 the notice requirements of this section, the department may  
698 pursue enforcement as provided under this chapter and chapter  
699 403.

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

708 2. If the property at which contamination has been  
709 discovered is the site of a private K-12 school or a child care



426696

710 facility as defined in s. 402.302, the department shall mail a  
711 copy of the notice to the governing board, principal, or owner  
712 of the school or child care facility and direct the governing  
713 board, principal, or owner to provide actual notice annually to  
714 teachers and parents or guardians of students or children  
715 attending the school or child care facility during the period of  
716 site rehabilitation.

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

726 4. After receiving the notice required under subsection  
727 (2), if any property within a 250-foot radius of the property at  
728 which contamination has been discovered during site  
729 rehabilitation pursuant to s. 376.3071(5), s. 376.3078(4), or s.  
730 376.81 or at or in connection with a permitted solid waste  
731 management facility subject to a ground water monitoring plan is  
732 the site of a school as defined in s. 1003.01, the department  
733 shall mail a copy of the notice to the superintendent of the  
734 school district in which the property is located and direct the  
735 superintendent to provide actual notice annually to the  
736 principal of the school.

737 (e) Along with the copy of the notice ~~or its equivalent,~~  
738 the department shall include a letter identifying sources of



426696

739 additional information about the contamination and a telephone  
740 number to which further inquiries should be directed. The  
741 department may collaborate with the Department of Health to  
742 develop such sources of information and to establish procedures  
743 for responding to public inquiries about health risks associated  
744 with contaminated sites.

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

751 (5) ~~(4)~~ RULEMAKING AUTHORITY; RECOVERY OF COSTS OF  
752 NOTIFICATION.—The department shall adopt rules and forms  
753 pursuant to ss. 120.536(1) and 120.54 to implement the  
754 requirements of this section and shall recover the costs of  
755 postage, materials, and labor associated with notification from  
756 the responsible party, except when site rehabilitation is  
757 eligible for state-funded cleanup pursuant to the risk-based  
758 corrective action provisions found in s. 376.3071(5) or s.  
759 376.3078(4).

760 Section 23. Paragraph (c) of subsection (2) of section  
761 403.0876, Florida Statutes, is amended to read:

762 403.0876 Permits; processing.—

763 (2)

764 (c) The failure of the department to approve or deny an  
765 application for an air construction permit for which a federally  
766 delegated or approved program requires a public participation  
767 period of 30 days or longer, or for an operation permit for a



426696

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

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

782 403.121 Enforcement; procedure; remedies.—The department  
783 shall have the following judicial and administrative remedies  
784 available to it for violations of this chapter, as specified in  
785 s. 403.161(1).

786 (2) Administrative remedies:

787 (b) If the department has reason to believe a violation has  
788 occurred, it may institute an administrative proceeding to order  
789 the prevention, abatement, or control of the conditions creating  
790 the violation or other appropriate corrective action. Except for  
791 violations involving hazardous wastes, asbestos, major sources  
792 of air pollution, or underground injection, the department shall  
793 proceed administratively in all cases in which the department  
794 seeks administrative penalties that do not exceed \$10,000 per  
795 assessment as calculated in accordance with subsections (3),  
796 (4), (5), (6), ~~and~~ (7), and (9). Pursuant to 42 U.S.C. s. 300g-



426696

797 2, the administrative penalty assessed pursuant to subsection  
798 (3), subsection (4), or subsection (5) against a public water  
799 system serving a population of more than 10,000 may ~~shall be~~ not  
800 be less than \$1,000 per day per violation. The department may  
801 ~~shall~~ not impose administrative penalties greater than ~~in excess~~  
802 ~~of~~ \$10,000 in a notice of violation. The department may ~~shall~~  
803 not have more than one notice of violation seeking  
804 administrative penalties pending against the same party at the  
805 same time unless the violations occurred at a different site or  
806 the violations were discovered by the department after  
807 ~~subsequent to~~ the filing of a previous notice of violation.

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

823 (3) Except for violations involving hazardous wastes,  
824 asbestos, major sources of air pollution, or underground  
825 injection, administrative penalties must be in accordance with



426696

826 ~~calculated according to~~ the following schedule:

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

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

836 2. A penalty of \$3,000 for failure to obtain a clearance  
837 letter ~~before~~ ~~prior to~~ placing a drinking water system into  
838 service ~~if when~~ the system would not have been eligible for  
839 clearance, ~~the department shall assess a penalty of \$3,000.~~ All  
840 other failures to obtain a clearance letter before placing a  
841 drinking water system into service shall result in a penalty of  
842 \$1,500.

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

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

853 5. A penalty of \$1,000 for failure to provide or meet  
854 licensed operator or staffing requirements at a drinking water



426696

855 facility, plus \$1,000 if the violation occurs at a community  
856 water system.

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

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

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

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

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

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

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

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

882 (c) For a dredge, and fill, or stormwater violations, the  
883 department shall assess:



426696

884           1. A penalty of \$1,000 for unpermitted or unauthorized  
885 dredging, ~~or~~ filling, or unauthorized construction of a  
886 stormwater management system against the person or persons  
887 responsible; ~~for the illegal dredging or filling, or~~  
888 ~~unauthorized construction of a stormwater management system~~ plus  
889 \$2,000 if the dredging or filling occurs in an aquatic preserve,  
890 Outstanding Florida Water, ~~conservation easement,~~ or Class I or  
891 Class II surface water; ~~;~~ plus \$1,000 if the area dredged or  
892 filled is greater than one-quarter acre but less than or equal  
893 to one-half acre; ~~;~~ and plus \$1,000 if the area dredged or filled  
894 is greater than one-half acre but less than or equal to one  
895 acre; and plus \$3,000 if the person or persons responsible  
896 previously applied for or obtained authorization from the  
897 department to dredge or fill within wetlands or surface waters.

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

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

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

912           5. For stormwater management systems serving less than 5





426696

913 acres, ~~the department shall assess~~ a penalty of \$2,000 for the  
914 failure to properly or timely construct a stormwater management  
915 system.

916 6. In addition to the penalties authorized in this  
917 subsection, ~~the department shall assess~~ a penalty of \$5,000 per  
918 violation against the contractor or agent of the owner or tenant  
919 that conducts unpermitted or unauthorized dredging or filling.  
920 For purposes of this paragraph, the preparation or signing of a  
921 permit application by a person currently licensed under chapter  
922 471 to practice as a professional engineer does ~~shall~~ not make  
923 that person an agent of the owner or tenant.

