



721714

576-04585-13

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to environmental regulation; amending s. 20.255, F.S.; authorizing the Department of Environmental Protection to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending ss. 125.022 and 166.033, F.S.; providing requirements for the review of development permit applications by counties and municipalities; amending s. 211.3103, F.S.; revising the definition of the term "phosphate-related expenses" to include maintenance and restoration of certain lands; amending s. 253.0345, F.S.; revising provisions for the duration of leases and letters of consent issued by the Board of Trustees of the Internal Improvement Trust Fund for special events; providing conditions for fees relating to such leases and letters of consent; creating s. 253.0346, F.S.; defining the term "first-come, first-served basis"; providing conditions for the discount and waiver of lease fees and surcharges for certain marinas, boatyards, and marine retailers; providing applicability; amending s. 253.0347, F.S.; providing exemptions from lease fees for certain lessees; amending s. 373.118, F.S.; deleting provisions requiring the department to adopt general permits for public marina facilities; deleting certain requirements under general permits for public marina



721714

576-04585-13

28 facilities and mooring fields; limiting the number of
29 vessels for mooring fields authorized under such
30 permits; authorizing the department to issue certain
31 leases; amending s. 373.233, F.S.; clarifying
32 conditions for competing applications for consumptive
33 use of water permits; amending s. 373.236, F.S.;
34 prohibiting water management districts from reducing
35 certain allocations as a result of activities
36 involving a new seawater desalination plant that does
37 not receive funding from a water management district;
38 providing an exception; amending s. 373.246, F.S.;
39 allowing the governing board or the department to
40 notify a permittee by electronic mail of any change in
41 the condition of his or her permit during a declared
42 water shortage or emergency; amending s. 373.308,
43 F.S.; providing that issuance of well permits is the
44 sole responsibility of water management districts,
45 delegated local governments, and local county health
46 departments; prohibiting other local governmental
47 entities from imposing requirements and fees or
48 establishing programs for installation and abandonment
49 of groundwater wells; amending s. 373.323, F.S.;
50 providing that licenses issued by water management
51 districts are the only water well contractor licenses
52 required for location, construction, repair, or
53 abandonment of water wells; authorizing licensed water
54 well contractors to install equipment for all water
55 systems; amending s. 373.406, F.S.; exempting
56 specified ponds and wetlands from surface water



721714

576-04585-13

57 management and storage requirements; requiring that a
58 request for an exemption be made within a certain time
59 period and that activities not begin until such
60 exemption is made; exempting certain water control
61 districts from certain wetlands regulation; amending
62 s. 376.30713, F.S.; increasing maximum costs for
63 preapproved advanced cleanup in a fiscal year;
64 amending s. 376.313, F.S.; holding harmless a person
65 who discharges pollution pursuant to ch. 403, F.S.;
66 amending s. 403.031, F.S.; defining the term
67 "beneficiary"; amending s. 403.061, F.S.; authorizing
68 the department to adopt rules requiring or
69 incentivizing the electronic submission of certain
70 forms, documents, fees, and reports; amending s.
71 403.0872, F.S.; extending the payment deadline of
72 permit fees for major sources of air pollution and
73 conforming the date for related notice by the
74 department; revising provisions for the calculation of
75 such annual fees; amending s. 403.088, F.S.; revising
76 conditions for water pollution operation permits;
77 requiring the department to meet certain standards in
78 making determinations; amending s. 403.0893, F.S.;
79 authorizing stormwater utility fees to be charged to
80 the beneficiaries of the stormwater utility; amending
81 s. 403.7046, F.S.; providing requirements for the
82 review of recovered materials dealer registration
83 applications; providing that a recovered materials
84 dealer may seek injunctive relief or damages for
85 certain violations; amending s. 403.813, F.S.;



721714

576-04585-13

86 revising conditions under which certain permits are
87 not required for seawall restoration projects;
88 creating s. 403.8141, F.S.; requiring the Department
89 of Environmental Protection to establish permits for
90 special events; providing permit requirements;
91 amending s. 403.973, F.S.; authorizing expedited
92 permitting for natural gas pipelines, subject to
93 specified certification; providing that natural gas
94 pipelines are subject to certain requirements;
95 ratifying and approving certain leases approved by the
96 Board of Trustees of the Internal Improvement Trust
97 Fund; provided findings that the decision to authorize
98 the use of board of trustees-owned uplands and the use
99 of those lands as set forth in certain leases is not
100 contrary to the public interest; providing that
101 changes made by this act to ss. 403.031 and 403.0893,
102 F.S., apply only to stormwater utility fees billed on
103 or after July 1, 2013, to a stormwater utility's
104 beneficiary for services provided on or after that
105 date; providing an effective date.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Subsection (8) is added to section 20.255,
110 Florida Statutes, to read:

111 20.255 Department of Environmental Protection.—There is
112 created a Department of Environmental Protection.

113 (8) The department may adopt rules requiring or
114 incentivizing electronic submission of forms, documents, fees,



721714

576-04585-13

115 or reports required under chapter 161, chapter 253, chapter 373,
116 chapter 376, chapter 377, or chapter 403. The rules must
117 reasonably accommodate technological or financial hardship and
118 must provide procedures for obtaining an exemption due to such
119 hardship.

