

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee

3 Representative Patronis offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 20.255 Department of Environmental Protection.—There is
 10 created a Department of Environmental Protection.

11 (8) The department may adopt rules requiring or
 12 incentivizing electronic submission of forms, documents, fees,
 13 or reports required for permits issued under chapter 161,
 14 chapter 253, chapter 373, chapter 376, or chapter 403. The rules
 15 must reasonably accommodate technological or financial hardship
 16 and must provide procedures for obtaining an exemption due to a
 17 such hardship.

18 Section 2. Section 125.022, Florida Statutes, is amended
 19 to read:

20 125.022 Development permits.—

Amendment No.

21 (1) When reviewing an application for a development permit
22 from an applicant who has participated in a pre-application
23 meeting, a county may not request additional information from
24 the applicant more than three times, unless the applicant waives
25 the limitation in writing. The first request must be reviewed
26 and approved in writing by the permit processor's supervisor or
27 department director or manager. The second request must be
28 approved by a department or division director or manager.
29 Subsequent requests must be approved in writing by the county
30 administrator. If the applicant believes the request for
31 additional information is not authorized by ordinance, rule,
32 statute, or other legal authority, the county, at the
33 applicant's request, shall proceed to process the application
34 for approval or denial.

35 (2) When a county denies an application for a development
36 permit, the county shall give written notice to the applicant.
37 The notice must include a citation to the applicable portions of
38 an ordinance, rule, statute, or other legal authority for the
39 denial of the permit.

40 (3) As used in this section, the term "development permit"
41 has the same meaning as in s. 163.3164.

42 (4) For any development permit application filed with the
43 county after July 1, 2012, a county may not require as a
44 condition of processing or issuing a development permit that an
45 applicant obtain a permit or approval from any state or federal
46 agency unless the agency has issued a final agency action that
47 denies the federal or state permit before the county action on
48 the local development permit.

Amendment No.

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

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

63 Section 3. Section 166.033, Florida Statutes, is amended
64 to read:

65 166.033 Development permits.—

66 (1) When reviewing an application for a development permit
67 from an applicant who has participated in a pre-application
68 meeting, a municipality may not request additional information
69 from the applicant more than three times, unless the applicant
70 waives the limitation in writing. The first request must be
71 reviewed and approved in writing by the permit processor's
72 supervisor or department director or manager. The second request
73 must be approved by a department or division director or
74 manager. Subsequent requests must be approved in writing by the
75 municipal administrator or equivalent chief administrative
76 officer. If the applicant believes the request for additional

Amendment No.

77 information is not authorized by ordinance, rule, statute, or
78 other legal authority, the municipality, at the applicant's
79 request, shall proceed to process the application for approval
80 or denial.

81 (2) When a municipality denies an application for a
82 development permit, the municipality shall give written notice
83 to the applicant. The notice must include a citation to the
84 applicable portions of an ordinance, rule, statute, or other
85 legal authority for the denial of the permit.

86 (3) As used in this section, the term "development permit"
87 has the same meaning as in s. 163.3164.

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

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

Amendment No.

105 federal permits be obtained before commencement of the
106 development.

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

110 Section 4. Paragraph (c) of subsection (6) of section
111 211.3103, Florida Statutes is amended to read:

112 211.3103 Levy of tax on severance of phosphate rock; rate,
113 basis, and distribution of tax.—

114 (6)

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

125 Section 5. Section 253.0345, Florida Statutes, is amended
126 to read:

127 253.0345 Special events; submerged land leases.—

128 (1) The trustees may ~~are authorized to~~ issue leases or
129 consents of use or leases to riparian landowners, special and
130 event promoters, and boat show owners to allow the installation
131 of temporary structures, including docks, moorings, pilings, and
132 access walkways, on sovereign submerged lands solely for the

Amendment No.

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

146 (2) A lease or consent of use for a ~~Any~~ special event
147 under ~~provided for in~~ subsection (1):

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

150 (b) Shall include a lease fee, if applicable, based solely
151 on the period and actual size of the preemption and conditions
152 to allow reconfiguration of temporary structures within the
153 lease area with notice to the department of the configuration
154 and size of preemption within the lease area.

155 (c) ~~The lease or consent of use~~ May also contain
156 appropriate requirements for removal of the temporary
157 structures, including the posting of sufficient surety to
158 guarantee appropriate funds for removal of the structures should
159 the promoter or riparian owner fail to do so within the time
160 specified in the agreement.

Amendment No.

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

165 Section 6. Section 253.0346, Florida Statutes, is created
166 to read:

167 253.0346 Lease of sovereignty submerged lands for marinas,
168 boatyards, and marine retailers.-

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

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

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

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

182 (3) For a facility designated by the department as a Clean
183 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean
184 Marina Program:

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

187 1. Actively maintains designation under the program.

188 2. Complies with the terms of the lease.

Amendment No.

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

190 (b) Extended-term lease surcharges shall be waived if the
191 facility:

192 1. Actively maintains designation under the program.

193 2. Complies with the terms of the lease.

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

195 4. Is available to the public on a first-come, first-
196 served basis.

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

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

203 Section 7. Subsection (4) of section 373.118, Florida
204 Statutes, is amended to read:

205 373.118 General permits; delegation.—

206 (4) The department shall adopt by rule one or more general
207 permits for local governments to construct, operate, and
208 maintain public marina facilities, public mooring fields, public
209 boat ramps, including associated courtesy docks, and associated
210 parking facilities located in uplands. Such general permits
211 adopted by rule shall include provisions to ensure compliance
212 with part IV of this chapter, subsection (1), and the criteria
213 necessary to include the general permits in a state programmatic
214 general permit issued by the United States Army Corps of
215 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
216 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility

Amendment No.

