



736210

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2013	.	
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Appropriations Subcommittee on General Government (Simpson)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(8) The department may adopt rules requiring or  
incentivizing electronic submission of forms, documents, fees,  
or reports required under chapter 161, chapter 253, chapter 373,



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12 chapter 376, chapter 377, or chapter 403. The rules must  
13 reasonably accommodate technological or financial hardship and  
14 must provide procedures for obtaining an exemption due to such  
15 hardship.

16 Section 2. Section 125.022, Florida Statutes, is amended to  
17 read:

18 125.022 Development permits.-

19 (1) When reviewing an application for a development permit  
20 that is certified by a professional listed in s. 403.0877, a  
21 county may not request additional information from the applicant  
22 more than three times, unless the applicant waives the  
23 limitation in writing. Before a third request for additional  
24 information, the applicant must be offered a meeting to attempt  
25 to resolve outstanding issues. Except as provided in subsection  
26 (4), if the applicant believes the request for additional  
27 information is not authorized by ordinance, rule, statute, or  
28 other legal authority, the county, at the applicant's request,  
29 shall proceed to process the application for approval or denial.

30 (2) When a county denies an application for a development  
31 permit, the county shall give written notice to the applicant.  
32 The notice must include a citation to the applicable portions of  
33 an ordinance, rule, statute, or other legal authority for the  
34 denial of the permit.

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

38 (4) For any development permit application filed with the  
39 county after July 1, 2012, a county may not require as a  
40 condition of processing or issuing a development permit that an



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41 applicant obtain a permit or approval from any state or federal  
42 agency unless the agency has issued a final agency action that  
43 denies the federal or state permit before the county action on  
44 the local development permit.

45 (5) Issuance of a development permit by a county does not  
46 in any way create any rights on the part of the applicant to  
47 obtain a permit from a state or federal agency and does not  
48 create any liability on the part of the county for issuance of  
49 the permit if the applicant fails to obtain requisite approvals  
50 or fulfill the obligations imposed by a state or federal agency  
51 or undertakes actions that result in a violation of state or  
52 federal law. A county may attach such a disclaimer to the  
53 issuance of a development permit and may include a permit  
54 condition that all other applicable state or federal permits be  
55 obtained before commencement of the development.

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

59 Section 3. Section 166.033, Florida Statutes, is amended to  
60 read:

61 166.033 Development permits.—

62 (1) When reviewing an application for a development permit  
63 that is certified by a professional listed in s. 403.0877, a  
64 municipality may not request additional information from the  
65 applicant more than three times, unless the applicant waives the  
66 limitation in writing. Before a third request for additional  
67 information, the applicant must be offered a meeting to attempt  
68 to resolve outstanding issues. Except as provided in subsection  
69 (4), if the applicant believes the request for additional



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70 information is not authorized by ordinance, rule, statute, or  
71 other legal authority, the municipality, at the applicant's  
72 request, shall proceed to process the application for approval  
73 or denial.

74 (2) When a municipality denies an application for a  
75 development permit, the municipality shall give written notice  
76 to the applicant. The notice must include a citation to the  
77 applicable portions of an ordinance, rule, statute, or other  
78 legal authority for the denial of the permit.

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

82 (4) For any development permit application filed with the  
83 municipality after July 1, 2012, a municipality may not require  
84 as a condition of processing or issuing a development permit  
85 that an applicant obtain a permit or approval from any state or  
86 federal agency unless the agency has issued a final agency  
87 action that denies the federal or state permit before the  
88 municipal action on the local development permit.

89 (5) Issuance of a development permit by a municipality does  
90 not in any way create any right on the part of an applicant to  
91 obtain a permit from a state or federal agency and does not  
92 create any liability on the part of the municipality for  
93 issuance of the permit if the applicant fails to obtain  
94 requisite approvals or fulfill the obligations imposed by a  
95 state or federal agency or undertakes actions that result in a  
96 violation of state or federal law. A municipality may attach  
97 such a disclaimer to the issuance of development permits and may  
98 include a permit condition that all other applicable state or



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99 federal permits be obtained before commencement of the  
100 development.

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

104 Section 4. Paragraph (c) of subsection (6) of section  
105 211.3103, Florida Statutes is amended to read:

106 211.3103 Levy of tax on severance of phosphate rock; rate,  
107 basis, and distribution of tax.—

108 (6)

109 (c) For purposes of this section, "phosphate-related  
110 expenses" means those expenses that provide for infrastructure  
111 or services in support of the phosphate industry, including  
112 environmental education, reclamation or restoration of phosphate  
113 lands, maintenance and restoration of reclaimed lands and county  
114 owned environmental lands which were formerly phosphate lands,  
115 community infrastructure on such reclaimed lands and county  
116 owned environmental lands which were formerly phosphate lands,  
117 and similar expenses directly related to support of the  
118 industry.