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

926 1. A penalty of up to \$5,000 per violation against any  
927 person who violates any provision of ss. 403.9321-403.9333 ~~the~~  
928 ~~contractor or agent of the owner or tenant that conducts~~  
929 ~~mangrove trimming or alteration without a permit as required by~~  
930 ~~s. 403.9328.~~ However, for minor unauthorized trimming that  
931 otherwise would have qualified for a general permit under s.  
932 403.9327 or that has only minimal or insignificant individual or  
933 cumulative adverse impacts on mangrove resources, the department  
934 shall assess a penalty of up to \$1,000 for the first offense.

935 For purposes of this paragraph, the preparation or signing of a  
936 permit application by a person currently licensed under chapter  
937 471 to practice as a professional engineer does ~~shall~~ not  
938 constitute a violation ~~make that person an agent of the owner or~~  
939 ~~tenant.~~

940 2. For major unauthorized trimming or a second or  
941 subsequent violation of subparagraph 1., an additional penalty



426696

942 of up to \$100 for each mangrove illegally trimmed and up to \$250  
943 for each mangrove illegally altered, not to exceed a total of  
944 \$10,000.

945 3. For major unauthorized trimming or a second or  
946 subsequent violation of subparagraph 1. by a professional  
947 mangrove trimmer, an additional penalty of up to \$250 for each  
948 mangrove illegally trimmed or altered, not to exceed a total of  
949 \$10,000.

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

952 1. A penalty of \$2,000 for the unpermitted or unauthorized  
953 disposal or storage of solid waste; plus \$1,000 if the solid  
954 waste is Class I or Class III (~~excluding yard trash~~) or if the  
955 ~~solid waste~~ is construction and demolition debris in excess of  
956 20 cubic yards; ~~7~~ plus \$1,000 if the solid waste is disposed of  
957 or stored in any natural or artificial body of water or within  
958 500 feet of a potable water well; ~~and~~ 7 plus \$1,000 if the solid  
959 waste contains PCB at a concentration of 50 parts per million or  
960 greater; untreated biomedical waste; more than 1 cubic meter of  
961 regulated friable asbestos material that ~~greater than 1 cubic~~  
962 ~~meter which~~ is not wetted, bagged, and covered; more than 25  
963 gallons of used oil ~~greater than 25 gallons~~; or 10 or more lead  
964 acid batteries.

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

969 3. A penalty of \$3,000 for failure to properly maintain  
970 leachate control; unauthorized burning; failure to have a



426696

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

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

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

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

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

995 1. A penalty of \$5,000 for failure to empty a damaged  
996 storage system as necessary to ensure that a release does not  
997 occur until repairs to the storage system are completed; if ~~when~~  
998 a release has occurred from that storage tank system; for  
999 failure to timely recover free product as required by department



426696

1000 rule; for failure to submit a site assessment report; or for  
1001 failure to conduct remediation or monitoring activities until a  
1002 no-further-action or site-rehabilitation completion order has  
1003 been issued. ~~The department shall assess~~

1004 2. A penalty of \$3,000 for failure to timely upgrade a  
1005 storage tank system or to timely assess or remediate petroleum  
1006 contamination as required by department rule. ~~The department~~  
1007 shall assess

1008 3. A penalty of \$2,000 for failure to conduct or maintain  
1009 required release detection; failure to timely investigate a  
1010 suspected release from a storage system as required by  
1011 department rule; depositing motor fuel into an unregistered  
1012 storage tank system; ~~failure to timely assess or remediate~~  
1013 ~~petroleum contamination;~~ or failure to properly install a  
1014 storage tank system. ~~The department shall assess~~

1015 4. A penalty of \$1,000 for failure to properly operate,  
1016 maintain, repair, or close a storage tank system.

1017 (h) For contaminated site rehabilitation violations, the  
1018 department shall assess:

1019 1. A penalty of \$5,000 for failure to submit a complete  
1020 site assessment report; for failure to provide notice of  
1021 contamination beyond property boundaries or complete a well  
1022 survey as required by department rules; for the use or injection  
1023 of substances or materials to surface water or groundwater for  
1024 remediation purposes without prior department approval; or for  
1025 operation of a remedial treatment system without prior approval  
1026 by the department.

1027 2. A penalty of \$3,000 for failure to timely assess or  
1028 remediate contamination as required by department rule.



426696

1029           (4) In an administrative proceeding, in addition to any the  
1030 penalties that may be assessed under subsection (3), or for  
1031 violations not otherwise listed in subsection (3), the  
1032 department shall assess administrative penalties according to  
1033 the following schedule:

1034           (a) For failure to satisfy financial responsibility  
1035 requirements or for violation of s. 377.371(1), \$5,000.

1036           (b) For failure to properly install, operate, maintain, or  
1037 use a required pollution control, collection, treatment, or  
1038 disposal system or device, or failure to use appropriate best-  
1039 management practices or erosion and sediment controls, \$4,000.

1040           (c) For failure to obtain a required permit or license  
1041 ~~before construction or modification~~, \$3,000 if the facility is  
1042 constructed, modified, or operated in compliance with applicable  
1043 requirements; or \$5,000 if the facility is constructed,  
1044 modified, or operated out of compliance with applicable  
1045 requirements.

1046           (d) For failure to conduct required monitoring or testing;  
1047 failure to conduct required release detection; or failure to  
1048 construct in compliance with a permit, \$2,000.

1049           (e) For failure to maintain required staff to respond to  
1050 emergencies; failure to conduct required training; failure to  
1051 prepare, maintain, or update required contingency plans; failure  
1052 to adequately respond to emergencies to bring an emergency  
1053 situation under control; or failure to submit required  
1054 notification to the department, \$1,000.

1055           (f) Except as provided in subsection (2) with respect to  
1056 public water systems serving a population of more than 10,000,  
1057 for failure to prepare, submit, maintain, or use required



426696

1058 reports or other required documentation, \$1,000 ~~\$500~~.

1059 (5) Except as provided in subsection (2) with respect to  
1060 public water systems serving a population of more than 10,000,  
1061 for failure to comply with any other departmental regulatory  
1062 statute or rule requirement not otherwise identified in this  
1063 section, the department may assess a penalty of \$1,000 ~~\$500~~.

1064 (9) The administrative penalties assessed for any  
1065 particular violation may ~~shall~~ not exceed \$5,000 against any one  
1066 violator, unless the violator has a history of noncompliance,  
1067 the violator received economic benefit from ~~of~~ the violation ~~as~~  
1068 ~~described in subsection (8) exceeds \$5,000~~, or there are  
1069 multiday violations. The total administrative penalties may  
1070 ~~shall~~ not exceed \$10,000 per assessment for all violations  
1071 attributable to a specific person in the notice of violation.