217 authorized under such general permits is exempt from review as a
218 development of regional impact if the facility complies with the
219 comprehensive plan of the applicable local government. Such
220 facilities shall be consistent with the local government manatee
221 protection plan required pursuant to chapter 379 ~~and shall~~
222 ~~obtain Clean Marina Program status prior to opening for~~
223 ~~operation and maintain that status for the life of the facility.~~
224 ~~Marinas and mooring fields authorized under any such general~~
225 ~~permit shall not exceed an area of 50,000 square feet over~~
226 ~~wetlands and other surface waters. Mooring fields authorized~~
227 ~~under such general permit may not exceed 100 vessels.~~ All
228 facilities permitted under this section shall be constructed,
229 maintained, and operated in perpetuity for the exclusive use of
230 the general public. The department may issue leases for mooring
231 fields that meet the requirements of the general permit. The
232 department shall initiate the rulemaking process within 60 days
233 after the effective date of this act.

234 Section 8. Subsection (1) of section 373.233, Florida
235 Statutes, is amended to read:

236 373.233 Competing applications.-

237 (1) If two or more applications that ~~which~~ otherwise
238 comply with the provisions of this part are pending for a
239 quantity of water that is inadequate for both or all, or which
240 for any other reason are in conflict, and the governing board or
241 department has deemed the application complete, the governing
242 board or the department has ~~shall have~~ the right to approve or
243 modify the application which best serves the public interest.

244 Section 9. Subsection (4) of section 373.236, Florida

Amendment No.

245 Statutes, is amended to read:

246 373.236 Duration of permits; compliance reports.—

247 (4) Where necessary to maintain reasonable assurance that
248 the conditions for issuance of a 20-year permit can continue to
249 be met, the governing board or department, in addition to any
250 conditions required pursuant to s. 373.219, may require a
251 compliance report by the permittee every 10 years during the
252 term of a permit. The Suwannee River Water Management District
253 may require a compliance report by the permittee every 5 years
254 through July 1, 2015, and thereafter every 10 years during the
255 term of the permit. This report shall contain sufficient data to
256 maintain reasonable assurance that the initial conditions for
257 permit issuance are met. Following review of this report, the
258 governing board or the department may modify the permit to
259 ensure that the use meets the conditions for issuance. Permit
260 modifications pursuant to this subsection shall not be subject
261 to competing applications, provided there is no increase in the
262 permitted allocation or permit duration, and no change in
263 source, except for changes in source requested by the district.
264 In order to promote the sustainability of natural systems
265 through the diversification of water supplies to include sources
266 that are resistant to drought, a water management district may
267 not reduce an existing permitted allocation of water during the
268 permit term as a result of planned future construction of, or
269 additional water becoming available from, a seawater
270 desalination plant, unless such reductions are conditions of a
271 permit or funding agreement with the water management district.
272 Except as otherwise provided in this subsection, this subsection

Amendment No.

273 does ~~shall not be construed to~~ limit the existing authority of
274 the department or the governing board to modify or revoke a
275 consumptive use permit.

276 Section 10. Subsection (1) of section 373.308, Florida
277 Statutes, is amended to read:

278 373.308 Implementation of programs for regulating water
279 wells.—

280 (1) The department shall authorize the governing board of
281 a water management district to implement a program for the
282 issuance of permits for the location, construction, repair, and
283 abandonment of water wells. Upon authorization from the
284 department, issuance of well permits will be the sole
285 responsibility of the water management district. Counties with
286 delegated permitting authority and other government entities may
287 not impose additional or duplicate requirements or fees or
288 establish a separate program for the permitting of the location,
289 abandonment, boring, or other activities reasonably associated
290 with the installation and abandonment of a groundwater well.

291 Section 11. Subsections (1) and (10) of section 373.323,
292 Florida Statutes, are amended to read:

293 373.323 Licensure of water well contractors; application,
294 qualifications, and examinations; equipment identification.—

295 (1) Every person who wishes to engage in business as a
296 water well contractor shall obtain from the water management
297 district a license to conduct such business. Licensure under
298 this part by a water management district shall be the only water
299 well construction license required for the construction, repair,
300 or abandonment of water wells in the state or any political

Amendment No.

301 subdivision thereof.

302 (10) Water well contractors licensed under this section
303 may install, repair, and modify pumps and tanks in accordance
304 with the Florida Building Code, Plumbing; Section 612-Wells
305 pumps and tanks used for private potable water systems. In
306 addition, licensed water well contractors may install pumps,
307 tanks, and water conditioning equipment for all water ~~well~~
308 systems.

309 Section 12. Subsection (23) is added to section 373.403,
310 Florida Statutes, to read:

311 373.403 Definitions.—When appearing in this part or in any
312 rule, regulation, or order adopted pursuant thereto, the
313 following terms mean:

314 (23) "Mean annual flood line" for the limited purposes of
315 delineating the environmental resource permit regulatory limits
316 of other surface waters means the water surface boundary
317 produced by the discharge determined by calculating the
318 arithmetic mean of the maximum yearly discharges for the period
319 of record, to include at least the most recent 10-year period.
320 If at least 10 years of data is not available, the mean annual
321 flood line may be determined through consideration of data
322 available and field verification conducted by a certified
323 professional surveyor and mapper with experience in the
324 determination of floodwater elevations and subsequently verified
325 by department personnel. Field verification of the mean annual
326 flood line shall be performed using the provisions of chapter
327 62-340, Florida Administrative Code, and the Florida Wetlands
328 Delineation Manual. Generally accepted hydrological standards

Amendment No.

329 and procedures shall be used to qualify hydrologic field
330 indicators as rare or aberrant prior to exclusion from mean
331 annual flood determinations.

332 Section 13. Subsections (13), (14), and (15) are added to
333 section 373.406, Florida Statutes, to read:

334 373.406 Exemptions.—The following exemptions shall apply:

335 (13) Nothing in this part, or in any rule, regulation, or
336 order adopted pursuant to this part, applies to construction,
337 operation, or maintenance of any wholly owned, manmade farm
338 ponds, as defined in s. 403.927, constructed entirely in
339 uplands.