119 Section 5. Section 253.0345, Florida Statutes, is amended  
120 to read:

121 253.0345 Special events; submerged land leases.—

122 (1) The trustees may ~~are authorized to issue leases or~~  
123 ~~letters of consent consents of use or leases~~ to riparian  
124 landowners, special and event promoters, and boat show owners to  
125 allow the installation of temporary structures, including docks,  
126 moorings, pilings, and access walkways, on sovereign submerged  
127 lands solely for the purpose of facilitating boat shows and



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128 displays in, or adjacent to, established marinas or government-  
129 owned ~~government-owned~~ upland property. Riparian owners of  
130 adjacent uplands who are not seeking a lease or letter of  
131 consent ~~of use~~ shall be notified by certified mail of any  
132 request for such a lease or letter of consent ~~before of use~~  
133 ~~prior to~~ approval by the trustees. The trustees shall balance  
134 the interests of any objecting riparian owners with the economic  
135 interests of the public and the state as a factor in determining  
136 whether ~~if~~ a lease or letter of consent ~~of use~~ should be  
137 executed over the objection of adjacent riparian owners. This  
138 section does ~~shall~~ not apply to structures for viewing motorboat  
139 racing, high-speed motorboat contests, or high-speed displays in  
140 waters where manatees are known to frequent.

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

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

145 (b) Shall include a lease fee, if applicable, based solely  
146 on the period and actual size of the preemption and conditions  
147 to allow reconfiguration of temporary structures within the  
148 lease area with notice to the department of the configuration  
149 and size of preemption within the lease area.

150 (c) The lease or letter of consent ~~of use~~ may ~~also~~ contain  
151 appropriate requirements for removal of the temporary  
152 structures, including the posting of sufficient surety to  
153 guarantee appropriate funds for removal of the structures should  
154 the promoter or riparian owner fail to do so within the time  
155 specified in the agreement.

156 (3) ~~Nothing in~~ This section does not ~~shall be construed to~~



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157 allow any lease or letter of consent ~~of use~~ that would result in  
158 harm to the natural resources of the area as a result of the  
159 structures or the activities of the special events agreed to.

160 Section 6. Section 253.0346, Florida Statutes, is created  
161 to read:

162 253.0346 Lease of sovereignty submerged lands for marinas,  
163 boatyards, and marine retailers.-

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

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

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

171 (2) For marinas that are open to the public on a first-  
172 come, first-served basis and for which at least 90 percent of  
173 the slips are open for rent to the public, a discount of 30  
174 percent on the annual lease fee shall apply if dockage rate  
175 sheet publications and dockage advertising clearly state that  
176 slips are open for rent to the public on a first-come, first-  
177 served basis.

178 (3) For a facility designated by the department as a Clean  
179 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean  
180 Marina Program:

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

- 183 1. Actively maintains designation under the program.  
184 2. Complies with the terms of the lease.  
185 3. Does not change use during the term of the lease.



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186 (b) Extended-term lease surcharges shall be waived if the  
187 facility:

188 1. Actively maintains designation under the program.

189 2. Complies with the terms of the lease.

190 3. Does not change use during the term of the lease.

191 4. Is available to the public on a first-come, first-served  
192 basis.

193 (c) If the facility is in arrears on lease fees or fails to  
194 comply with paragraph (b), the facility is not eligible for the  
195 discount or waiver under this subsection until arrears have been  
196 paid and compliance with the program has been met.

197 (4) This section applies to new leases or amendments to  
198 leases effective after July 1, 2013.

199 Section 7. Paragraphs (e) and (f) are added to subsection  
200 (2) of section 253.0347, Florida Statutes, to read:

201 253.0347 Lease of sovereignty submerged lands for private  
202 residential docks and piers.-

203 (2)

204 (e) A lessee of sovereignty submerged land for a private  
205 residential single-family dock designed to moor up to four boats  
206 is not required to pay lease fees for a preempted area equal to  
207 or less than 10 times the riparian shoreline along sovereignty  
208 submerged land on the affected waterbody or the square footage  
209 authorized for a private residential single-family dock under  
210 rules adopted by the Board of Trustees of the Internal  
211 Improvement Trust Fund for the management of sovereignty  
212 submerged lands, whichever is greater.

213 (f) A lessee of sovereignty submerged land for a private  
214 residential multifamily dock designed to moor boats up to the





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215 number of units within the multifamily development is not  
216 required to pay lease fees for a preempted area equal to or less  
217 than 10 times the riparian shoreline along sovereignty submerged  
218 land on the affected waterbody times the number of units with  
219 docks in the private multifamily development.