1072 Section 25. Subsection (4) is added to section 403.7032,  
1073 Florida Statutes, to read:

1074 403.7032 Recycling.—

1075 (4) The Department of Environmental Protection, in  
1076 cooperation with the Office of Tourism, Trade, and Economic  
1077 Development, shall create the Recycling Business Assistance  
1078 Center by July 1, 2010. The purpose of the center shall be to  
1079 serve as the mechanism for coordination among state agencies and  
1080 the private sector to coordinate policy and overall strategic  
1081 planning for developing new markets and expanding and enhancing  
1082 existing markets for recyclable materials in this state, other  
1083 states, and foreign countries. The duties of the center must  
1084 include, at a minimum:

1085 (a) Identifying and developing new markets and expanding  
1086 and enhancing existing markets for recyclable materials;



426696

- 1087       (b) Pursuing expanded end uses for recycled materials;  
1088       (c) Targeting materials for concentrated market-development  
1089 efforts;  
1090       (d) Developing proposals for new incentives for market  
1091 development, particularly focusing on targeted materials;  
1092       (e) Providing guidance on issues such as permitting,  
1093 finance options for recycling market development, site location,  
1094 research and development, grant program criteria for recycled  
1095 materials markets, recycling markets education and information,  
1096 and minimum content;  
1097       (f) Coordinating the efforts of various governmental  
1098 entities having market-development responsibilities in order to  
1099 optimize supply and demand for recyclable materials;  
1100       (g) Evaluating source-reduced products as they relate to  
1101 state procurement policy. The evaluation shall include, but is  
1102 not limited to, the environmental and economic impact of source-  
1103 reduced product purchases to the state. For the purposes of this  
1104 subsection, the term "source-reduced" means any method, process,  
1105 product, or technology that significantly or substantially  
1106 reduces the volume or weight of a product while providing, at a  
1107 minimum, equivalent or generally similar performance and service  
1108 to and for the users of such materials;  
1109       (h) Providing innovative solid waste management grants,  
1110 pursuant to s. 403.7095, to reduce the flow of solid waste to  
1111 disposal facilities and encourage the sustainable recovery of  
1112 materials from Florida's waste stream;  
1113       (i) Providing below-market financing for companies that  
1114 manufacture products from recycled materials or convert  
1115 recyclable materials into raw materials for use in



426696

1116 manufacturing, pursuant to the Florida Recycling Loan Program as  
1117 administered by the Florida First Capital Finance Corporation;

1118 (j) Maintaining a continuously updated online directory,  
1119 listing the public and private entities that collect, transport,  
1120 broker, process, or remanufacture recyclable materials in  
1121 Florida.

1122 (k) Providing information on the availability and benefits  
1123 of using recycled materials to private entities and industries  
1124 in the state; and

1125 (l) Distributing any materials prepared in implementing  
1126 this subsection to the public, private entities, industries,  
1127 governmental entities, or other organizations upon request.

1128 Section 26. Subsection (11) is added to section 14.2015,  
1129 Florida Statutes, to read:

1130 14.2015 Office of Tourism, Trade, and Economic Development;  
1131 creation; powers and duties.-

1132 (11) The Office of Tourism, Trade, and Economic  
1133 Development, in cooperation with the Department of Environmental  
1134 Protection, shall create the Recycling Business Assistance  
1135 Center by July 1, 2010, pursuant to the requirements of s.  
1136 403.7032(4). In carrying out its duties under this subsection,  
1137 the Office of Tourism, Trade, and Economic Development shall  
1138 consult with Enterprise Florida, Inc., and with state agency  
1139 personnel appointed to serve as economic development liaisons  
1140 under s. 288.021.

1141 Section 27. Present subsections (8) through (14) of section  
1142 403.707, Florida Statutes, are renumbered as subsections (9)  
1143 through (15), respectively, and a new subsection (8) is added to  
1144 that section, to read:





426696

1145 403.707 Permits.—

1146 (8) The department must conduct at least one inspection per  
1147 year of each waste-to-energy facility for the purposes of  
1148 determining compliance with permit conditions. The facility  
1149 shall be given only a 24-hour notice of the inspection required  
1150 in this subsection.

1151 Section 28. Paragraph (c) of subsection (12) of section  
1152 403.708, Florida Statutes, is amended to read:

1153 403.708 Prohibition; penalty.—

1154 (12) A person who knows or should know of the nature of the  
1155 following types of solid waste may not dispose of such solid  
1156 waste in landfills:

1157 (c) Yard trash in lined landfills classified by department  
1158 rule as Class I landfills unless the landfill uses an active gas  
1159 collection system to collect landfill gas generated at the  
1160 disposal facility and provides or arranges for a beneficial  
1161 reuse of the gas. Yard trash that is source separated from solid  
1162 waste may be accepted at a solid waste disposal area where  
1163 separate yard trash composting facilities are provided and  
1164 maintained. The department recognizes that incidental amounts of  
1165 yard trash may be disposed of in Class I landfills. In any  
1166 enforcement action taken pursuant to this paragraph, the  
1167 department shall consider the difficulty of removing incidental  
1168 amounts of yard trash from a mixed solid waste stream.

1169 Section 29. Subsection (3) of section 403.9323, Florida  
1170 Statutes, is amended to read:

1171 403.9323 Legislative intent.—

1172 (3) It is the intent of the Legislature to provide  
1173 waterfront property owners their riparian right of view, and



426696

1174 other rights of riparian property ownership as recognized by s.  
1175 253.141 and any other provision of law, by allowing mangrove  
1176 trimming in riparian mangrove fringes without prior government  
1177 approval when conducted in conformance with the provisions of  
1178 ss. 403.9321-403.9333 and the trimming activities will not  
1179 result in the removal, defoliation, or destruction of the  
1180 mangroves.

1181 Section 30. Present subsections (1) through (6) of section  
1182 403.9324, Florida Statutes, are redesignated as subsections (2)  
1183 through (7), respectively, a new subsection (1) is added to that  
1184 section, and present subsections (1) and (4) of that section are  
1185 amended, to read:

1186 403.9324 Mangrove protection rule; delegation of mangrove  
1187 protection to local governments.-

1188 (1) The department may adopt rules providing for exemptions  
1189 and general permits authorizing activities that have, singularly  
1190 or cumulatively, a minimal adverse effect on the water resources  
1191 of the state. This subsection does not grant the department the  
1192 authority to adopt rules for the exemptions and general permits  
1193 provided in ss. 403.9326 and 403.9327.