120 Section 2. Section 125.022, Florida Statutes, is amended to
121 read:

122 125.022 Development permits.—

123 (1) When reviewing an application for a development permit
124 that is certified by a professional listed in s. 403.0877, a
125 county may not request additional information from the applicant
126 more than three times, unless the applicant waives the
127 limitation in writing. Before a third request for additional
128 information, the applicant must be offered a meeting to attempt
129 to resolve outstanding issues. Except as provided in subsection
130 (4), if the applicant believes the request for additional
131 information is not authorized by ordinance, rule, statute, or
132 other legal authority, the county, at the applicant's request,
133 shall proceed to process the application for approval or denial.

134 (2) When a county denies an application for a development
135 permit, the county shall give written notice to the applicant.
136 The notice must include a citation to the applicable portions of
137 an ordinance, rule, statute, or other legal authority for the
138 denial of the permit.

139 (3) As used in this section, the term "development permit"
140 has the same meaning as in s. 163.3164 but does not include
141 building permits.

142 (4) For any development permit application filed with the
143 county after July 1, 2012, a county may not require as a



721714

576-04585-13

144 condition of processing or issuing a development permit that an
145 applicant obtain a permit or approval from any state or federal
146 agency unless the agency has issued a final agency action that
147 denies the federal or state permit before the county action on
148 the local development permit.

149 (5) Issuance of a development permit by a county does not
150 in any way create any rights on the part of the applicant to
151 obtain a permit from a state or federal agency and does not
152 create any liability on the part of the county for issuance of
153 the permit if the applicant fails to obtain requisite approvals
154 or fulfill the obligations imposed by a state or federal agency
155 or undertakes actions that result in a violation of state or
156 federal law. A county may attach such a disclaimer to the
157 issuance of a development permit and may include a permit
158 condition that all other applicable state or federal permits be
159 obtained before commencement of the development.

160 (6) This section does not prohibit a county from providing
161 information to an applicant regarding what other state or
162 federal permits may apply.

163 Section 3. Section 166.033, Florida Statutes, is amended to
164 read:

165 166.033 Development permits.-

166 (1) When reviewing an application for a development permit
167 that is certified by a professional listed in s. 403.0877, a
168 municipality may not request additional information from the
169 applicant more than three times, unless the applicant waives the
170 limitation in writing. Before a third request for additional
171 information, the applicant must be offered a meeting to attempt
172 to resolve outstanding issues. Except as provided in subsection



721714

576-04585-13

173 (4), if the applicant believes the request for additional
174 information is not authorized by ordinance, rule, statute, or
175 other legal authority, the municipality, at the applicant's
176 request, shall proceed to process the application for approval
177 or denial.

178 (2) When a municipality denies an application for a
179 development permit, the municipality shall give written notice
180 to the applicant. The notice must include a citation to the
181 applicable portions of an ordinance, rule, statute, or other
182 legal authority for the denial of the permit.

183 (3) As used in this section, the term "development permit"
184 has the same meaning as in s. 163.3164 but does not include
185 building permits.

186 (4) For any development permit application filed with the
187 municipality after July 1, 2012, a municipality may not require
188 as a condition of processing or issuing a development permit
189 that an applicant obtain a permit or approval from any state or
190 federal agency unless the agency has issued a final agency
191 action that denies the federal or state permit before the
192 municipal action on the local development permit.

193 (5) Issuance of a development permit by a municipality does
194 not in any way create any right on the part of an applicant to
195 obtain a permit from a state or federal agency and does not
196 create any liability on the part of the municipality for
197 issuance of the permit if the applicant fails to obtain
198 requisite approvals or fulfill the obligations imposed by a
199 state or federal agency or undertakes actions that result in a
200 violation of state or federal law. A municipality may attach
201 such a disclaimer to the issuance of development permits and may



721714

576-04585-13

202 include a permit condition that all other applicable state or
203 federal permits be obtained before commencement of the
204 development.

205 (6) This section does not prohibit a municipality from
206 providing information to an applicant regarding what other state
207 or federal permits may apply.

208 Section 4. Paragraph (c) of subsection (6) of section
209 211.3103, Florida Statutes is amended to read:

210 211.3103 Levy of tax on severance of phosphate rock; rate,
211 basis, and distribution of tax.—

212 (6)

213 (c) For purposes of this section, "phosphate-related
214 expenses" means those expenses that provide for infrastructure
215 or services in support of the phosphate industry, including
216 environmental education, reclamation or restoration of phosphate
217 lands, maintenance and restoration of reclaimed lands and county
218 owned environmental lands which were formerly phosphate lands,
219 community infrastructure on such reclaimed lands and county
220 owned environmental lands which were formerly phosphate lands,
221 and similar expenses directly related to support of the
222 industry.

223 Section 5. Section 253.0345, Florida Statutes, is amended
224 to read:

225 253.0345 Special events; submerged land leases.—

226 (1) The trustees may ~~are authorized to issue leases or~~
227 letters of consent ~~consents of use or leases~~ to riparian
228 landowners, special and event promoters, and boat show owners to
229 allow the installation of temporary structures, including docks,
230 moorings, pilings, and access walkways, on sovereign submerged



721714

576-04585-13

231 lands solely for the purpose of facilitating boat shows and
232 displays in, or adjacent to, established marinas or government-
233 owned ~~government-owned~~ upland property. Riparian owners of
234 adjacent uplands who are not seeking a lease or letter of
235 consent ~~of use~~ shall be notified by certified mail of any
236 request for such a lease or letter of consent before ~~of use~~
237 ~~prior to~~ approval by the trustees. The trustees shall balance
238 the interests of any objecting riparian owners with the economic
239 interests of the public and the state as a factor in determining
240 whether ~~if~~ a lease or letter of consent ~~of use~~ should be
241 executed over the objection of adjacent riparian owners. This
242 section does ~~shall~~ not apply to structures for viewing motorboat
243 racing, high-speed motorboat contests, or high-speed displays in
244 waters where manatees are known to frequent.