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

222 373.118 General permits; delegation.—

223 (4) The department shall adopt by rule one or more general  
224 permits for local governments to construct, operate, and  
225 maintain ~~public marina facilities,~~ public mooring fields, public  
226 boat ramps, including associated courtesy docks, and associated  
227 parking facilities located in uplands. Such general permits  
228 adopted by rule shall include provisions to ensure compliance  
229 with part IV of this chapter, subsection (1), and the criteria  
230 necessary to include the general permits in a state programmatic  
231 general permit issued by the United States Army Corps of  
232 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-  
233 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility  
234 authorized under such general permits is exempt from review as a  
235 development of regional impact if the facility complies with the  
236 comprehensive plan of the applicable local government. Such  
237 facilities shall be consistent with the local government manatee  
238 protection plan required pursuant to chapter 379 ~~and shall~~  
239 ~~obtain Clean Marina Program status prior to opening for~~  
240 ~~operation and maintain that status for the life of the facility.~~  
241 ~~Marinas and mooring fields authorized under any such general~~  
242 ~~permit shall not exceed an area of 50,000 square feet over~~  
243 ~~wetlands and other surface waters.~~ Mooring fields authorized



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244 under such general permits may not exceed 100 vessels. All  
245 facilities permitted under this section shall be constructed,  
246 maintained, and operated in perpetuity for the exclusive use of  
247 the general public. The Board of Trustees of the Internal  
248 Improvement Trust Fund may delegate to the department authority  
249 to issue leases for mooring fields that meet the requirements of  
250 permits issued under this subsection. The department shall  
251 initiate the rulemaking process within 60 days after the  
252 effective date of this act.

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

255 373.233 Competing applications.—

256 (1) If two or more applications that ~~which~~ otherwise comply  
257 with the provisions of this part are pending for a quantity of  
258 water that is inadequate for both or all, or that ~~which~~ for any  
259 other reason are in conflict, the governing board or the  
260 department has ~~shall have~~ the right to approve or modify the  
261 application that ~~which~~ best serves the public interest if it  
262 deems the application complete.

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

265 373.236 Duration of permits; compliance reports.—

266 (4) Where necessary to maintain reasonable assurance that  
267 the conditions for issuance of a 20-year permit can continue to  
268 be met, the governing board or department, in addition to any  
269 conditions required pursuant to s. 373.219, may require a  
270 compliance report by the permittee every 10 years during the  
271 term of a permit. The Suwannee River Water Management District  
272 may require a compliance report by the permittee every 5 years



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273 through July 1, 2015, and thereafter every 10 years during the  
274 term of the permit. This report shall contain sufficient data to  
275 maintain reasonable assurance that the initial conditions for  
276 permit issuance are met. Following review of this report, the  
277 governing board or the department may modify the permit to  
278 ensure that the use meets the conditions for issuance. Permit  
279 modifications pursuant to this subsection are ~~shall~~ not ~~be~~  
280 subject to competing applications, provided there is no increase  
281 in the permitted allocation or permit duration, and no change in  
282 source, except for changes in source requested by the district.  
283 In order to promote the sustainability of natural systems  
284 through the diversification of water supplies through the  
285 development of seawater desalination plants, a water management  
286 district shall not reduce an existing permitted allocation of  
287 water during the permit term as a result of planned future  
288 construction of, or additional water becoming available from, a  
289 new seawater desalination plant that does not receive funding  
290 from a water management district. Except as expressly provided  
291 herein, nothing in this subsection may ~~shall not~~ be construed to  
292 alter a district's limit ~~the existing authority of the~~  
293 ~~department or the governing board~~ to modify ~~or revoke~~ a  
294 consumptive use permit pursuant to chapter 373.

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

297 373.246 Declaration of water shortage or emergency.—

298 (6) The governing board or the department shall notify each  
299 permittee in the district by electronic mail or regular mail of  
300 any change in the condition of his or her permit or any  
301 suspension of his or her permit or of any other restriction on



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302 the permittee's use of water for the duration of the water  
303 shortage.

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

306 373.308 Implementation of programs for regulating water  
307 wells.-

308 (1) The department shall authorize the governing board of a  
309 water management district to implement a program for the  
310 issuance of permits for the location, construction, repair, and  
311 abandonment of water wells. Upon authorization from the  
312 department, issuance of well permits will be the sole  
313 responsibility of the water management district, delegated local  
314 government, or local county health department. Other local  
315 governmental entities may not impose additional or duplicate  
316 requirements or fees or establish a separate program for the  
317 permitting of the location, abandonment, boring, or other  
318 activities reasonably associated with the installation and  
319 abandonment of a groundwater well.

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

322 373.323 Licensure of water well contractors; application,  
323 qualifications, and examinations; equipment identification.-

324 (1) Every person who wishes to engage in business as a  
325 water well contractor shall obtain from the water management  
326 district a license to conduct such business. Licensure under  
327 this part by a water management district shall be the only water  
328 well construction license required for the construction, repair,  
329 or abandonment of water wells in the state or any political  
330 subdivision thereof.



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331 (10) Water well contractors licensed under this section may  
332 install, repair, and modify pumps and tanks in accordance with  
333 the Florida Building Code, Plumbing; Section 612-Wells pumps and  
334 tanks used for private potable water systems. In addition,  
335 licensed water well contractors may install pumps, tanks, and  
336 water conditioning equipment for all water ~~well~~ systems.

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

339 373.406 Exemptions.—The following exemptions shall apply:

340 (13) Nothing in this part, or in any rule, regulation, or  
341 order adopted pursuant to this part, applies to the  
342 construction, alteration, operation, or maintenance of any  
343 wholly owned, manmade, excavated farm ponds, as defined in s.  
344 403.927, constructed entirely in uplands.