1194 (2)~~(1)~~ Sections 403.9321-403.9333 and any lawful  
1195 regulations adopted in accordance with this section by a local  
1196 government that receives a delegation of the department's  
1197 authority to administer and enforce the regulation of mangroves  
1198 as provided by this section shall be the sole regulations in  
1199 this state for the trimming and alteration of mangroves on  
1200 privately or publicly owned lands. All other state and local  
1201 regulation of mangrove is as provided in subsection (4) ~~(3)~~.

1202 (5)~~(4)~~ Within 45 days after receipt of a written request



426696

1203 for delegation from a local government, the department shall  
1204 grant or deny the request in writing. The request is deemed  
1205 approved if the department fails to respond within the 45-day  
1206 ~~time~~ period. In reviewing requests for delegation, the  
1207 department shall limit its review to whether the request  
1208 complies with the requirements of subsection (3) ~~(2)~~. The  
1209 department shall set forth in writing with specificity the  
1210 reasons for denial of a request for delegation. The department's  
1211 determination regarding delegation constitutes final agency  
1212 action and is subject to review under chapter 120.

1213 Section 31. Subsection (7) of section 403.9325, Florida  
1214 Statutes, is amended to read:

1215 403.9325 Definitions.—For the purposes of ss. 403.9321-  
1216 403.9333, the term:

1217 (7) "Riparian mangrove fringe" means mangroves growing  
1218 along the shoreline on private property, property owned by a  
1219 governmental entity, or sovereign submerged land, the depth of  
1220 which does not exceed 50 feet as measured waterward from the  
1221 trunk of the most landward mangrove tree in a direction  
1222 perpendicular to the shoreline to the trunk of the most  
1223 waterward mangrove tree. Riparian mangrove fringe does not  
1224 include mangroves on uninhabited islands, or public lands that  
1225 have been set aside for conservation or preservation, or  
1226 mangroves on lands that have been set aside as mitigation, if  
1227 the permit, enforcement instrument, or conservation easement  
1228 establishing the mitigation area did not include provisions for  
1229 the trimming of mangroves.

1230 Section 32. Subsection (5) of section 403.9329, Florida  
1231 Statutes, is amended to read:



426696

1232 403.9329 Professional mangrove trimmers.-  
1233 (5) A professional mangrove trimmer status granted under  
1234 ss. 403.9321-403.9333 or by the department may be revoked by the  
1235 department for any person who is responsible for any violations  
1236 of ss. 403.9321-403.9333 or any adopted mangrove rules.  
1237 Section 33. Subsection (3) is added to section 403.9331,  
1238 Florida Statutes, to read:  
1239 403.9331 Applicability; rules and policies.-  
1240 (3) Pursuant to s. 403.9323(2), the provisions of ss.  
1241 403.9321-403.9333 do not allow the trimming of mangroves on  
1242 uninhabited islands that are publicly owned or on lands that are  
1243 set aside for conservation and preservation or mitigation,  
1244 except where necessary to protect the public health, safety, and  
1245 welfare or to enhance public use of, or access to, conservation  
1246 areas in accordance with approved management plans.  
1247 Section 34. Subsection (9) is added to section 712.03,  
1248 Florida Statutes, to read:  
1249 712.03 Exceptions to marketability.—Such marketable record  
1250 title shall not affect or extinguish the following rights:  
1251 (9) Any right, title, or interest held by the Board of  
1252 Trustees of the Internal Improvement Trust Fund, any water  
1253 management district created under chapter 373, or the Federal  
1254 Government.  
1255 Section 35. Section 712.04, Florida Statutes, is amended to  
1256 read:  
1257 712.04 Interests extinguished by marketable record title.—  
1258 Subject to the matters stated in s. 712.03, a ~~such~~ marketable  
1259 record title ~~is shall be~~ free and clear of all estates,  
1260 interests, claims, or charges whatsoever, the existence of which



426696

1261 depends upon any act, title transaction, event or omission that  
1262 occurred before ~~prior to~~ the effective date of the root of  
1263 title. Except as provided in s. 712.03, all such estates,  
1264 interests, claims, or charges, however denominated, whether such  
1265 estates, interests, claims, or charges are or appear to be held  
1266 or asserted by a person sui juris or under a disability, whether  
1267 such person is within or without the state, ~~whether such person~~  
1268 ~~is~~ natural or corporate, or ~~is~~ private or governmental, are  
1269 hereby declared to be null and void. However, ~~except that~~ this  
1270 chapter does ~~shall~~ not ~~be deemed to~~ affect any right, title, or  
1271 interest of the United States, Florida, or any of its officers,  
1272 boards, commissions, or other agencies reserved in the patent or  
1273 deed by which the United States, Florida, or any of its agencies  
1274 parted with title.

1275 Section 36. Subsection (14) of section 403.503, Florida  
1276 Statutes, is amended to read:

1277 403.503 Definitions relating to Florida Electrical Power  
1278 Plant Siting Act.—As used in this act:

1279 (14) "Electrical power plant" means, for the purpose of  
1280 certification, any steam, wind or solar electrical generating  
1281 facility using any process or fuel, including nuclear materials,  
1282 except that this term does not include any steam, wind or solar  
1283 electrical generating facility of less than 75 megawatts in  
1284 capacity unless the applicant for such a facility elects to  
1285 apply for certification under this act. This term also includes  
1286 the site; all associated facilities that will be owned by the  
1287 applicant that are physically connected to the site; all  
1288 associated facilities that are indirectly connected to the site  
1289 by other proposed associated facilities that will be owned by



426696

1290 the applicant; and associated transmission lines that will be  
1291 owned by the applicant which connect the electrical power plant  
1292 to an existing transmission network or rights-of-way to which  
1293 the applicant intends to connect. At the applicant's option,  
1294 this term may include any offsite associated facilities that  
1295 will not be owned by the applicant; offsite associated  
1296 facilities that are owned by the applicant but that are not  
1297 directly connected to the site; any proposed terminal or  
1298 intermediate substations or substation expansions connected to  
1299 the associated transmission line; or new transmission lines,  
1300 upgrades, or improvements of an existing transmission line on  
1301 any portion of the applicant's electrical transmission system  
1302 necessary to support the generation injected into the system  
1303 from the proposed electrical power plant.