245 (2) A lease or letter of consent for a ~~Any~~ special event
246 under ~~provided for in~~ subsection (1):

247 (a) Shall be for a period not to exceed 45 ~~30~~ days and a
248 duration not to exceed 10 consecutive years.

249 (b) Shall include a lease fee, if applicable, based solely
250 on the period and actual size of the preemption and conditions
251 to allow reconfiguration of temporary structures within the
252 lease area with notice to the department of the configuration
253 and size of preemption within the lease area.

254 (c) The lease or letter of consent ~~of use~~ may ~~also~~ contain
255 appropriate requirements for removal of the temporary
256 structures, including the posting of sufficient surety to
257 guarantee appropriate funds for removal of the structures should
258 the promoter or riparian owner fail to do so within the time
259 specified in the agreement.



721714

576-04585-13

260 (3) ~~Nothing in~~ This section does not ~~shall be construed to~~
261 allow any lease or letter of consent of use that would result in
262 harm to the natural resources of the area as a result of the
263 structures or the activities of the special events agreed to.

264 Section 6. Section 253.0346, Florida Statutes, is created
265 to read:

266 253.0346 Lease of sovereignty submerged lands for marinas,
267 boatyards, and marine retailers.-

268 (1) For purposes of this section, the term "first-come,
269 first-served basis" means the facility operates on state-owned
270 submerged land for which:

271 (a) There is not a club membership, stock ownership, equity
272 interest, or other qualifying requirement.

273 (b) Rental terms do not exceed 12 months and do not include
274 automatic renewal rights or conditions.

275 (2) For marinas that are open to the public on a first-
276 come, first-served basis and for which at least 90 percent of
277 the slips are open for rent to the public, a discount of 30
278 percent on the annual lease fee shall apply if dockage rate
279 sheet publications and dockage advertising clearly state that
280 slips are open for rent to the public on a first-come, first-
281 served basis.

282 (3) For a facility designated by the department as a Clean
283 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean
284 Marina Program:

285 (a) A discount of 10 percent on the annual lease fee shall
286 apply if the facility:

- 287 1. Actively maintains designation under the program.
288 2. Complies with the terms of the lease.



721714

576-04585-13

- 289 3. Does not change use during the term of the lease.
- 290 (b) Extended-term lease surcharges shall be waived if the
- 291 facility:
- 292 1. Actively maintains designation under the program.
- 293 2. Complies with the terms of the lease.
- 294 3. Does not change use during the term of the lease.
- 295 4. Is available to the public on a first-come, first-served
- 296 basis.
- 297 (c) If the facility is in arrears on lease fees or fails to
- 298 comply with paragraph (b), the facility is not eligible for the
- 299 discount or waiver under this subsection until arrears have been
- 300 paid and compliance with the program has been met.
- 301 (4) This section applies to new leases or amendments to
- 302 leases effective after July 1, 2013.
- 303 Section 7. Paragraphs (e) and (f) are added to subsection
- 304 (2) of section 253.0347, Florida Statutes, to read:
- 305 253.0347 Lease of sovereignty submerged lands for private
- 306 residential docks and piers.—
- 307 (2)
- 308 (e) A lessee of sovereignty submerged land for a private
- 309 residential single-family dock designed to moor up to four boats
- 310 is not required to pay lease fees for a preempted area equal to
- 311 or less than 10 times the riparian shoreline along sovereignty
- 312 submerged land on the affected waterbody or the square footage
- 313 authorized for a private residential single-family dock under
- 314 rules adopted by the Board of Trustees of the Internal
- 315 Improvement Trust Fund for the management of sovereignty
- 316 submerged lands, whichever is greater.
- 317 (f) A lessee of sovereignty submerged land for a private



721714

576-04585-13

318 residential multifamily dock designed to moor boats up to the
319 number of units within the multifamily development is not
320 required to pay lease fees for a preempted area equal to or less
321 than 10 times the riparian shoreline along sovereignty submerged
322 land on the affected waterbody times the number of units with
323 docks in the private multifamily development.

324 Section 8. Subsection (4) of section 373.118, Florida
325 Statutes, is amended to read:

326 373.118 General permits; delegation.—

327 (4) The department shall adopt by rule one or more general
328 permits for local governments to construct, operate, and
329 maintain ~~public marina facilities,~~ public mooring fields, public
330 boat ramps, including associated courtesy docks, and associated
331 parking facilities located in uplands. Such general permits
332 adopted by rule shall include provisions to ensure compliance
333 with part IV of this chapter, subsection (1), and the criteria
334 necessary to include the general permits in a state programmatic
335 general permit issued by the United States Army Corps of
336 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
337 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
338 authorized under such general permits is exempt from review as a
339 development of regional impact if the facility complies with the
340 comprehensive plan of the applicable local government. Such
341 facilities shall be consistent with the local government manatee
342 protection plan required pursuant to chapter 379 ~~and shall~~
343 ~~obtain Clean Marina Program status prior to opening for~~
344 ~~operation and maintain that status for the life of the facility.~~
345 ~~Marinas and mooring fields authorized under any such general~~
346 ~~permit shall not exceed an area of 50,000 square feet over~~



721714

576-04585-13

347 ~~wetlands and other surface waters.~~ Mooring fields authorized
348 under such general permits may not exceed 100 vessels. All
349 facilities permitted under this section shall be constructed,
350 maintained, and operated in perpetuity for the exclusive use of
351 the general public. The Board of Trustees of the Internal
352 Improvement Trust Fund may delegate to the department authority
353 to issue leases for mooring fields that meet the requirements of
354 permits issued under this subsection. The department shall
355 initiate the rulemaking process within 60 days after the
356 effective date of this act.