345 (14) Nothing in this part, or in any rule, regulation, or  
346 order adopted pursuant to this part, may require a permit for  
347 activities affecting wetlands created solely by the unauthorized  
348 flooding or interference with the natural flow of surface water  
349 caused by an unaffiliated adjoining landowner. Requests to  
350 qualify for this exemption must be made within 7 years after the  
351 cause of such unauthorized flooding or unauthorized interference  
352 with the natural flow of surface water and must be submitted in  
353 writing to the district or department. Such activities may not  
354 begin before the district or department confirms in writing that  
355 the activity qualifies for the exemption. This exemption does  
356 not expand the jurisdiction of the department or water  
357 management districts and does not apply to activities that  
358 discharge dredged or fill material into waters of the United  
359 States, including wetlands, subject to federal jurisdiction



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360 under section 404 of the Clean Water Act, 33 U.S.C. s. 1344.

361 (15) Any independent water control district created and  
362 operating pursuant to chapter 298 for which a valid  
363 environmental resource permit or management and storage of  
364 surface waters permit has been issued pursuant to this part is  
365 exempt from further wetlands regulations imposed pursuant to  
366 chapters 125, 163, and 166.

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

369 376.30713 Preapproved advanced cleanup.—

370 (4) The department is authorized to enter into contracts  
371 ~~contract~~ for a total of up to \$15 ~~\$10~~ million of preapproved  
372 advanced cleanup work in each fiscal year. However, no facility  
373 shall be preapproved for more than \$5 million ~~\$500,000~~ of  
374 cleanup activity in each fiscal year. For the purposes of this  
375 section the term "facility" shall include, but not be limited  
376 to, multiple site facilities such as airports, port facilities,  
377 and terminal facilities even though such enterprises may be  
378 treated as separate facilities for other purposes under this  
379 chapter.

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

382 376.313 Nonexclusiveness of remedies and individual cause  
383 of action for damages under ss. 376.30-376.317.—

384 (3) Except as provided in s. 376.3078(3) and (11), nothing  
385 contained in ss. 376.30-376.317 prohibits any person from  
386 bringing a cause of action in a court of competent jurisdiction  
387 for all damages resulting from a discharge or other condition of  
388 pollution covered by ss. 376.30-376.317 which was not authorized



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389 pursuant to chapter 403. Nothing in this chapter shall prohibit  
390 or diminish a party's right to contribution from other parties  
391 jointly or severally liable for a prohibited discharge of  
392 pollutants or hazardous substances or other pollution  
393 conditions. Except as otherwise provided in subsection (4) or  
394 subsection (5), in any such suit, it is not necessary for such  
395 person to plead or prove negligence in any form or manner. Such  
396 person need only plead and prove the fact of the prohibited  
397 discharge or other pollutive condition and that it has occurred.  
398 The only defenses to such cause of action shall be those  
399 specified in s. 376.308.

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

402 403.031 Definitions.—In construing this chapter, or rules  
403 and regulations adopted pursuant hereto, the following words,  
404 phrases, or terms, unless the context otherwise indicates, have  
405 the following meanings:

406 (22) "Beneficiary" means any person, partnership,  
407 corporation, business entity, charitable organization, not-for-  
408 profit corporation, state, county, district, authority, or  
409 municipal unit of government or any other separate unit of  
410 government created or established by law.

411 Section 18. Subsection (43) is added to section 403.061,  
412 Florida Statutes, to read:

413 403.061 Department; powers and duties.—The department shall  
414 have the power and the duty to control and prohibit pollution of  
415 air and water in accordance with the law and rules adopted and  
416 promulgated by it and, for this purpose, to:

417 (43) Adopt rules requiring or incentivizing the electronic



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418 submission of forms, documents, fees, or reports required under  
419 chapter 161, chapter 253, chapter 373, chapter 376, chapter 377,  
420 or this chapter. The rules must reasonably accommodate  
421 technological or financial hardship and provide procedures for  
422 obtaining an exemption due to such hardship.

423  
424 The department shall implement such programs in conjunction with  
425 its other powers and duties and shall place special emphasis on  
426 reducing and eliminating contamination that presents a threat to  
427 humans, animals or plants, or to the environment.

428 Section 19. Paragraph (a) of subsection (11) of section  
429 403.0872, Florida Statutes, is amended to read:

430 403.0872 Operation permits for major sources of air  
431 pollution; annual operation license fee.—Provided that program  
432 approval pursuant to 42 U.S.C. s. 7661a has been received from  
433 the United States Environmental Protection Agency, beginning  
434 January 2, 1995, each major source of air pollution, including  
435 electrical power plants certified under s. 403.511, must obtain  
436 from the department an operation permit for a major source of  
437 air pollution under this section. This operation permit is the  
438 only department operation permit for a major source of air  
439 pollution required for such source; provided, at the applicant's  
440 request, the department shall issue a separate acid rain permit  
441 for a major source of air pollution that is an affected source  
442 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
443 for major sources of air pollution, except general permits  
444 issued pursuant to s. 403.814, must be issued in accordance with  
445 the procedures contained in this section and in accordance with  
446 chapter 120; however, to the extent that chapter 120 is





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447 inconsistent with the provisions of this section, the procedures  
448 contained in this section prevail.