340 (14) Nothing in this part, or in any rule, regulation, or
341 order adopted pursuant to this part, may require a permit for
342 activities affecting wetlands created solely by the unauthorized
343 flooding or interference with the natural flow of surface water
344 caused by an adjoining landowner. This exemption does not apply
345 to activities that discharge dredged or fill material into
346 waters of the United States, including wetlands, subject to
347 federal jurisdiction under section 404 of the Clean Water Act,
348 33 U.S.C. s. 1344.

349 (15) Any water control district created and operating
350 pursuant to chapter 298 for which a valid environmental resource
351 permit or management and storage of surface waters permit has
352 been issued pursuant to this part is exempt from further
353 wetlands or water quality regulations imposed pursuant to
354 chapters 125, 163, and 166.

355 Section 14. Subsection (3) of section 373.701, Florida
356 Statutes, is amended to read:

Amendment No.

357 373.701 Declaration of policy.—It is declared to be the
358 policy of the Legislature:

359 (3) Cooperative efforts between municipalities, counties,
360 utility companies, private landowners, water consumers, water
361 management districts, and the Department of Environmental
362 Protection, and the Department of Agriculture and Consumer
363 Services are necessary ~~mandatory~~ in order to meet the water
364 needs of rural and rapidly urbanizing areas in a manner that
365 will supply adequate and dependable supplies of water where
366 needed without resulting in adverse effects upon the areas from
367 which ~~such~~ water is withdrawn. Such efforts should employ ~~use~~
368 all practical means of obtaining water, including, but not
369 limited to, withdrawals of surface water and groundwater, reuse,
370 and desalination, and will require ~~necessitate not only~~
371 cooperation and ~~but also~~ well-coordinated activities.

372 Municipalities, counties, and special districts are encouraged
373 to create multijurisdictional water supply entities or regional
374 water supply authorities as authorized in s. 373.713 ~~or~~
375 ~~multijurisdictional water supply entities.~~

376 Section 15. Subsections (1), (2), and (9) of section
377 373.703, Florida Statutes, are amended to read:

378 373.703 Water production; general powers and duties.—In
379 the performance of, and in conjunction with, its other powers
380 and duties, the governing board of a water management district
381 existing pursuant to this chapter:

382 (1) Shall engage in planning to assist counties,
383 municipalities, special districts, publicly owned and privately
384 owned water utilities, multijurisdictional water supply

Amendment No.

385 entities, or regional water supply authorities, or self-
386 suppliers in meeting water supply needs in such manner as will
387 give priority to encouraging conservation and reducing adverse
388 environmental effects of improper or excessive withdrawals of
389 water from concentrated areas. As used in this section and s.
390 373.707, regional water supply authorities are regional water
391 authorities created under s. 373.713 or other laws of this
392 state. As used in part VII of this chapter, self-suppliers are
393 persons who obtain surface or groundwater from a source other
394 than a public water supply.

395 (2) Shall assist counties, municipalities, special
396 districts, publicly owned or privately owned water utilities,
397 multijurisdictional water supply entities, or regional water
398 supply authorities, or self-suppliers in meeting water supply
399 needs in such manner as will give priority to encouraging
400 conservation and reducing adverse environmental effects of
401 improper or excessive withdrawals of water from concentrated
402 areas.

403 (9) May join with one or more other water management
404 districts, counties, municipalities, special districts, publicly
405 owned or privately owned water utilities, multijurisdictional
406 water supply entities, or regional water supply authorities, or
407 self-suppliers for the purpose of carrying out any of its
408 powers, and may contract with such other entities to finance
409 acquisitions, construction, operation, and maintenance, provided
410 such contracts are consistent with the public interest. The
411 contract may provide for contributions to be made by each party
412 to the contract thereto, for the division and apportionment of

Amendment No.

413 the expenses of acquisitions, construction, operation, and
414 maintenance, and for the division and apportionment of resulting
415 the benefits, services, and products ~~therefrom~~. The contracts
416 may contain other covenants and agreements necessary and
417 appropriate to accomplish their purposes.

418 Section 16. Subsection (1), paragraph (a) of subsection
419 (2), and subsection (3) of section 373.709, Florida Statutes,
420 are amended to read:

421 373.709 Regional water supply planning.—

422 (1) The governing board of each water management district
423 shall conduct water supply planning for a ~~any~~ water supply
424 planning region within the district identified in the
425 appropriate district water supply plan under s. 373.036, where
426 it determines that existing sources of water are not adequate to
427 supply water for all existing and future reasonable-beneficial
428 uses and to sustain the water resources and related natural
429 systems for the planning period. The planning must be conducted
430 in an open public process, in coordination and cooperation with
431 local governments, regional water supply authorities,
432 government-owned and privately owned water and wastewater
433 utilities, multijurisdictional water supply entities, self-
434 suppliers, reuse utilities, the Department of Environmental
435 Protection, the Department of Agriculture and Consumer Services,
436 and other affected and interested parties. The districts shall
437 actively engage in public education and outreach to all affected
438 local entities and their officials, as well as members of the
439 public, in the planning process and in seeking input. During
440 preparation, but before ~~prior to~~ completion of the regional

Amendment No.

441 water supply plan, the district shall ~~must~~ conduct at least one
442 public workshop to discuss the technical data and modeling tools
443 anticipated to be used to support the regional water supply
444 plan. The district shall also hold several public meetings to
445 communicate the status, overall conceptual intent, and impacts
446 of the plan on existing and future reasonable-beneficial uses
447 and related natural systems. During the planning process, a
448 local government may choose to prepare its own water supply
449 assessment to determine if existing water sources are adequate
450 to meet existing and projected reasonable-beneficial needs of
451 the local government while sustaining water resources and
452 related natural systems. The local government shall submit such
453 assessment, including the data and methodology used, to the
454 district. The district shall consider the local government's
455 assessment during the formation of the plan. A determination by
456 the governing board that initiation of a regional water supply
457 plan for a specific planning region is not needed pursuant to
458 this section is ~~shall be~~ subject to s. 120.569. The governing
459 board shall reevaluate the ~~such a~~ determination at least once
460 every 5 years and shall initiate a regional water supply plan,
461 if needed, pursuant to this subsection.