1304 Section 37. Subsection (1) of section 403.506, Florida  
1305 Statutes, is amended to read:

1306 403.506 Applicability, thresholds, and certification.—

1307 (1) The provisions of this act shall apply to any  
1308 electrical power plant as defined herein, except that the  
1309 provisions of this act shall not apply to any electrical power  
1310 plant, including its associated facilities, of less than 75  
1311 megawatts in gross capacity, or to any electrical power plant of  
1312 any gross capacity which exclusively uses wind or solar energy  
1313 as its sole fuel source ~~including its associated facilities~~,  
1314 unless the applicant has elected to apply for certification of  
1315 such electrical power plant under this act. The provisions of  
1316 this act shall not apply to capacity expansions of 75 megawatts  
1317 or less, in the aggregate, of an existing exothermic reaction  
1318 cogeneration electrical generating facility that was exempt from



426696

1319 this act when it was originally built; however, this exemption  
1320 shall not apply if the unit uses oil or natural gas for purposes  
1321 other than unit startup. No construction of any new electrical  
1322 power plant or expansion in steam generating capacity as  
1323 measured by an increase in the maximum electrical generator  
1324 rating of any existing electrical power plant may be undertaken  
1325 after October 1, 1973, without first obtaining certification in  
1326 the manner as herein provided, except that this act shall not  
1327 apply to any such electrical power plant which is presently  
1328 operating or under construction or which has, upon the effective  
1329 date of chapter 73-33, Laws of Florida, applied for a permit or  
1330 certification under requirements in force prior to the effective  
1331 date of such act.

1332 Section 38. Subsection (7) of section 6 of chapter 99-395,  
1333 Laws of Florida, is amended to read:

1334 Section 6. Sewage requirements in Monroe County.-

1335 (7) Class V injection wells, as defined by Department of  
1336 Environmental Protection or Department of Health rule, shall  
1337 meet the following requirements and shall otherwise comply with  
1338 Department of Environmental Protection or Department of Health  
1339 rules, as applicable:

1340 (a) If the design capacity of the facility is less than  
1341 1,000,000 gallons per day, the injection well shall be at least  
1342 90 feet deep and cased to a minimum depth of 60 feet or to such  
1343 greater cased depth and total well depth as may be required by  
1344 Department of Environmental Protection rule.

1345 (b) Except as provided in paragraph (c) for backup wells,  
1346 if the design capacity of the facility is equal to or greater  
1347 than 1,000,000 gallons per day, the injection well shall be



426696

1348 cased to a minimum depth of 2,000 feet or to such greater depth  
1349 as may be required by Department of Environmental Protection  
1350 rule.

1351 (c) If the injection well is used as a backup to a primary  
1352 injection well, the following conditions apply:

1353 1. The backup well may be used only when the primary  
1354 injection well is out of service because of equipment failure,  
1355 power failure, or the need for mechanical integrity testing or  
1356 repair;

1357 2. The backup well may not be used for a total of more than  
1358 500 hours during any 5-year period, unless specifically  
1359 authorized in writing by the Department of Environmental  
1360 Protection;

1361 3. The backup well shall be at least 90 feet deep and cased  
1362 to a minimum depth of 60 feet, or to such greater cased depth  
1363 and total well depth as may be required by rule of the  
1364 Department of Environmental Protection; and

1365 4. Fluid injected into the backup well shall meet the  
1366 requirements of subsections (5) and (6).

1367 Section 39. Section 403.9335, Florida Statutes, is created  
1368 to read:

1369 403.9335 Coral reef protection.—

1370 (1) This section may be cited as the "Florida Coral Reef  
1371 Protection Act."

1372 (2) This act applies to the sovereign submerged lands that  
1373 contain coral reefs as defined in this act off the coasts of  
1374 Broward, Martin, Miami-Dade, Monroe, and Palm Beach counties.

1375 (3) As used in this section, the term:

1376 (a) "Aggravating circumstances" means operating, anchoring,





426696

1377 or mooring a vessel in a reckless or wanton manner; under the  
1378 influence of drugs or alcohol; or otherwise with disregard for  
1379 boating regulations concerning speed, navigation, or safe  
1380 operation.

1381 (b) "Coral" means species of the phylum Cnidaria found in  
1382 state waters including:

1383 1. Class Anthozoa, including the subclass Octocorallia,  
1384 commonly known as gorgonians, soft corals, and telestaceans; and

1385 2. Orders Scleractinia, commonly known as stony corals;  
1386 Stolonifera, including, among others, the organisms commonly  
1387 known as organ-pipe corals; Antipatharia, commonly known as  
1388 black corals; and Hydrozoa, including the family Millaporidae  
1389 and family Stylasteridae, commonly known as hydrocoral.

1390 (c) "Coral reefs" mean:

1391 1. Limestone structures composed wholly or partially of  
1392 living corals, their skeletal remains, or both, and hosting  
1393 other coral, associated benthic invertebrates, and plants; or

1394 2. Hard-bottom communities, also known as live bottom  
1395 habitat or colonized pavement, characterized by the presence of  
1396 coral and associated reef organisms or worm reefs created by the  
1397 Phragmatopoma species.

1398 (d) "Damages" means moneys paid by any person or entity,  
1399 whether voluntarily or as a result of administrative or judicial  
1400 action, to the state as compensation, restitution, penalty,  
1401 civil penalty, or mitigation for causing injury to or  
1402 destruction of coral reefs.

1403 (e) "Department" means the Department of Environmental  
1404 Protection.

1405 (f) "Fund" means the Ecosystem Management and Restoration



426696

1406 Trust Fund.

1407 (g) "Person" means any and all persons, natural or  
1408 artificial, foreign or domestic, including any individual, firm,  
1409 partnership, business, corporation, and company and the United  
1410 States and all political subdivisions, regions, districts,  
1411 municipalities, and public agencies thereof.

1412 (h) "Responsible party" means the owner, operator, manager,  
1413 or insurer of any vessel.

1414 (4) The Legislature finds that coral reefs are valuable  
1415 natural resources that contribute ecologically, aesthetically,  
1416 and economically to the state. Therefore, the Legislature  
1417 declares it is in the best interest of the state to clarify the  
1418 department's powers and authority to protect coral reefs through  
1419 timely and efficient recovery of monetary damages resulting from  
1420 vessel groundings and anchoring-related injuries. It is the  
1421 intent of the Legislature that the department be recognized as  
1422 the state's lead trustee for coral reef resources located within  
1423 waters of the state or on sovereignty submerged lands unless  
1424 preempted by federal law. This section does not divest other  
1425 state agencies and political subdivisions of the state of their  
1426 interests in protecting coral reefs.