357 Section 9. Subsection (1) of section 373.233, Florida
358 Statutes, is amended to read:

359 373.233 Competing applications.—

360 (1) If two or more applications that ~~which~~ otherwise comply
361 with the provisions of this part are pending for a quantity of
362 water that is inadequate for both or all, or that ~~which~~ for any
363 other reason are in conflict, and the water management district
364 or department has deemed the applications complete, the
365 governing board or the department has ~~shall have~~ the right to
366 approve or modify the application that ~~which~~ best serves the
367 public interest.

368 Section 10. Subsection (4) of section 373.236, Florida
369 Statutes, is amended to read:

370 373.236 Duration of permits; compliance reports.—

371 (4) Where necessary to maintain reasonable assurance that
372 the conditions for issuance of a 20-year permit can continue to
373 be met, the governing board or department, in addition to any
374 conditions required pursuant to s. 373.219, may require a
375 compliance report by the permittee every 10 years during the



721714

576-04585-13

376 term of a permit. The Suwannee River Water Management District
377 may require a compliance report by the permittee every 5 years
378 through July 1, 2015, and thereafter every 10 years during the
379 term of the permit. This report shall contain sufficient data to
380 maintain reasonable assurance that the initial conditions for
381 permit issuance are met. Following review of this report, the
382 governing board or the department may modify the permit to
383 ensure that the use meets the conditions for issuance. Permit
384 modifications pursuant to this subsection are ~~shall~~ not ~~be~~
385 subject to competing applications, provided there is no increase
386 in the permitted allocation or permit duration, and no change in
387 source, except for changes in source requested by the district.
388 In order to promote the sustainability of natural systems
389 through the diversification of water supplies through the
390 development of seawater desalination plants, a water management
391 district shall not reduce an existing permitted allocation of
392 water during the permit term as a result of planned future
393 construction of, or additional water becoming available from, a
394 new seawater desalination plant that does not receive funding
395 from a water management district. Except as expressly provided
396 herein, nothing in this subsection may ~~shall not~~ be construed to
397 alter a district's limit ~~the existing authority of the~~
398 ~~department or the governing board~~ to modify ~~or~~ ~~revoke~~ a
399 consumptive use permit pursuant to chapter 373.

400 Section 11. Subsection (6) of section 373.246, Florida
401 Statutes, is amended to read:

402 373.246 Declaration of water shortage or emergency.—

403 (6) The governing board or the department shall notify each
404 permittee in the district by electronic mail or regular mail of



721714

576-04585-13

405 any change in the condition of his or her permit or any
406 suspension of his or her permit or of any other restriction on
407 the permittee's use of water for the duration of the water
408 shortage.

409 Section 12. Subsection (1) of section 373.308, Florida
410 Statutes, is amended to read:

411 373.308 Implementation of programs for regulating water
412 wells.—

413 (1) The department shall authorize the governing board of a
414 water management district to implement a program for the
415 issuance of permits for the location, construction, repair, and
416 abandonment of water wells. Upon authorization from the
417 department, issuance of well permits will be the sole
418 responsibility of the water management district, delegated local
419 government, or local county health department. Other local
420 governmental entities may not impose additional or duplicate
421 requirements or fees or establish a separate program for the
422 permitting of the location, abandonment, boring, or other
423 activities reasonably associated with the installation and
424 abandonment of a groundwater well.

425 Section 13. Subsections (1) and (10) of section 373.323,
426 Florida Statutes, are amended to read:

427 373.323 Licensure of water well contractors; application,
428 qualifications, and examinations; equipment identification.—

429 (1) Every person who wishes to engage in business as a water
430 well contractor shall obtain from the water management district
431 a license to conduct such business. Licensure under this part by
432 a water management district shall be the only water well
433 contractor license required for the location, construction,



721714

576-04585-13

434 repair, or abandonment of water wells in the state or any
435 political subdivision thereof.

436 (10) Water well contractors licensed under this section may
437 install, repair, and modify pumps and tanks in accordance with
438 the Florida Building Code, Plumbing; Section 612-Wells pumps and
439 tanks used for private potable water systems. In addition,
440 licensed water well contractors may install pumps, tanks, and
441 water conditioning equipment for all water well systems.

442 Section 14. Subsections (13) through (15) are added to
443 section 373.406, Florida Statutes, to read:

444 373.406 Exemptions.—The following exemptions shall apply:

445 (13) Nothing in this part, or in any rule, regulation, or
446 order adopted pursuant to this part, applies to the
447 construction, alteration, operation, or maintenance of any
448 wholly owned, manmade, excavated farm ponds, as defined in s.
449 403.927, constructed entirely in uplands. Alteration or
450 maintenance may not involve any work to connect the farm pond
451 to, or expand the farm pond into, other wetlands or other
452 surface waters.