462 (2) Each regional water supply plan must ~~shall~~ be based on
463 at least a 20-year planning period and must ~~shall~~ include, but
464 need not be limited to:

465 (a) A water supply development component for each water
466 supply planning region identified by the district which
467 includes:

468 1. A quantification of the water supply needs for all

Amendment No.

469 existing and future reasonable-beneficial uses within the
470 planning horizon. The level-of-certainty planning goal
471 associated with identifying the water supply needs of existing
472 and future reasonable-beneficial uses must ~~shall~~ be based upon
473 meeting those needs for a 1-in-10-year drought event.

474 a. Population projections used for determining public
475 water supply needs must be based upon the best available data.
476 In determining the best available data, the district shall
477 consider the University of Florida's Bureau of Economic and
478 Business Research (BEBR) medium population projections and any
479 population projection data and analysis submitted by a local
480 government pursuant to the public workshop described in
481 subsection (1) if the data and analysis support the local
482 government's comprehensive plan. Any adjustment of or deviation
483 from the BEBR projections must be fully described, and the
484 original BEBR data must be presented along with the adjusted
485 data.

486 b. Agricultural demand projections used for determining
487 the needs of agricultural self-suppliers must be based upon the
488 best available data. In determining the best available data for
489 agricultural self-supplied water needs, the district shall
490 consider the data indicative of future water supply demands
491 provided by the Department of Agriculture and Consumer Services
492 pursuant to s. 570.085. Any adjustment of or deviation from the
493 data provided by the Department of Agriculture and Consumer
494 Services must be fully described, and the original data must be
495 presented along with the adjusted data.

496 2. A list of water supply development project options,

Amendment No.

497 including traditional and alternative water supply project
498 options, from which local government, government-owned and
499 privately owned utilities, regional water supply authorities,
500 multijurisdictional water supply entities, self-suppliers, and
501 others may choose for water supply development. In addition to
502 projects listed by the district, such users may propose specific
503 projects for inclusion in the list of ~~alternative~~ water supply
504 development project options ~~projects~~. If such users propose a
505 project to be listed as a ~~an alternative~~ water supply project,
506 the district shall determine whether it meets the goals of the
507 plan, and, if so, it shall be included in the list. The total
508 capacity of the projects included in the plan must ~~shall~~ exceed
509 the needs identified in subparagraph 1. and shall take into
510 account water conservation and other demand management measures,
511 as well as water resources constraints, including adopted
512 minimum flows and levels and water reservations. Where the
513 district determines it is appropriate, the plan should
514 specifically identify the need for multijurisdictional
515 approaches to project options that, based on planning level
516 analysis, are appropriate to supply the intended uses and that,
517 based on such analysis, appear to be permissible and financially
518 and technically feasible. The list of water supply development
519 options must contain provisions that recognize that alternative
520 water supply options for agricultural self-suppliers are
521 limited.

522 3. For each project option identified in subparagraph 2.,
523 the following must ~~shall~~ be provided:

524 a. An estimate of the amount of water to become available

Amendment No.

525 through the project.

526 b. The timeframe in which the project option should be
527 implemented and the estimated planning-level costs for capital
528 investment and operating and maintaining the project.

529 c. An analysis of funding needs and sources of possible
530 funding options. For alternative water supply projects the water
531 management districts shall provide funding assistance in
532 accordance with s. 373.707(8).

533 d. Identification of the entity that should implement each
534 project option and the current status of project implementation.

535 (3) The water supply development component of a regional
536 water supply plan which deals with or affects public utilities
537 and public water supply for those areas served by a regional
538 water supply authority and its member governments within the
539 boundary of the Southwest Florida Water Management District
540 shall be developed jointly by the authority and the district. In
541 areas not served by regional water supply authorities, or other
542 multijurisdictional water supply entities, and where
543 opportunities exist to meet water supply needs more efficiently
544 through multijurisdictional projects identified pursuant to
545 paragraph (2)(a), water management districts are directed to
546 assist in developing multijurisdictional approaches to water
547 supply project development jointly with affected water
548 utilities, special districts, self-suppliers, and local
549 governments.

550 Section 17. Subsection (3) of section 376.313, Florida
551 Statutes, is amended to read:

552 376.313 Nonexclusiveness of remedies and individual cause

Amendment No.

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

554 (3) Except as provided in s. 376.3078(3) and (11), nothing
555 contained in ss. 376.30-376.317 prohibits any person from
556 bringing a cause of action in a court of competent jurisdiction
557 for all damages resulting from a discharge or other condition of
558 pollution covered by ss. 376.30-376.317 which was not authorized
559 pursuant to chapter 403. Nothing in this chapter shall prohibit
560 or diminish a party's right to contribution from other parties
561 jointly or severally liable for a prohibited discharge of
562 pollutants or hazardous substances or other pollution
563 conditions. Except as otherwise provided in subsection (4) or
564 subsection (5), in any such suit, it is not necessary for such
565 person to plead or prove negligence in any form or manner. Such
566 person need only plead and prove the fact of the prohibited
567 discharge or other pollutive condition and that it has occurred.
568 The only defenses to such cause of action shall be those
569 specified in s. 376.308.

570 Section 18. Subsection (11) of section 403.021, Florida
571 Statutes, is amended to read:

572 403.021 Legislative declaration; public policy.-

573 (11) It is the intent of the Legislature that water
574 quality standards be reasonably established and applied to take
575 into account the variability occurring in nature. The department
576 shall recognize the statistical variability inherent in sampling
577 and testing procedures that are used to express water quality
578 standards. The department shall also recognize that some
579 deviations from water quality standards occur as the result of
580 natural background conditions. The department shall not consider

Amendment No.