1427 (5) The responsible party who knows or should know that  
1428 their vessel has run aground, struck, or otherwise damaged coral  
1429 reefs must notify the department of such an event within 24  
1430 hours after its occurrence. Unless otherwise prohibited or  
1431 restricted by the United States Coast Guard, the responsible  
1432 party must remove or cause the removal of the grounded or  
1433 anchored vessel within 72 hours after the initial grounding or  
1434 anchoring absent extenuating circumstances such as weather, or



426696

1435 marine hazards that would prevent safe removal of the vessel.  
1436 The responsible party must remove or cause the removal of the  
1437 vessel or its anchor in a manner that avoids further damage to  
1438 coral reefs and shall consult with the department in  
1439 accomplishing this task. The responsible party must cooperate  
1440 with the department to undertake damage assessment and primary  
1441 restoration of the coral reef in a timely fashion.

1442 (6) In any action or suit initiated pursuant to chapter 253  
1443 on the behalf of the Board of Trustees of the Internal  
1444 Improvement Trust Fund, or under chapter 373 or this chapter for  
1445 damage to coral reefs, the department may recover all damages  
1446 from the responsible party, including, but not limited to:

1447 (a) Compensation for the cost of replacing, restoring, or  
1448 acquiring the equivalent of the coral reef injured and the value  
1449 of the lost use and services of the coral reef pending its  
1450 restoration, replacement, or acquisition of the equivalent coral  
1451 reef, or the value of the coral reef if the coral reef cannot be  
1452 restored or replaced or if the equivalent cannot be acquired.

1453 (b) The cost of damage assessments, including staff time.

1454 (c) The cost of activities undertaken by or at the request  
1455 of the department to minimize or prevent further injury to coral  
1456 or coral reefs pending restoration, replacement, or acquisition  
1457 of an equivalent.

1458 (d) The reasonable cost of monitoring the injured,  
1459 restored, or replaced coral reef for at least 10 years. Such  
1460 monitoring is not required for a single occurrence of damage to  
1461 a coral reef damage totaling less than or equal to 1 square  
1462 meter.

1463 (e) The cost of enforcement actions undertaken in response



426696

1464 to the destruction or loss of or injury to a coral reef,  
1465 including court costs, attorney's fees, and expert witness fees.

1466 (7) The department may use habitat equivalency analysis as  
1467 the method by which the compensation described in subsection (5)  
1468 is calculated. The parameters for calculation by this method may  
1469 be prescribed by rule adopted by the department.

1470 (8) In addition to the compensation described in subsection  
1471 (5), the department may assess, per occurrence, civil penalties  
1472 according the following schedule:

1473 (a) For any anchoring of a vessel on a coral reef or for  
1474 any other damage to a coral reef totaling less than or equal to  
1475 an area of 1 square meter, \$150, provided that a responsible  
1476 party who has anchored a recreational vessel as defined in s.  
1477 327.02 which is lawfully registered or exempt from registration  
1478 pursuant to chapter 328 is issued, at least once, a warning  
1479 letter in lieu of penalty; with aggravating circumstances, an  
1480 additional \$150; occurring within a state park or aquatic  
1481 preserve, an additional \$150.

1482 (b) For damage totaling more than an area of 1 square meter  
1483 but less than or equal to an area of 10 square meters, \$300 per  
1484 square meter; with aggravating circumstances, an additional \$300  
1485 per square meter; occurring within a state park or aquatic  
1486 preserve, an additional \$300 per square meter.

1487 (c) For damage exceeding an area of 10 square meters,  
1488 \$1,000 per square meter; with aggravating circumstances, an  
1489 additional \$1,000 per square meter; occurring within a state  
1490 park or aquatic preserve, an additional \$1,000 per square meter.

1491 (d) For a second violation, the total penalty may be  
1492 doubled.



426696

1493           (e) For a third violation, the total penalty may be  
1494 tripled.

1495           (f) For any violation after a third violation, the total  
1496 penalty may be quadrupled.

1497           (g) The total of penalties levied may not exceed \$250,000  
1498 per occurrence.

1499           (9) To carry out the intent of this section, the department  
1500 may enter into delegation agreements with another state agency  
1501 or any coastal county with coral reefs within its jurisdiction.  
1502 In deciding to execute such agreements, the department must  
1503 consider the ability of the potential delegee to adequately and  
1504 competently perform the duties required to fulfill the intent of  
1505 this section. When such agreements are executed by the parties  
1506 and incorporated in department rule, the delegee shall have all  
1507 rights accorded the department by this section. Nothing herein  
1508 shall be construed to require the department, another state  
1509 agency, or a coastal county to enter into such an agreement.

1510           (10) Nothing in this section shall be construed to prevent  
1511 the department or other state agencies from entering into  
1512 agreements with federal authorities related to the  
1513 administration of the Florida Keys National Marine Sanctuary.

1514           (11) All damages recovered by or on behalf of this state  
1515 for injury to, or destruction of, the coral reefs of the state  
1516 that would otherwise be deposited in the general revenue  
1517 accounts of the State Treasury or in the Internal Improvement  
1518 Trust Fund shall be deposited in the Ecosystem Management and  
1519 Restoration Trust Fund in the department and shall remain in  
1520 such account until expended by the department for the purposes  
1521 of this section. Moneys in the fund received from damages



426696

1522 recovered for injury to, or destruction of, coral reefs must be  
1523 expended only for the following purposes:

1524 (a) To provide funds to the department for reasonable costs  
1525 incurred in obtaining payment of the damages for injury to, or  
1526 destruction of, coral reefs, including administrative costs and  
1527 costs of experts and consultants. Such funds may be provided in  
1528 advance of recovery of damages.

1529 (b) To pay for restoration or rehabilitation of the injured  
1530 or destroyed coral reefs or other natural resources by a state  
1531 agency or through a contract to any qualified person.

1532 (c) To pay for alternative projects selected by the  
1533 department. Any such project shall be selected on the basis of  
1534 its anticipated benefits to the residents of this state who used  
1535 the injured or destroyed coral reefs or other natural resources  
1536 or will benefit from the alternative project.

1537 (d) All claims for trust fund reimbursements under  
1538 paragraph (a) must be made within 90 days after payment of  
1539 damages is made to the state.