453 (14) Nothing in this part, or in any rule, regulation, or
454 order adopted pursuant to this part, may require a permit for
455 activities affecting wetlands created solely by the unauthorized
456 flooding or interference with the natural flow of surface water
457 caused by an unaffiliated adjoining landowner. Requests to
458 qualify for this exemption must be made within 7 years after the
459 cause of such unauthorized flooding or unauthorized interference
460 with the natural flow of surface water and must be submitted in
461 writing to the district or department. Such activities may not
462 begin without a written determination from the district or



721714

576-04585-13

463 department confirming that the activity qualifies for the
464 exemption. This exemption does not expand the jurisdiction of
465 the department or water management districts and does not apply
466 to activities that discharge dredged or fill material into
467 waters of the United States, including wetlands, subject to
468 federal jurisdiction under section 404 of the Clean Water Act,
469 33 U.S.C. s. 1344.

470 (15) Any independent water control district created and
471 operating pursuant to chapter 298 for which a valid
472 environmental resource permit or management and storage of
473 surface waters permit has been issued pursuant to this part is
474 exempt from further wetlands regulations imposed pursuant to
475 chapters 125, 163, and 166.

476 Section 15. Subsection (4) of section 376.30713, Florida
477 Statutes, is amended to read:

478 376.30713 Preapproved advanced cleanup.—

479 (4) The department is authorized to enter into contracts
480 ~~contract~~ for a total of up to \$15 ~~\$10~~ million of preapproved
481 advanced cleanup work in each fiscal year. However, no facility
482 shall be preapproved for more than \$5 million ~~\$500,000~~ of
483 cleanup activity in each fiscal year. For the purposes of this
484 section the term "facility" shall include, but not be limited
485 to, multiple site facilities such as airports, port facilities,
486 and terminal facilities even though such enterprises may be
487 treated as separate facilities for other purposes under this
488 chapter.

489 Section 16. Subsection (3) of section 376.313, Florida
490 Statutes, is amended to read:

491 376.313 Nonexclusiveness of remedies and individual cause



721714

576-04585-13

492 of action for damages under ss. 376.30-376.317.-

493 (3) Except as provided in s. 376.3078(3) and (11), nothing
494 contained in ss. 376.30-376.317 prohibits any person from
495 bringing a cause of action in a court of competent jurisdiction
496 for all damages resulting from a discharge or other condition of
497 pollution covered by ss. 376.30-376.317 which was not authorized
498 pursuant to chapter 403. Nothing in this chapter shall prohibit
499 or diminish a party's right to contribution from other parties
500 jointly or severally liable for a prohibited discharge of
501 pollutants or hazardous substances or other pollution
502 conditions. Except as otherwise provided in subsection (4) or
503 subsection (5), in any such suit, it is not necessary for such
504 person to plead or prove negligence in any form or manner. Such
505 person need only plead and prove the fact of the prohibited
506 discharge or other pollutive condition and that it has occurred.
507 The only defenses to such cause of action shall be those
508 specified in s. 376.308.

509 Section 17. Subsection (22) is added to section 403.031,
510 Florida Statutes, to read:

511 403.031 Definitions.—In construing this chapter, or rules
512 and regulations adopted pursuant hereto, the following words,
513 phrases, or terms, unless the context otherwise indicates, have
514 the following meanings:

515 (22) "Beneficiary" means any person, partnership,
516 corporation, business entity, charitable organization, not-for-
517 profit corporation, state, county, district, authority, or
518 municipal unit of government or any other separate unit of
519 government created or established by law.

520 Section 18. Subsection (43) is added to section 403.061,



721714

576-04585-13

521 Florida Statutes, to read:

522 403.061 Department; powers and duties.—The department shall
523 have the power and the duty to control and prohibit pollution of
524 air and water in accordance with the law and rules adopted and
525 promulgated by it and, for this purpose, to:

526 (43) Adopt rules requiring or incentivizing the electronic
527 submission of forms, documents, fees, or reports required under
528 chapter 161, chapter 253, chapter 373, chapter 376, chapter 377,
529 or this chapter. The rules must reasonably accommodate
530 technological or financial hardship and provide procedures for
531 obtaining an exemption due to such hardship.

532
533 The department shall implement such programs in conjunction with
534 its other powers and duties and shall place special emphasis on
535 reducing and eliminating contamination that presents a threat to
536 humans, animals or plants, or to the environment.

537 Section 19. Paragraph (a) of subsection (11) of section
538 403.0872, Florida Statutes, is amended to read:

539 403.0872 Operation permits for major sources of air
540 pollution; annual operation license fee.—Provided that program
541 approval pursuant to 42 U.S.C. s. 7661a has been received from
542 the United States Environmental Protection Agency, beginning
543 January 2, 1995, each major source of air pollution, including
544 electrical power plants certified under s. 403.511, must obtain
545 from the department an operation permit for a major source of
546 air pollution under this section. This operation permit is the
547 only department operation permit for a major source of air
548 pollution required for such source; provided, at the applicant's
549 request, the department shall issue a separate acid rain permit



721714

576-04585-13

550 for a major source of air pollution that is an affected source
551 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
552 for major sources of air pollution, except general permits
553 issued pursuant to s. 403.814, must be issued in accordance with
554 the procedures contained in this section and in accordance with
555 chapter 120; however, to the extent that chapter 120 is
556 inconsistent with the provisions of this section, the procedures
557 contained in this section prevail.

558 (11) Each major source of air pollution permitted to
559 operate in this state must pay between January 15 and April
560 ~~March~~ 1 of each year, upon written notice from the department,
561 an annual operation license fee in an amount determined by
562 department rule. The annual operation license fee shall be
563 terminated immediately in the event the United States
564 Environmental Protection Agency imposes annual fees solely to
565 implement and administer the major source air-operation permit
566 program in Florida under 40 C.F.R. s. 70.10(d).