581 deviations from water quality standards to be violations when
582 the discharger can demonstrate that the deviations would occur
583 in the absence of any human-induced discharges or alterations to
584 the water body. Testing, sampling, collection, or analysis may
585 not be conducted or required unless such testing, sampling,
586 collection, or analysis has been subjected to and validated
587 through inter- and intra-laboratory testing, quality control,
588 peer review, and adopted by rule. The validation shall be
589 sufficient to ensure that variability inherent in such testing
590 sampling, collection, or analysis has been specified and reduced
591 to the minimum for comparable testing, sampling, collection, or
592 analysis.

593 Section 19. Subsection (22) is added to section 403.031,
594 Florida
595 Statutes, to read:

596 403.031 Definitions.—In construing this chapter, or rules
597 and regulations adopted pursuant hereto, the following words,
598 phrases, or terms, unless the context otherwise indicates, have
599 the following meanings:

600 (22) "Beneficiaries" means any person, partnership,
601 corporation, business entity, charitable organization, not-for-
602 profit corporation, state, county, district, authority, or
603 municipal unit of government or any other separate unit of
604 government created or established by law.

605 Section 20. Subsection (43) is added to section 403.061,
606 Florida Statutes, to read:

607 403.061 Department; powers and duties.—The department
608 shall have the power and the duty to control and prohibit

Amendment No.

609 pollution of air and water in accordance with the law and rules
610 adopted and promulgated by it and, for this purpose, to:

611 (43) Adopt rules requiring or incentivizing the electronic
612 submission of forms, documents, fees, or reports required for
613 permits issued under chapter 161, chapter 253, chapter 373,
614 chapter 376, or this chapter. The rules must reasonably
615 accommodate technological or financial hardship and provide
616 procedures for obtaining an exemption due to such hardship.

617

618 The department shall implement such programs in conjunction with
619 its other powers and duties and shall place special emphasis on
620 reducing and eliminating contamination that presents a threat to
621 humans, animals or plants, or to the environment.

622 Section 21. Subsection (11) of section 403.0872, Florida
623 Statutes, is amended to read:

624 403.0872 Operation permits for major sources of air
625 pollution; annual operation license fee.—Provided that program
626 approval pursuant to 42 U.S.C. s. 7661a has been received from
627 the United States Environmental Protection Agency, beginning
628 January 2, 1995, each major source of air pollution, including
629 electrical power plants certified under s. 403.511, must obtain
630 from the department an operation permit for a major source of
631 air pollution under this section. This operation permit is the
632 only department operation permit for a major source of air
633 pollution required for such source; provided, at the applicant's
634 request, the department shall issue a separate acid rain permit
635 for a major source of air pollution that is an affected source
636 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits

Amendment No.

637 for major sources of air pollution, except general permits
638 issued pursuant to s. 403.814, must be issued in accordance with
639 the procedures contained in this section and in accordance with
640 chapter 120; however, to the extent that chapter 120 is
641 inconsistent with the provisions of this section, the procedures
642 contained in this section prevail.

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

652 (a) The annual fee must be assessed based upon the
653 source's previous year's emissions and must be calculated by
654 multiplying the applicable annual operation license fee factor
655 times the tons of each regulated air pollutant actually emitted,
656 as calculated in accordance with department's emissions
657 computation and reporting rules. The annual fee shall only apply
658 to those regulated pollutants, ~~(except carbon monoxide)~~ and
659 greenhouse gases, for which an allowable numeric emission
660 limiting standard is specified in ~~allowed to be emitted per hour~~
661 ~~by specific condition of the source's most recent construction~~
662 ~~or operation permit, times the annual hours of operation allowed~~
663 ~~by permit condition; provided, however, that:~~

664 1. The license fee factor is \$25 or another amount

Amendment No.

665 determined by department rule which ensures that the revenue
666 provided by each year's operation license fees is sufficient to
667 cover all reasonable direct and indirect costs of the major
668 stationary source air-operation permit program established by
669 this section. The license fee factor may be increased beyond \$25
670 only if the secretary of the department affirmatively finds that
671 a shortage of revenue for support of the major stationary source
672 air-operation permit program will occur in the absence of a fee
673 factor adjustment. The annual license fee factor may never
674 exceed \$35.

675 ~~2. For any source that operates for fewer hours during the~~
676 ~~calendar year than allowed under its permit, the annual fee~~
677 ~~calculation must be based upon actual hours of operation rather~~
678 ~~than allowable hours if the owner or operator of the source~~
679 ~~documents the source's actual hours of operation for the~~
680 ~~calendar year. For any source that has an emissions limit that~~
681 ~~is dependent upon the type of fuel burned, the annual fee~~
682 ~~calculation must be based on the emissions limit applicable~~
683 ~~during actual hours of operation.~~

684 ~~3. For any source whose allowable emission limitation is~~
685 ~~specified by permit per units of material input or heat input or~~
686 ~~product output, the applicable input or production amount may be~~
687 ~~used to calculate the allowable emissions if the owner or~~
688 ~~operator of the source documents the actual input or production~~
689 ~~amount. If the input or production amount is not documented, the~~
690 ~~maximum allowable input or production amount specified in the~~
691 ~~permit must be used to calculate the allowable emissions.~~

692 ~~4. For any new source that does not receive its first~~

Amendment No.