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

458 (a) The annual fee must be assessed based upon the source's  
459 previous year's emissions and must be calculated by multiplying  
460 the applicable annual operation license fee factor times the  
461 tons of each regulated air pollutant actually emitted, as  
462 calculated in accordance with the department's emissions  
463 computation and reporting rules. The annual fee shall apply only  
464 to those regulated pollutants, except carbon monoxide and  
465 greenhouse gases, for which an allowable numeric emission  
466 limiting standard is specified in ~~(except carbon monoxide)~~  
467 ~~allowed to be emitted per hour by specific condition of the~~  
468 ~~source's most recent construction or operation permit, times the~~  
469 ~~annual hours of operation allowed by permit condition;~~ provided,  
470 however, that:

471 1. The license fee factor is \$25 or another amount  
472 determined by department rule which ensures that the revenue  
473 provided by each year's operation license fees is sufficient to  
474 cover all reasonable direct and indirect costs of the major  
475 stationary source air-operation permit program established by



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476 this section. The license fee factor may be increased beyond \$25  
477 only if the secretary of the department affirmatively finds that  
478 a shortage of revenue for support of the major stationary source  
479 air-operation permit program will occur in the absence of a fee  
480 factor adjustment. The annual license fee factor may never  
481 exceed \$35.

482 ~~2. For any source that operates for fewer hours during the~~  
483 ~~calendar year than allowed under its permit, the annual fee~~  
484 ~~calculation must be based upon actual hours of operation rather~~  
485 ~~than allowable hours if the owner or operator of the source~~  
486 ~~documents the source's actual hours of operation for the~~  
487 ~~calendar year. For any source that has an emissions limit that~~  
488 ~~is dependent upon the type of fuel burned, the annual fee~~  
489 ~~calculation must be based on the emissions limit applicable~~  
490 ~~during actual hours of operation.~~

491 ~~3. For any source whose allowable emission limitation is~~  
492 ~~specified by permit per units of material input or heat input or~~  
493 ~~product output, the applicable input or production amount may be~~  
494 ~~used to calculate the allowable emissions if the owner or~~  
495 ~~operator of the source documents the actual input or production~~  
496 ~~amount. If the input or production amount is not documented, the~~  
497 ~~maximum allowable input or production amount specified in the~~  
498 ~~permit must be used to calculate the allowable emissions.~~

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

503 ~~5. For any source that emits less of any regulated air~~  
504 ~~pollutant than allowed by permit condition, the annual fee~~



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505 ~~calculation for such pollutant must be based upon actual~~  
506 ~~emissions rather than allowable emissions if the owner or~~  
507 ~~operator documents the source's actual emissions by means of~~  
508 ~~data from a department-approved certified continuous emissions~~  
509 ~~monitor or from an emissions monitoring method which has been~~  
510 ~~approved by the United States Environmental Protection Agency~~  
511 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~  
512 ~~or from a method approved by the department for purposes of this~~  
513 ~~section.~~

514 2.6. The amount of each regulated air pollutant in excess  
515 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or  
516 group of sources belonging to the same Major Group as described  
517 in the Standard Industrial Classification Manual, 1987, may not  
518 be included in the calculation of the fee. Any source, or group  
519 of sources, which does not emit any regulated air pollutant in  
520 excess of 4,000 tons per year, is allowed a one-time credit not  
521 to exceed 25 percent of the first annual licensing fee for the  
522 prorated portion of existing air-operation permit application  
523 fees remaining upon commencement of the annual licensing fees.

524 3.7. If the department has not received the fee by March 1  
525 ~~February 15~~ of the calendar year, the permittee must be sent a  
526 written warning of the consequences for failing to pay the fee  
527 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1  
528 of the calendar year, the department shall impose, in addition  
529 to the fee, a penalty of 50 percent of the amount of the fee,  
530 plus interest on such amount computed in accordance with s.  
531 220.807. The department may not impose such penalty or interest  
532 on any amount underpaid, provided that the permittee has timely  
533 remitted payment of at least 90 percent of the amount determined



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534 to be due and remits full payment within 60 days after receipt  
535 of notice of the amount underpaid. The department may waive the  
536 collection of underpayment and shall not be required to refund  
537 overpayment of the fee, if the amount due is less than 1 percent  
538 of the fee, up to \$50. The department may revoke any major air  
539 pollution source operation permit if it finds that the  
540 permitholder has failed to timely pay any required annual  
541 operation license fee, penalty, or interest.

542 ~~4.8.~~ Notwithstanding the computational provisions of this  
543 subsection, the annual operation license fee for any source  
544 subject to this section shall not be less than \$250, except that  
545 the annual operation license fee for sources permitted solely  
546 through general permits issued under s. 403.814 shall not exceed  
547 \$50 per year.