567 (a) The annual fee must be assessed based upon the source's
568 previous year's emissions and must be calculated by multiplying
569 the applicable annual operation license fee factor times the
570 tons of each regulated air pollutant actually emitted, as
571 calculated in accordance with the department's emissions
572 computation and reporting rules. The annual fee shall apply only
573 to those regulated pollutants, except carbon monoxide and
574 greenhouse gases, for which an allowable numeric emission
575 limiting standard is specified in ~~(except carbon monoxide)~~
576 ~~allowed to be emitted per hour by specific condition of the~~
577 ~~source's most recent construction or operation permit, times the~~
578 ~~annual hours of operation allowed by permit condition; provided,~~



721714

576-04585-13

579 however, that:

580 1. The license fee factor is \$25 or another amount
581 determined by department rule which ensures that the revenue
582 provided by each year's operation license fees is sufficient to
583 cover all reasonable direct and indirect costs of the major
584 stationary source air-operation permit program established by
585 this section. The license fee factor may be increased beyond \$25
586 only if the secretary of the department affirmatively finds that
587 a shortage of revenue for support of the major stationary source
588 air-operation permit program will occur in the absence of a fee
589 factor adjustment. The annual license fee factor may never
590 exceed \$35.

591 ~~2. For any source that operates for fewer hours during the~~
592 ~~calendar year than allowed under its permit, the annual fee~~
593 ~~calculation must be based upon actual hours of operation rather~~
594 ~~than allowable hours if the owner or operator of the source~~
595 ~~documents the source's actual hours of operation for the~~
596 ~~calendar year. For any source that has an emissions limit that~~
597 ~~is dependent upon the type of fuel burned, the annual fee~~
598 ~~calculation must be based on the emissions limit applicable~~
599 ~~during actual hours of operation.~~

600 ~~3. For any source whose allowable emission limitation is~~
601 ~~specified by permit per units of material input or heat input or~~
602 ~~product output, the applicable input or production amount may be~~
603 ~~used to calculate the allowable emissions if the owner or~~
604 ~~operator of the source documents the actual input or production~~
605 ~~amount. If the input or production amount is not documented, the~~
606 ~~maximum allowable input or production amount specified in the~~
607 ~~permit must be used to calculate the allowable emissions.~~



721714

576-04585-13

608 ~~4. For any new source that does not receive its first~~
609 ~~operation permit until after the beginning of a calendar year,~~
610 ~~the annual fee for the year must be reduced pro rata to reflect~~
611 ~~the period during which the source was not allowed to operate.~~

612 ~~5. For any source that emits less of any regulated air~~
613 ~~pollutant than allowed by permit condition, the annual fee~~
614 ~~calculation for such pollutant must be based upon actual~~
615 ~~emissions rather than allowable emissions if the owner or~~
616 ~~operator documents the source's actual emissions by means of~~
617 ~~data from a department-approved certified continuous emissions~~
618 ~~monitor or from an emissions monitoring method which has been~~
619 ~~approved by the United States Environmental Protection Agency~~
620 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
621 ~~or from a method approved by the department for purposes of this~~
622 ~~section.~~

623 ~~2.6.~~ The amount of each regulated air pollutant in excess
624 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
625 group of sources belonging to the same Major Group as described
626 in the Standard Industrial Classification Manual, 1987, may not
627 be included in the calculation of the fee. Any source, or group
628 of sources, which does not emit any regulated air pollutant in
629 excess of 4,000 tons per year, is allowed a one-time credit not
630 to exceed 25 percent of the first annual licensing fee for the
631 prorated portion of existing air-operation permit application
632 fees remaining upon commencement of the annual licensing fees.

633 ~~3.7.~~ If the department has not received the fee by March 1
634 ~~February 15~~ of the calendar year, the permittee must be sent a
635 written warning of the consequences for failing to pay the fee
636 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1



721714

576-04585-13

637 of the calendar year, the department shall impose, in addition
638 to the fee, a penalty of 50 percent of the amount of the fee,
639 plus interest on such amount computed in accordance with s.
640 220.807. The department may not impose such penalty or interest
641 on any amount underpaid, provided that the permittee has timely
642 remitted payment of at least 90 percent of the amount determined
643 to be due and remits full payment within 60 days after receipt
644 of notice of the amount underpaid. The department may waive the
645 collection of underpayment and shall not be required to refund
646 overpayment of the fee, if the amount due is less than 1 percent
647 of the fee, up to \$50. The department may revoke any major air
648 pollution source operation permit if it finds that the
649 permitholder has failed to timely pay any required annual
650 operation license fee, penalty, or interest.

651 ~~4.8.~~ Notwithstanding the computational provisions of this
652 subsection, the annual operation license fee for any source
653 subject to this section shall not be less than \$250, except that
654 the annual operation license fee for sources permitted solely
655 through general permits issued under s. 403.814 shall not exceed
656 \$50 per year.