693 ~~operation permit until after the beginning of a calendar year,~~
694 ~~the annual fee for the year must be reduced pro rata to reflect~~
695 ~~the period during which the source was not allowed to operate.~~

696 ~~5. For any source that emits less of any regulated air~~
697 ~~pollutant than allowed by permit condition, the annual fee~~
698 ~~calculation for such pollutant must be based upon actual~~
699 ~~emissions rather than allowable emissions if the owner or~~
700 ~~operator documents the source's actual emissions by means of~~
701 ~~data from a department-approved certified continuous emissions~~
702 ~~monitor or from an emissions monitoring method which has been~~
703 ~~approved by the United States Environmental Protection Agency~~
704 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
705 ~~or from a method approved by the department for purposes of this~~
706 ~~section.~~

707 ~~2.6.~~ The amount of each regulated air pollutant in excess
708 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
709 group of sources belonging to the same Major Group as described
710 in the Standard Industrial Classification Manual, 1987, may not
711 be included in the calculation of the fee. Any source, or group
712 of sources, which does not emit any regulated air pollutant in
713 excess of 4,000 tons per year, is allowed a one-time credit not
714 to exceed 25 percent of the first annual licensing fee for the
715 prorated portion of existing air-operation permit application
716 fees remaining upon commencement of the annual licensing fees.

717 ~~3.7.~~ If the department has not received the fee by March 1
718 ~~February 15~~ of the calendar year, the permittee must be sent a
719 written warning of the consequences for failing to pay the fee
720 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1

Amendment No.

721 of the calendar year, the department shall impose, in addition
722 to the fee, a penalty of 50 percent of the amount of the fee,
723 plus interest on such amount computed in accordance with s.
724 220.807. The department may not impose such penalty or interest
725 on any amount underpaid, provided that the permittee has timely
726 remitted payment of at least 90 percent of the amount determined
727 to be due and remits full payment within 60 days after receipt
728 of notice of the amount underpaid. The department may waive the
729 collection of underpayment and shall not be required to refund
730 overpayment of the fee, if the amount due is less than 1 percent
731 of the fee, up to \$50. The department may revoke any major air
732 pollution source operation permit if it finds that the
733 permitholder has failed to timely pay any required annual
734 operation license fee, penalty, or interest.

735 ~~4.8.~~ Notwithstanding the computational provisions of this
736 subsection, the annual operation license fee for any source
737 subject to this section shall not be less than \$250, except that
738 the annual operation license fee for sources permitted solely
739 through general permits issued under s. 403.814 shall not exceed
740 \$50 per year.

741 ~~5.9.~~ Notwithstanding the provisions of s.
742 403.087(6)(a)5.a., authorizing air pollution construction permit
743 fees, the department may not require such fees for changes or
744 additions to a major source of air pollution permitted pursuant
745 to this section, unless the activity triggers permitting
746 requirements under Title I, Part C or Part D, of the federal
747 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
748 administer such permits shall be considered direct and indirect

Amendment No.

749 costs of the major stationary source air-operation permit
750 program under s. 403.0873. The department shall, however,
751 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
752 for the construction of a new major source of air pollution that
753 will be subject to the permitting requirements of this section
754 once constructed and for activities triggering permitting
755 requirements under Title I, Part C or Part D, of the federal
756 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

757 (b) Annual operation license fees collected by the
758 department must be sufficient to cover all reasonable direct and
759 indirect costs required to develop and administer the major
760 stationary source air-operation permit program, which shall
761 consist of the following elements to the extent that they are
762 reasonably related to the regulation of major stationary air
763 pollution sources, in accordance with United States
764 Environmental Protection Agency regulations and guidelines:

- 765 1. Reviewing and acting upon any application for such a
766 permit.
- 767 2. Implementing and enforcing the terms and conditions of
768 any such permit, excluding court costs or other costs associated
769 with any enforcement action.
- 770 3. Emissions and ambient monitoring.
- 771 4. Preparing generally applicable regulations or guidance.
- 772 5. Modeling, analyses, and demonstrations.
- 773 6. Preparing inventories and tracking emissions.
- 774 7. Implementing the Small Business Stationary Source
775 Technical and Environmental Compliance Assistance Program.
- 776 8. Any audits conducted under paragraph (c).

Amendment No.

777 (c) An audit of the major stationary source air-operation
778 permit program must be conducted 2 years after the United States
779 Environmental Protection Agency has given full approval of the
780 program to ascertain whether the annual operation license fees
781 collected by the department are used solely to support any
782 reasonable direct and indirect costs as listed in paragraph (b).
783 A program audit must be performed biennially after the first
784 audit.

785 Section 22. Paragraph (e) of subsection (1) of section
786 403.813, Florida Statutes, is amended to read:

787 403.813 Permits issued at district centers; exceptions.—

788 (1) A permit is not required under this chapter, chapter
789 373, chapter 61-691, Laws of Florida, or chapter 25214 or
790 chapter 25270, 1949, Laws of Florida, for activities associated
791 with the following types of projects; however, except as
792 otherwise provided in this subsection, nothing in this
793 subsection relieves an applicant from any requirement to obtain
794 permission to use or occupy lands owned by the Board of Trustees
795 of the Internal Improvement Trust Fund or any water management
796 district in its governmental or proprietary capacity or from
797 complying with applicable local pollution control programs
798 authorized under this chapter or other requirements of county
799 and municipal governments:

800 (e) The restoration of seawalls at their previous
801 locations or upland of, or within 18 inches ~~1-foot~~ waterward of,
802 their previous locations. However, this shall not affect the
803 permitting requirements of chapter 161, and department rules
804 shall clearly indicate that this exception does not constitute

Amendment No.

805 an exception from the permitting requirements of chapter 161.

806 Section 23. Section 403.70605, Florida Statutes, is
807 amended to read:

808 403.70605 Solid waste and commercial recovered material
809 collection services in competition with private companies.-

810 (1) SOLID WASTE COLLECTION SERVICES IN COMPETITION WITH
811 PRIVATE COMPANIES.-

812 (a) A local government that provides specific solid waste
813 collection services in direct competition with a private
814 company:

815 1. Shall comply with the provisions of local
816 environmental, health, and safety standards that also are
817 applicable to a private company providing such collection
818 services in competition with the local government.