1540 (e) Each private recipient of fund disbursements shall be  
1541 required to agree in advance that its accounts and records of  
1542 expenditures of such moneys are subject to audit at any time by  
1543 appropriate state officials and to submit a final written report  
1544 describing such expenditures within 90 days after the funds have  
1545 been expended.

1546 (f) When payments are made to a state agency from the fund  
1547 for expenses compensable under this subsection, such  
1548 expenditures shall be considered as being for extraordinary  
1549 expenses, and no agency appropriation shall be reduced by any  
1550 amount as a result of such reimbursement.



426696

1551           (12) The department may adopt rules pursuant to ss. 120.536  
1552 and 120.54 to administer this section.

1553           Section 40. Paragraph (b) of subsection (2) of section  
1554 403.1651, Florida Statutes, is amended to read:

1555           403.1651 Ecosystem Management and Restoration Trust Fund.—

1556           (2) The trust fund shall be used for the deposit of all  
1557 moneys recovered by the state:

1558           (b) For injury to or destruction of coral reefs, which  
1559 moneys would otherwise be deposited into the General Revenue  
1560 Fund or the Internal Improvement Trust Fund. The department may  
1561 enter into settlement agreements that require responsible  
1562 parties to pay a third party to fund projects related to the  
1563 restoration of a coral reef, to accomplish mitigation for injury  
1564 to a coral reef, or to support the activities of law enforcement  
1565 agencies related to coral reef injury response, investigation  
1566 and assessment. Participation of a law enforcement agency in the  
1567 receipt of funds through this mechanism shall be at the law  
1568 enforcement agency's discretion.

1569           Section 41. Subsection (3) of section 253.04, Florida  
1570 Statutes, is repealed.

1571           Section 42. Section 380.0558, Florida Statutes, is  
1572 repealed.

1573           Section 43. Section 23 of chapter 2008-150, Laws of  
1574 Florida, is repealed.

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1577 ===== T I T L E   A M E N D M E N T =====

1578 And the title is amended as follows:

1579           Delete lines 2 - 62



426696

1580 and insert:

1581           An act relating to water resources; creating part IV of ch.  
1582 369, F.S.; providing a short title; providing legislative  
1583 findings and intent with respect to the need to protect and  
1584 restore springs and groundwater; providing definitions;  
1585 requiring the Department of Environmental Protection to  
1586 delineate the springsheds of specified springs; requiring the  
1587 department to adopt spring protection zones by secretarial  
1588 order; requiring the department to adopt total maximum daily  
1589 loads and basin management action plans for spring systems;  
1590 providing effluent requirements for domestic wastewater  
1591 treatment facilities; providing requirements for onsite sewage  
1592 treatment and disposal systems; providing requirements for  
1593 agricultural operations; authorizing the Department of  
1594 Environmental Protection, the Department of Health, and the  
1595 Department of Agriculture and Consumer Services to adopt rules;  
1596 amending s. 403.1835, F.S.; including certain areas of critical  
1597 state concern and the spring protection zones established by the  
1598 act among projects that are eligible for certain financial  
1599 assistance; requiring the Department of Environmental  
1600 Protection, the Department of Agriculture and Consumer Services,  
1601 and water management districts to assess nitrogen loading and  
1602 begin implementing management plans within the spring protection  
1603 zones by a specified date; creating s. 403.093, F.S.; providing  
1604 legislative intent to consider creation of a statewide onsite  
1605 sewage treatment and disposal system inspection program;  
1606 requiring a report to the Governor, the President of the Senate,  
1607 and the Speaker of the House of Representatives by a specified  
1608 date; requiring the Department of Environmental Protection to





426696

1609 provide procedures for implementing an inspection program;  
1610 requiring minimum standards; directing disposition of revenues  
1611 to fund the costs of the program; directing remaining revenues  
1612 be used to fund the grant program; amending s. 259.105, F.S.;  
1613 providing priority under the Florida Forever Act for projects  
1614 within a springs protection zone; creating s. 403.9335, F.S.;  
1615 providing legislative findings; providing for model ordinances  
1616 for the protection of urban and residential environments and  
1617 water; requiring the Department of Environmental Protection to  
1618 adopt a model ordinance by a specified date; requiring  
1619 municipalities and counties having impaired water bodies or  
1620 segments to adopt the ordinance; creating s. 403.9337, F.S.;  
1621 providing definitions; prohibiting use of certain fertilizers  
1622 after a specified date; providing for exemptions; transferring  
1623 by a type II transfer the Bureau of Onsite Sewage from the  
1624 Department of Health to the Department of Environmental  
1625 Protection; amending s. 369.317, F.S.; clarifying mitigation  
1626 offsets in the Wekiva Study Area; establishing a task force to  
1627 develop recommendations relating to stormwater management system  
1628 design; specifying study criteria; providing for task force  
1629 membership, meetings, and expiration; requiring the task force  
1630 to submit findings and legislative recommendations to the  
1631 Legislature by a specified date; amending s. 253.034, F.S.;  
1632 establishing a date by which land management plans for  
1633 conservation lands must contain certain outcomes, goals, and  
1634 elements; amending s. 253.111, F.S.; deleting a 40-day timeframe  
1635 for a board of county commissioners to decide whether to acquire  
1636 state land being sold by the Board of Trustees of the Internal  
1637 Improvement Trust Fund; amending s. 253.7829, F.S.; conforming a



426696

1638 cross-reference; amending s. 253.783, F.S.; revising provisions  
1639 relating to the disposition of surplus lands; authorizing the  
1640 Department of Environmental Protection to extend the second  
1641 right of refusal to the current owner of adjacent lands affected  
1642 by acquired surplus lands under certain circumstances;  
1643 authorizing the department to extend the third right of refusal  
1644 to the original owner or the original owner's heirs of lands  
1645 acquired by the Canal Authority of the State of Florida or the  
1646 United States Army Corps of Engineers; authorizing the  
1647 department to extend the fourth right of refusal to any person  
1648 having a leasehold interest in the land from the canal  
1649 authority; conforming cross-references; amending s. 259.035,  
1650 F.S.; increasing the maximum number of terms of appointed  
1651 members of the Acquisition and Restoration Council; clarifying  
1652 that vacancies in the unexpired term of appointed members shall  
1653 be filled in the same manner as the original appointment;  
1654 requiring an affirmative vote of six members of the council for  
1655 certain decisions; amending s. 259.037, F.S.; establishing  
1656 certain dates by which agencies managing certain lands must  
1657 submit certain reports and lists to the Land Management Uniform  
1658 Accounting Council; amending s. 259.105, F.S.; requiring that  
1659 certain proceeds from the Florida Forever Trust Fund be spent on  
1660 capital projects within a year after acquisition rather than  
1661 only at the time of acquisition; requiring an affirmative vote  
1662 of six members of the Acquisition and Restoration Council for  
1663 certain decisions; amending s. 253.12, F.S.; clarifying that  
1664 title to certain sovereignty lands which were judicially  
1665 adjudicated are excluded from automatically becoming private  
1666 property; repealing s. 288.1185, F.S., relating to the Recycling