548 ~~5.9.~~ Notwithstanding the provisions of s.  
549 403.087(6)(a)5.a., authorizing air pollution construction permit  
550 fees, the department may not require such fees for changes or  
551 additions to a major source of air pollution permitted pursuant  
552 to this section, unless the activity triggers permitting  
553 requirements under Title I, Part C or Part D, of the federal  
554 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and  
555 administer such permits shall be considered direct and indirect  
556 costs of the major stationary source air-operation permit  
557 program under s. 403.0873. The department shall, however,  
558 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.  
559 for the construction of a new major source of air pollution that  
560 will be subject to the permitting requirements of this section  
561 once constructed and for activities triggering permitting  
562 requirements under Title I, Part C or Part D, of the federal



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563 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

564 Section 20. Paragraph (b) of subsection (2) of section  
565 403.088, Florida Statutes, is amended to read:

566 403.088 Water pollution operation permits; conditions.—  
567 (2)

568 (b)1. If the department finds that the proposed discharge  
569 will reduce the quality of the receiving waters below the  
570 classification established for them, it shall deny the  
571 application and refuse to issue a permit. The department may not  
572 use the results from a field procedure or laboratory method to  
573 make such a finding or to determine facility compliance unless  
574 the field procedure or laboratory method has been adopted by  
575 rule or noticed and approved by department order pursuant to  
576 department rule. Field procedures and laboratory methods must  
577 satisfy the quality assurance requirements of department rule  
578 and must produce data of known and verifiable quality. The  
579 results of field procedures and laboratory methods shall be  
580 evaluated for sources of uncertainty to assure suitability for  
581 the intended purposes as properly documented with each procedure  
582 or method.

583 2. If the department finds that the proposed discharge will  
584 not reduce the quality of the receiving waters below the  
585 classification established for them, it may issue an operation  
586 permit if it finds that such degradation is necessary or  
587 desirable under federal standards and under circumstances which  
588 are clearly in the public interest.

589 Section 21. Section 403.0893, Florida Statutes, is amended  
590 to read:

591 403.0893 Stormwater funding; dedicated funds for stormwater



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592 management.—In addition to any other funding mechanism legally  
593 available to local government to construct, operate, or maintain  
594 stormwater systems, a county or municipality may:

595 (1) Create one or more stormwater utilities and adopt  
596 stormwater utility fees sufficient to plan, construct, operate,  
597 and maintain stormwater management systems set out in the local  
598 program required pursuant to s. 403.0891(3). Stormwater utility  
599 fees adopted pursuant to this subsection may be charged to the  
600 beneficiaries of a stormwater utility. If stormwater utility  
601 fees charged to a beneficiary of a stormwater utility are not  
602 paid when due, the county or municipality may file suit in a  
603 court of competent jurisdiction or utilize any lawful method to  
604 collect delinquent fees;

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

609 (3) Create, alone or in cooperation with counties,  
610 municipalities, and special districts pursuant to the Interlocal  
611 Cooperation Act, s. 163.01, one or more stormwater management  
612 system benefit areas. All property owners within said area may  
613 be assessed a per acreage fee to fund the planning,  
614 construction, operation, maintenance, and administration of a  
615 public stormwater management system for the benefited area. Any  
616 benefit area containing different land uses which receive  
617 substantially different levels of stormwater benefits shall  
618 include stormwater management system benefit subareas which  
619 shall be assessed different per acreage fees from subarea to  
620 subarea based upon a reasonable relationship to benefits



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621 received. The fees shall be calculated to generate sufficient  
622 funds to plan, construct, operate, and maintain stormwater  
623 management systems called for in the local program required  
624 pursuant to s. 403.0891(3). For fees assessed pursuant to this  
625 section, counties or municipalities may use the non-ad valorem  
626 levy, collection, and enforcement method as provided for in  
627 chapter 197.

628 Section 22. Paragraph (b) of subsection (3) of section  
629 403.7046, Florida Statutes, is amended, and subsection (4) is  
630 added to that section, to read:

631 403.7046 Regulation of recovered materials.-

632 (3) Except as otherwise provided in this section or  
633 pursuant to a special act in effect on or before January 1,  
634 1993, a local government may not require a commercial  
635 establishment that generates source-separated recovered  
636 materials to sell or otherwise convey its recovered materials to  
637 the local government or to a facility designated by the local  
638 government, nor may the local government restrict such a  
639 generator's right to sell or otherwise convey such recovered  
640 materials to any properly certified recovered materials dealer  
641 who has satisfied the requirements of this section. A local  
642 government may not enact any ordinance that prevents such a  
643 dealer from entering into a contract with a commercial  
644 establishment to purchase, collect, transport, process, or  
645 receive source-separated recovered materials.