657 ~~5.9.~~ Notwithstanding the provisions of s.
658 403.087(6)(a)5.a., authorizing air pollution construction permit
659 fees, the department may not require such fees for changes or
660 additions to a major source of air pollution permitted pursuant
661 to this section, unless the activity triggers permitting
662 requirements under Title I, Part C or Part D, of the federal
663 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
664 administer such permits shall be considered direct and indirect
665 costs of the major stationary source air-operation permit



721714

576-04585-13

666 program under s. 403.0873. The department shall, however,
667 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
668 for the construction of a new major source of air pollution that
669 will be subject to the permitting requirements of this section
670 once constructed and for activities triggering permitting
671 requirements under Title I, Part C or Part D, of the federal
672 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

673 Section 20. Paragraph (b) of subsection (2) of section
674 403.088, Florida Statutes, is amended to read:

675 403.088 Water pollution operation permits; conditions.—

676 (2)

677 (b)1. If the department finds that the proposed discharge
678 will reduce the quality of the receiving waters below the
679 classification established for them, it shall deny the
680 application and refuse to issue a permit. The department may not
681 use the results from a field procedure or laboratory method to
682 make such a finding or to determine facility compliance unless
683 the field procedure or laboratory method has been adopted by
684 rule or noticed and approved by department order pursuant to
685 department rule. Field procedures and laboratory methods must
686 satisfy the quality assurance requirements of department rule
687 and must produce data of known and verifiable quality. The
688 results of field procedures and laboratory methods shall be
689 evaluated for sources of uncertainty to assure suitability for
690 the intended purposes as properly documented with each procedure
691 or method.

692 2. If the department finds that the proposed discharge will
693 not reduce the quality of the receiving waters below the
694 classification established for them, it may issue an operation



721714

576-04585-13

695 permit if it finds that such degradation is necessary or
696 desirable under federal standards and under circumstances which
697 are clearly in the public interest.

698 Section 21. Section 403.0893, Florida Statutes, is amended
699 to read:

700 403.0893 Stormwater funding; dedicated funds for stormwater
701 management.—In addition to any other funding mechanism legally
702 available to local government to construct, operate, or maintain
703 stormwater systems, a county or municipality may:

704 (1) Create one or more stormwater utilities and adopt
705 stormwater utility fees sufficient to plan, construct, operate,
706 and maintain stormwater management systems set out in the local
707 program required pursuant to s. 403.0891(3). Stormwater utility
708 fees adopted pursuant to this subsection may be charged to the
709 beneficiaries of a stormwater utility. If stormwater utility
710 fees charged to a beneficiary of a stormwater utility are not
711 paid when due, the county or municipality may file suit in a
712 court of competent jurisdiction or utilize any lawful method to
713 collect delinquent fees;

714 (2) Establish and set aside, as a continuing source of
715 revenue, other funds sufficient to plan, construct, operate, and
716 maintain stormwater management systems set out in the local
717 program required pursuant to s. 403.0891(3); or

718 (3) Create, alone or in cooperation with counties,
719 municipalities, and special districts pursuant to the Interlocal
720 Cooperation Act, s. 163.01, one or more stormwater management
721 system benefit areas. All property owners within said area may
722 be assessed a per acreage fee to fund the planning,
723 construction, operation, maintenance, and administration of a



721714

576-04585-13

724 public stormwater management system for the benefited area. Any
725 benefit area containing different land uses which receive
726 substantially different levels of stormwater benefits shall
727 include stormwater management system benefit subareas which
728 shall be assessed different per acreage fees from subarea to
729 subarea based upon a reasonable relationship to benefits
730 received. The fees shall be calculated to generate sufficient
731 funds to plan, construct, operate, and maintain stormwater
732 management systems called for in the local program required
733 pursuant to s. 403.0891(3). For fees assessed pursuant to this
734 section, counties or municipalities may use the non-ad valorem
735 levy, collection, and enforcement method as provided for in
736 chapter 197.

737 Section 22. Paragraph (b) of subsection (3) of section
738 403.7046, Florida Statutes, is amended, and subsection (4) is
739 added to that section, to read:

740 403.7046 Regulation of recovered materials.-

741 (3) Except as otherwise provided in this section or
742 pursuant to a special act in effect on or before January 1,
743 1993, a local government may not require a commercial
744 establishment that generates source-separated recovered
745 materials to sell or otherwise convey its recovered materials to
746 the local government or to a facility designated by the local
747 government, nor may the local government restrict such a
748 generator's right to sell or otherwise convey such recovered
749 materials to any properly certified recovered materials dealer
750 who has satisfied the requirements of this section. A local
751 government may not enact any ordinance that prevents such a
752 dealer from entering into a contract with a commercial



721714

576-04585-13

753 establishment to purchase, collect, transport, process, or
754 receive source-separated recovered materials.

755 (b) Before ~~Prior to~~ engaging in business within the
756 jurisdiction of the local government, a recovered materials
757 dealer must provide the local government with a copy of the
758 certification provided for in this section. In addition, the
759 local government may establish a registration process whereby a
760 recovered materials dealer must register with the local
761 government before ~~prior to~~ engaging in business within the
762 jurisdiction of the local government. Such registration process
763 is limited to requiring the dealer to register its name,
764 including the owner or operator of the dealer, and, if the
765 dealer is a business entity, its general or limited partners,
766 its corporate officers and directors, its permanent place of
767 business, evidence of its certification under this section, and
768 a certification that the recovered materials will be processed
769 at a recovered materials processing facility satisfying the
770 requirements of this section. A local government may not use the
771 registration information to compete with the recovered materials
772 dealer until 90 days after the registration information is
773 submitted. All counties, and municipalities whose population
774 exceeds 35,000 according to the population estimates determined
775 pursuant to s. 186.901, may establish a reporting process which
776 shall be limited to the regulations, reporting format, and
777 reporting frequency established by the department pursuant to
778 this section, which shall, at a minimum, include requiring the
779 dealer to identify the types and approximate amount of recovered
780 materials collected, recycled, or reused during the reporting
781 period; the approximate percentage of recovered materials