426696

1667 Markets Advisory Committee; amending s. 373.0693, F.S.;

1668 providing conditions for serving on a basin board after a term

1669 expires; removing ex officio designation for board members

1670 serving on basin boards; revising the membership of certain

1671 basin boards; eliminating the Oklawaha River Basin Advisory

1672 Council; amending s. 373.427, F.S.; increasing the amount of

1673 time for filing a petition for an administrative hearing on an

1674 application to use board of trustees-owned submerged lands;

1675 amending s. 376.30702, F.S.; revising contamination notification

1676 provisions; requiring individuals responsible for site

1677 rehabilitation to provide notice of site rehabilitation to

1678 specified entities; revising provisions relating to the content

1679 of such notice; requiring the Department of Environmental

1680 Protection to provide notice of site rehabilitation to specified

1681 entities and certain property owners; providing an exemption;

1682 requiring the department to verify compliance with notice

1683 requirements; authorizing the department to pursue enforcement

1684 measures for noncompliance with notice requirements; revising

1685 the department's contamination notification requirements for

1686 certain public schools; requiring the department to provide

1687 specified notice to private K-12 schools and child care

1688 facilities; requiring the department to provide specified notice

1689 to public schools within a specified area; providing notice

1690 requirements, including directives to extend such notice to

1691 certain other persons; requiring local governments to provide

1692 specified notice of site rehabilitation; requiring the

1693 department to recover notification costs from responsible

1694 parties; providing an exception; amending s. 403.0876, F.S.;

1695 providing that the Department of Environmental Protection's



426696

1696 failure to approve or deny certain air construction permits  
1697 within 90 days does not automatically result in approval or  
1698 denial; amending s. 403.121, F.S.; excluding certain air  
1699 pollution violations from certain departmental actions;  
1700 clarifying when a respondent in an administrative action is the  
1701 prevailing party; revising the penalties that may be assessed  
1702 for violations involving drinking water contamination,  
1703 wastewater, dredge, fill, or stormwater, mangrove trimming or  
1704 alterations, solid waste, air emission, and waste cleanup;  
1705 increasing fines relating to public water system requirements;  
1706 revising provisions relating to a limit on the amount of a fine  
1707 for a particular violation by certain violators; amending ss.  
1708 403.7032 and 14.2015, F.S.; directing the Department of  
1709 Environmental Protection and the Office of Tourism, Trade, and  
1710 Economic Development to create the Recycling Business Assistance  
1711 Center; providing requirements; authorizing the Office of  
1712 Tourism, Trade, and Economic Development to consult with  
1713 Enterprise Florida, Inc., and other state agency personnel;  
1714 amending s. 403.707, F.S.; providing for inspections of waste-  
1715 to-energy facilities by the Department of Environmental  
1716 Protection; amending s. 403.708, F.S.; authorizing the disposal  
1717 of yard trash at a Class I landfill if the landfill has a system  
1718 for collecting landfill gas and arranges for the reuse of the  
1719 gas; amending s. 403.9323, F.S.; clarifying legislative intent  
1720 with respect to the protection of mangroves; amending s.  
1721 403.9324, F.S.; authorizing the Department of Environmental  
1722 Protection to adopt by rule certain exemptions and general  
1723 permits under the Mangrove Trimming and Preservation Act;  
1724 amending s. 403.9325, F.S.; revising the definition of "riparian



426696

1725 mangrove fringe"; amending s. 403.9329, F.S.; clarifying the  
1726 department's authority to revoke a person's status as a  
1727 professional mangrove trimmer; amending s. 403.9331, F.S.;  
1728 providing that the Mangrove Trimming and Preservation Act does  
1729 not authorize trimming on uninhabited islands or lands that are  
1730 publicly owned or set aside for conservation or mitigation  
1731 except under specified circumstances; amending ss. 712.03 and  
1732 712.04, F.S.; providing an exception from an entitlement to  
1733 marketable record title to interests held by governmental  
1734 entities; amending s. 6, ch. 99-395, Laws of Florida; providing  
1735 exceptions to requirements of the Department of Environmental  
1736 Protection regarding minimum casing for injection wells used by  
1737 facilities that have a specified design capacity; providing  
1738 requirements for an injection well used as a backup to a primary  
1739 injection well; creating s. 403.9335, F.S.; creating the  
1740 "Florida Coral Reef Protection Act"; providing definitions;  
1741 providing legislative intent; requiring responsible parties to  
1742 notify the Department of Environmental Protection if their  
1743 vessel runs aground or damages a coral reef; requiring the  
1744 responsible party to remove the vessel; requiring the  
1745 responsible party to cooperate with the department to assess the  
1746 damage and restore the coral reef; authorizing the department to  
1747 recover damages from the responsible party; authorizing the  
1748 department to use a certain method to calculate compensation for  
1749 damage of coral reefs; authorizing the department to assess  
1750 civil penalties; authorizing the department to enter into  
1751 delegation agreements; providing that moneys collected from  
1752 damages and civil penalties for injury to coral reefs be  
1753 deposited in the Ecosystem Management and Restoration Trust Fund



426696

1754 within the Department of Environmental Protection; providing  
1755 requirements; authorizing the department to adopt rules;  
1756 amending s. 403.1651, F.S.; authorizing the department to enter  
1757 into settlement agreements that require responsible parties to  
1758 pay another government entity or nonprofit organization to fund  
1759 projects consistent with the conservation or protection of coral  
1760 reefs; repealing s. 253.04(3), F.S., relating to civil penalties  
1761 for damage to coral reefs; repealing s. 380.0558, F.S., relating  
1762 to coral reef restoration; repealing s. 23, ch. 2008-150, Laws  
1763 of Florida, relating to a provision prohibiting the Department  
1764 of Environmental Protection from issuing a permit for certain  
1765 Class I landfills; amending s. 403.503, F.S.; revising  
1766 definitions; amending s. 403.506, F.S.; revising provisions of  
1767 power plants using wind or solar energy; providing effective  
1768 dates.