646 (b) Before ~~Prior to~~ engaging in business within the  
647 jurisdiction of the local government, a recovered materials  
648 dealer must provide the local government with a copy of the  
649 certification provided for in this section. In addition, the



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650 local government may establish a registration process whereby a  
651 recovered materials dealer must register with the local  
652 government before ~~prior to~~ engaging in business within the  
653 jurisdiction of the local government. Such registration process  
654 is limited to requiring the dealer to register its name,  
655 including the owner or operator of the dealer, and, if the  
656 dealer is a business entity, its general or limited partners,  
657 its corporate officers and directors, its permanent place of  
658 business, evidence of its certification under this section, and  
659 a certification that the recovered materials will be processed  
660 at a recovered materials processing facility satisfying the  
661 requirements of this section. A local government may not use the  
662 registration information to compete with the recovered materials  
663 dealer until 90 days after the registration information is  
664 submitted. All counties, and municipalities whose population  
665 exceeds 35,000 according to the population estimates determined  
666 pursuant to s. 186.901, may establish a reporting process which  
667 shall be limited to the regulations, reporting format, and  
668 reporting frequency established by the department pursuant to  
669 this section, which shall, at a minimum, include requiring the  
670 dealer to identify the types and approximate amount of recovered  
671 materials collected, recycled, or reused during the reporting  
672 period; the approximate percentage of recovered materials  
673 reused, stored, or delivered to a recovered materials processing  
674 facility or disposed of in a solid waste disposal facility; and  
675 the locations where any recovered materials were disposed of as  
676 solid waste. Information reported under this subsection which,  
677 if disclosed, would reveal a trade secret, as defined in s.  
678 812.081(1)(c), is confidential and exempt from the provisions of





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679 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The  
680 local government may charge the dealer a registration fee  
681 commensurate with and no greater than the cost incurred by the  
682 local government in operating its registration program.  
683 Registration program costs are limited to those costs associated  
684 with the activities described in this paragraph. Any reporting  
685 or registration process established by a local government with  
686 regard to recovered materials shall be governed by the  
687 provisions of this section and department rules adopted  
688 ~~promulgated~~ pursuant thereto.

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

694 Section 23. Paragraph (e) of subsection (1) of section  
695 403.813, Florida Statutes, is amended to read:

696 403.813 Permits issued at district centers; exceptions.—

697 (1) A permit is not required under this chapter, chapter  
698 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
699 chapter 25270, 1949, Laws of Florida, for activities associated  
700 with the following types of projects; however, except as  
701 otherwise provided in this subsection, nothing in this  
702 subsection relieves an applicant from any requirement to obtain  
703 permission to use or occupy lands owned by the Board of Trustees  
704 of the Internal Improvement Trust Fund or any water management  
705 district in its governmental or proprietary capacity or from  
706 complying with applicable local pollution control programs  
707 authorized under this chapter or other requirements of county



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708 and municipal governments:

709 (e) The restoration of seawalls at their previous locations  
710 or upland of, or within 18 inches ~~1-foot~~ waterward of, their  
711 previous locations. However, this shall not affect the  
712 permitting requirements of chapter 161, and department rules  
713 shall clearly indicate that this exception does not constitute  
714 an exception from the permitting requirements of chapter 161.

715 Section 24. Section 403.8141, Florida Statutes, is created  
716 to read:

717 403.8141 Special event permits.—The department shall issue  
718 permits for special events under s. 253.0345. The permits must  
719 be for a period that runs concurrently with the lease or letter  
720 of consent issued pursuant to s. 253.0345 and must allow for the  
721 movement of temporary structures within the footprint of the  
722 lease area.

723 Section 25. Paragraph (b) of subsection (14) and paragraph  
724 (b) of subsection (19) of section 403.973, Florida Statutes, are  
725 amended, and paragraph (g) is added to subsection (3) of that  
726 section, to read:

727 403.973 Expedited permitting; amendments to comprehensive  
728 plans.—

729 (3)

730 (g) Projects to construct interstate natural gas pipelines  
731 subject to certification by the Federal Energy Regulatory  
732 Commission are eligible for the expedited permitting process.

733 (14)

734 (b) Projects identified in paragraph (3) (f) or paragraph  
735 (3) (g) or challenges to state agency action in the expedited  
736 permitting process for establishment of a state-of-the-art



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737 biomedical research institution and campus in this state by the  
738 grantee under s. 288.955 are subject to the same requirements as  
739 challenges brought under paragraph (a), except that,  
740 notwithstanding s. 120.574, summary proceedings must be  
741 conducted within 30 days after a party files the motion for  
742 summary hearing, regardless of whether the parties agree to the  
743 summary proceeding.

744 (19) The following projects are ineligible for review under  
745 this part:

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

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

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

753 3. Extract natural resources.

754 4. Produce oil.

755 5. Construct, maintain, or operate an oil, petroleum,  
756 ~~natural gas,~~ or sewage pipeline.

757 Section 26. The changes made by this act to ss. 403.031 and  
758 403.0893 apply only to stormwater utility fees billed on or  
759 after July 1, 2013, to a beneficiary of a stormwater utility for  
760 services provided on or after that date.