819 2. Shall not enact or enforce any license, permit,
820 registration procedure, or associated fee that:

821 a. Does not apply to the local government and for which
822 there is not a substantially similar requirement that applies to
823 the local government; and

824 b. Provides the local government with a material advantage
825 in its ability to compete with a private company in terms of
826 cost or ability to promptly or efficiently provide such
827 collection services. Nothing in this sub-subparagraph shall
828 apply to any zoning, land use, or comprehensive plan
829 requirement.

830 (b)1. A private company with which a local government is
831 in competition may bring an action to enjoin a violation of
832 paragraph (a) against any local government. No injunctive relief

Amendment No.

833 shall be granted if the official action which forms the basis
834 for the suit bears a reasonable relationship to the health,
835 safety, or welfare of the citizens of the local government
836 unless the court finds that the actual or potential
837 anticompetitive effects outweigh the public benefits of the
838 challenged action.

839 2. As a condition precedent to the institution of an
840 action pursuant to this paragraph, the complaining party shall
841 first file with the local government a notice referencing this
842 paragraph and setting forth the specific facts upon which the
843 complaint is based and the manner in which the complaining party
844 is affected. The complaining party may provide evidence to
845 substantiate the claims made in the complaint. Within 30 days
846 after receipt of such a complaint, the local government shall
847 respond in writing to the complaining party explaining the
848 corrective action taken, if any. If no response is received
849 within 30 days or if appropriate corrective action is not taken
850 within a reasonable time, the complaining party may institute
851 the judicial proceedings authorized in this paragraph. However,
852 failure to comply with this subparagraph shall not bar an action
853 for a temporary restraining order to prevent immediate and
854 irreparable harm from the conduct or activity complained of.

855 3. The court may, in its discretion, award to the
856 prevailing party or parties costs and reasonable attorneys'
857 fees.

858 (c) This subsection does not apply when the local
859 government is exclusively providing the specific solid waste

Amendment No.

860 collection services itself or pursuant to an exclusive
861 franchise.

862 (2) SOLID WASTE COLLECTION SERVICES OUTSIDE
863 JURISDICTION.—

864 (a) Notwithstanding s. 542.235, or any other provision of
865 law, a local government that provides solid waste collection
866 services outside its jurisdiction in direct competition with
867 private companies is subject to the same prohibitions against
868 predatory pricing applicable to private companies under ss.
869 542.18 and 542.19.

870 (b) Any person injured by reason of violation of this
871 subsection may sue therefor in the circuit courts of this state
872 and shall be entitled to injunctive relief and to recover the
873 damages and the costs of suit. The court may, in its discretion,
874 award to the prevailing party or parties reasonable attorneys'
875 fees. An action for damages under this subsection must be
876 commenced within 4 years. No person may obtain injunctive relief
877 or recover damages under this subsection for any injury that
878 results from actions taken by a local government in direct
879 response to a natural disaster or similar occurrence for which
880 an emergency is declared by executive order or proclamation of
881 the Governor pursuant to s. 252.36 or for which such a
882 declaration might be reasonably anticipated within the area
883 covered by such executive order or proclamation.

884 (c) As a condition precedent to the institution of an
885 action pursuant to this subsection, the complaining party shall
886 first file with the local government a notice referencing this
887 subsection and setting forth the specific facts upon which the

Amendment No.

888 complaint is based and the manner in which the complaining party
889 is affected. Within 30 days after receipt of such complaint, the
890 local government shall respond in writing to the complaining
891 party explaining the corrective action taken, if any. If the
892 local government denies that it has engaged in conduct that is
893 prohibited by this subsection, its response shall include an
894 explanation showing why the conduct complained of does not
895 constitute predatory pricing.

896 (d) For the purposes of this subsection, the jurisdiction
897 of a county, special district, or solid waste authority shall
898 include all incorporated and unincorporated areas within the
899 county, special district, or solid waste authority.

900 (3) COMMERCIAL RECOVERED MATERIAL COLLECTION SERVICES IN
901 COMPETITION WITH PRIVATE COMPANIES.-

902 (a) A local government that provides commercial recovered
903 material collection services in direct competition with a
904 private company or provides commercial recovered material
905 collection service through contract or a franchise provider:

906 1. Must comply with the provisions of local environmental,
907 health, and safety standards that also are applicable to a
908 private company providing such collection services in
909 competition with the local government.

910 2. May not subsidize the collection of commercial
911 recovered materials or enact or enforce any license, permit,
912 registration procedure, or associated fee that:

913 a. Does not apply to the local government and for which
914 there is not a substantially similar requirement that applies to
915 the local government.

Amendment No.

916 b. Provides the local government or its franchisee with a
917 material advantage in its ability to compete with a private
918 company in terms of cost or ability to promptly or efficiently
919 provide such commercial recovered material collection services.
920 This sub-subparagraph does not apply to any zoning, land use, or
921 comprehensive plan requirement.

922 c. Allows the local government to require a payment of
923 franchise fees for the collection of recovered materials from a
924 commercial establishment.

925 d. Requires a private company to provide the recovered
926 material service to a commercial establishment and deliver the
927 recovered material collected from commercial establishments to a
928 facility designated by the local government by contract or
929 otherwise.

930 (b)1. A private company with which a local government is
931 in competition may bring an action to enjoin a violation of
932 paragraph (a) against any local government. Injunctive relief
933 may not be granted if the official action which forms the basis
934 for the suit bears a reasonable relationship to the health,
935 safety, or welfare of the citizens of the local government
936 unless the court finds that the actual or potential
937 anticompetitive effects outweigh the public benefits of the
938 challenged action.

939 2. As a condition precedent to the institution of an
940 action pursuant to this paragraph, the complaining party shall
941 first file with the local government a notice referencing this
942 paragraph and setting forth the specific facts upon which the
943 complaint is based and the manner in which the complaining party

Amendment No.