721714

576-04585-13

782 reused, stored, or delivered to a recovered materials processing
783 facility or disposed of in a solid waste disposal facility; and
784 the locations where any recovered materials were disposed of as
785 solid waste. Information reported under this subsection which,
786 if disclosed, would reveal a trade secret, as defined in s.
787 812.081(1)(c), is confidential and exempt from the provisions of
788 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The
789 local government may charge the dealer a registration fee
790 commensurate with and no greater than the cost incurred by the
791 local government in operating its registration program.
792 Registration program costs are limited to those costs associated
793 with the activities described in this paragraph. Any reporting
794 or registration process established by a local government with
795 regard to recovered materials shall be governed by the
796 provisions of this section and department rules adopted
797 ~~promulgated~~ pursuant thereto.

798 (4) A recovered materials dealer, or an association whose
799 members include recovered materials dealers, may initiate an
800 action for injunctive relief or damages for alleged violations
801 of this section. The court may award to the prevailing party or
802 parties reasonable attorney fees and costs.

803 Section 23. Paragraph (e) of subsection (1) of section
804 403.813, Florida Statutes, is amended to read:

805 403.813 Permits issued at district centers; exceptions.—

806 (1) A permit is not required under this chapter, chapter
807 373, chapter 61-691, Laws of Florida, or chapter 25214 or
808 chapter 25270, 1949, Laws of Florida, for activities associated
809 with the following types of projects; however, except as
810 otherwise provided in this subsection, nothing in this



721714

576-04585-13

811 subsection relieves an applicant from any requirement to obtain
812 permission to use or occupy lands owned by the Board of Trustees
813 of the Internal Improvement Trust Fund or any water management
814 district in its governmental or proprietary capacity or from
815 complying with applicable local pollution control programs
816 authorized under this chapter or other requirements of county
817 and municipal governments:

818 (e) The restoration of seawalls at their previous locations
819 or upland of, or within 18 inches ~~1-foot~~ waterward of, their
820 previous locations. However, this shall not affect the
821 permitting requirements of chapter 161, and department rules
822 shall clearly indicate that this exception does not constitute
823 an exception from the permitting requirements of chapter 161.

824 Section 24. Section 403.8141, Florida Statutes, is created
825 to read:

826 403.8141 Special event permits.—The department shall issue
827 permits for special events under s. 253.0345. The permits must
828 be for a period that runs concurrently with the lease or letter
829 of consent issued pursuant to s. 253.0345 and must allow for the
830 movement of temporary structures within the footprint of the
831 lease area.

832 Section 25. Paragraph (b) of subsection (14) and paragraph
833 (b) of subsection (19) of section 403.973, Florida Statutes, are
834 amended, and paragraph (g) is added to subsection (3) of that
835 section, to read:

836 403.973 Expedited permitting; amendments to comprehensive
837 plans.—

838 (3)

839 (g) Projects to construct interstate natural gas pipelines



721714

576-04585-13

840 subject to certification by the Federal Energy Regulatory
841 Commission are eligible for the expedited permitting process.

842 (14)

843 (b) Projects identified in paragraph (3) (f) or paragraph
844 (3) (g) or challenges to state agency action in the expedited
845 permitting process for establishment of a state-of-the-art
846 biomedical research institution and campus in this state by the
847 grantee under s. 288.955 are subject to the same requirements as
848 challenges brought under paragraph (a), except that,
849 notwithstanding s. 120.574, summary proceedings must be
850 conducted within 30 days after a party files the motion for
851 summary hearing, regardless of whether the parties agree to the
852 summary proceeding.

853 (19) The following projects are ineligible for review under
854 this part:

855 (b) A project, the primary purpose of which is to:

856 1. Effect the final disposal of solid waste, biomedical
857 waste, or hazardous waste in this state.

858 2. Produce electrical power, unless the production of
859 electricity is incidental and not the primary function of the
860 project or the electrical power is derived from a fuel source
861 for renewable energy as defined in s. 366.91(2) (d).

862 3. Extract natural resources.

863 4. Produce oil.

864 5. Construct, maintain, or operate an oil, petroleum,
865 ~~natural gas~~, or sewage pipeline.

866 Section 26. (1) The Legislature ratifies and approves the
867 actions of the Board of Trustees of the Internal Improvement
868 Trust Fund regarding lease numbers 1447, 1971S, 3420, 3433, and



721714

576-04585-13

869 3543, and lease numbers 3422 and 1935/1935-S as approved on
870 January 23, 2013, subject to the terms and conditions
871 established by the board of trustees as approved on January 23,
872 2013.

873 (2) The Legislature finds that the decision to authorize
874 the use of board of trustees-owned uplands and the use of those
875 lands as set forth in the leases is not contrary to the public
876 interest; that it is in the public interest to waive the
877 competitive bid process; that the leases are not standard
878 agricultural leases; and that such leases should be amended on
879 the terms and conditions as approved by the board of trustees.

880 (3) Notwithstanding any other provision of law, the
881 Legislature finds that the lease amendments and extensions
882 approved by the board of trustees are necessary for Everglades
883 restoration purposes, are in the public interest, and provide
884 the greatest combination of benefits to the public.

885 Section 27. The changes made by this act to ss. 403.031 and
886 403.0893 apply only to stormwater utility fees billed on or
887 after July 1, 2013, to a beneficiary of a stormwater utility for
888 services provided on or after that date.

889 Section 28. This act shall take effect July 1, 2013.