761 Section 27. This act shall take effect July 1, 2013.

762  
763 ===== T I T L E A M E N D M E N T =====

764 And the title is amended as follows:

765 Delete everything before the enacting clause



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766 and insert:

767                   A bill to be entitled  
768           An act relating to environmental regulation; amending  
769           s. 20.255, F.S.; authorizing the Department of  
770           Environmental Protection to adopt rules requiring or  
771           incentivizing the electronic submission of certain  
772           forms, documents, fees, and reports; amending ss.  
773           125.022 and 166.033, F.S.; providing requirements for  
774           the review of development permit applications by  
775           counties and municipalities; amending s. 211.3103,  
776           F.S.; revising the definition of the term "phosphate-  
777           related expenses" to include maintenance and  
778           restoration of certain lands; amending s. 253.0345,  
779           F.S.; revising provisions for the duration of leases  
780           and letters of consent issued by the Board of Trustees  
781           of the Internal Improvement Trust Fund for special  
782           events; providing conditions for fees relating to such  
783           leases and letters of consent; creating s. 253.0346,  
784           F.S.; defining the term "first-come, first-served  
785           basis"; providing conditions for the discount and  
786           waiver of lease fees and surcharges for certain  
787           marinas, boatyards, and marine retailers; providing  
788           applicability; amending s. 253.0347, F.S.; providing  
789           exemptions from lease fees for certain lessees;  
790           amending s. 373.118, F.S.; deleting provisions  
791           requiring the department to adopt general permits for  
792           public marina facilities; deleting certain  
793           requirements under general permits for public marina  
794           facilities and mooring fields; limiting the number of



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795 vessels for mooring fields authorized under such  
796 permits; authorizing the department to issue certain  
797 leases; amending s. 373.233, F.S.; clarifying  
798 conditions for competing applications for consumptive  
799 use of water permits; amending s. 373.236, F.S.;  
800 prohibiting water management districts from reducing  
801 certain allocations as a result of activities  
802 involving a new seawater desalination plant that does  
803 not receive funding from a water management district;  
804 providing an exception; amending s. 373.246, F.S.;  
805 allowing the governing board or the department to  
806 notify a permittee by electronic mail of any change in  
807 the condition of his or her permit during a declared  
808 water shortage or emergency; amending s. 373.308,  
809 F.S.; providing that issuance of well permits is the  
810 sole responsibility of water management districts,  
811 delegated local governments, and local county health  
812 departments; prohibiting other local governmental  
813 entities from imposing requirements and fees or  
814 establishing programs for installation and abandonment  
815 of groundwater wells; amending s. 373.323, F.S.;  
816 providing that licenses issued by water management  
817 districts are the only water well construction  
818 licenses required for construction, repair, or  
819 abandonment of water wells; authorizing licensed water  
820 well contractors to install equipment for all water  
821 systems; amending s. 373.406, F.S.; exempting  
822 specified ponds, ditches, wetlands, and water control  
823 districts from surface water management and storage



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824 requirements; requiring that a request for an  
825 exemption be made within a certain time period and  
826 that activities not begin until such exemption is  
827 made; exempting certain water control districts from  
828 certain wetlands regulation; amending s. 376.30713,  
829 F.S.; increasing maximum costs for preapproved  
830 advanced cleanup in a fiscal year; amending s.  
831 376.313, F.S.; holding harmless a person who  
832 discharges pollution pursuant to ch. 403, F.S.;;  
833 amending s. 403.031, F.S.; defining the term  
834 "beneficiary"; amending s. 403.061, F.S.; authorizing  
835 the department to adopt rules requiring or  
836 incentivizing the electronic submission of certain  
837 forms, documents, fees, and reports; amending s.  
838 403.0872, F.S.; extending the payment deadline of  
839 permit fees for major sources of air pollution and  
840 conforming the date for related notice by the  
841 department; revising provisions for the calculation of  
842 such annual fees; amending s. 403.088, F.S.; revising  
843 conditions for water pollution operation permits;  
844 requiring the department to meet certain standards in  
845 making determinations; amending s. 403.0893, F.S.;;  
846 authorizing stormwater utility fees to be charged to  
847 the beneficiaries of the stormwater utility; amending  
848 s. 403.7046, F.S.; providing requirements for the  
849 review of recovered materials dealer registration  
850 applications; providing that a recovered materials  
851 dealer may seek injunctive relief or damages for  
852 certain violations; amending s. 403.813, F.S.;



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853           revising conditions under which certain permits are  
854           not required for seawall restoration projects;  
855           creating s. 403.8141, F.S.; requiring the Department  
856           of Environmental Protection to establish permits for  
857           special events; providing permit requirements;  
858           amending s. 403.973, F.S.; authorizing expedited  
859           permitting for natural gas pipelines, subject to  
860           specified certification; providing that natural gas  
861           pipelines are subject to certain requirements;  
862           providing that changes made by this act to ss. 403.031  
863           and 403.0893, F.S., apply only to stormwater utility  
864           fees billed on or after July 1, 2013, to a stormwater  
865           utility's beneficiary for services provided on or  
866           after that date; providing an effective date.