944 is affected. The complaining party may provide evidence to
945 substantiate the claims made in the complaint. Within 30 days
946 after receipt of such a complaint, the local government shall
947 respond in writing to the complaining party explaining the
948 corrective action taken, if any. If a response is not received
949 within 30 days or if appropriate corrective action is not taken
950 within a reasonable time, the complaining party may institute
951 the judicial proceedings authorized in this paragraph. However,
952 failure to comply with this subparagraph does not bar an action
953 for a temporary restraining order to prevent immediate and
954 irreparable harm from the conduct or activity complained of.

955 3. The court may, in its discretion, award to the
956 prevailing party or parties costs and reasonable attorneys'
957 fees.

958 (c) This subsection also applies when the local government
959 is exclusively providing the specific solid waste collection
960 services itself or pursuant to an exclusive franchise and is
961 attempting to collect franchise fees on collection of recovered
962 materials from a commercial establishment.

963 (4)~~(3)~~ DISPLACEMENT OF PRIVATE WASTE COMPANIES.-

964 (a) As used in this subsection, the term "displacement"
965 means a local government's provision of a collection service
966 which prohibits a private company from continuing to provide the
967 same service that it was providing when the decision to displace
968 was made. The term does not include:

969 1. Competition between the public sector and private
970 companies for individual contracts;

Amendment No.

971 2. Actions by which a local government, at the end of a
972 contract with a private company, refuses to renew the contract
973 and either awards the contract to another private company or
974 decides for any reason to provide the collection service itself;

975 3. Actions taken against a private company because the
976 company has acted in a manner threatening to the public health
977 or safety or resulting in a substantial public nuisance;

978 4. Actions taken against a private company because the
979 company has materially breached its contract with the local
980 government;

981 5. Refusal by a private company to continue operations
982 under the terms and conditions of its existing agreement during
983 the 3-year notice period;

984 6. Entering into a contract with a private company to
985 provide garbage, trash, or refuse collection which contract is
986 not entered into under an ordinance that displaces or authorizes
987 the displacement of another private company providing garbage,
988 trash, or refuse collection;

989 7. Situations in which a majority of the property owners
990 in the displacement area petition the governing body to take
991 over the collection service;

992 8. Situations in which the private companies are licensed
993 or permitted to do business within the local government for a
994 limited time and such license or permit expires and is not
995 renewed by the local government. This subparagraph does not
996 apply to licensing or permitting processes enacted after May 1,
997 1999, or to occupational licenses; or

Amendment No.

998 9. Annexations, but only to the extent that the provisions
999 of s. 171.062(4) apply.

1000 (b) A local government or combination of local governments
1001 may not displace a private company that provides garbage, trash,
1002 or refuse collection service without first:

1003 1. Holding at least one public hearing seeking comment on
1004 the advisability of the local government or combination of local
1005 governments providing the service.

1006 2. Providing at least 45 days' written notice of the
1007 hearing, delivered by first-class mail to all private companies
1008 that provide the service within the jurisdiction.

1009 3. Providing public notice of the hearing.

1010 (c) Following the final public hearing held under
1011 paragraph (b), but not later than 1 year after the hearing, the
1012 local government may proceed to take those measures necessary to
1013 provide the service. A local government shall provide 3 years'
1014 notice to a private company before it engages in the actual
1015 provision of the service that displaces the company. As an
1016 alternative to delaying displacement 3 years, a local government
1017 may pay a displaced company an amount equal to the company's
1018 preceding 15 months' gross receipts for the displaced service in
1019 the displacement area. The 3-year notice period shall lapse as
1020 to any private company being displaced when the company ceases
1021 to provide service within the displacement area. Nothing in this
1022 paragraph prohibits the local government and the company from
1023 voluntarily negotiating a different notice period or amount of
1024 compensation.

1025 (5) ~~(4)~~ DEFINITIONS.—As used in this section:

Amendment No.

1026 (a) "In competition" or "in direct competition" means the
1027 vying between a local government and a private company to
1028 provide substantially similar solid waste collection services to
1029 the same customer or recovered materials collection services to
1030 a commercial establishment customer.

1031 (b) "Private company" means any entity other than a local
1032 government or other unit of government that provides solid waste
1033 collection or recovered material collection services.

1034 Section 24. Section 403.8141, Florida Statutes, is created
1035 to read:

1036 403.8141 Special event permits.—The department shall issue
1037 permits for special events under s. 253.0345. The permits must
1038 be for a period that runs concurrently with the consent of use
1039 or lease issued pursuant to that section and must allow for the
1040 movement of temporary structures within the footprint of the
1041 lease area.

1042 Section 25. Paragraph (b) of subsection (14) and paragraph
1043 (b) of subsection (19) of section 403.973, Florida Statutes, are
1044 amended, and paragraph (g) is added to subsection (3) of that
1045 section, to read:

1046 403.973 Expedited permitting; amendments to comprehensive
1047 plans.—

1048 (3)

1049 (g) Projects to construct interstate natural gas pipelines
1050 subject to certification by the Federal Energy Regulatory
1051 Commission.

1052 (14)

1053 (b) Projects identified in paragraph (3) (f) or paragraph

Amendment No.

1054 (3)(g) or challenges to state agency action in the expedited
1055 permitting process for establishment of a state-of-the-art
1056 biomedical research institution and campus in this state by the
1057 grantee under s. 288.955 are subject to the same requirements as
1058 challenges brought under paragraph (a), except that,
1059 notwithstanding s. 120.574, summary proceedings must be
1060 conducted within 30 days after a party files the motion for
1061 summary hearing, regardless of whether the parties agree to the
1062 summary proceeding.

1063 (19) The following projects are ineligible for review
1064 under this part:

1065 (b) A project, the primary purpose of which is to:

1066 1. Effect the final disposal of solid waste, biomedical
1067 waste, or hazardous waste in this state.

1068 2. Produce electrical power, unless the production of
1069 electricity is incidental and not the primary function of the
1070 project or the electrical power is derived from a fuel source
1071 for renewable energy as defined in s. 366.91(2)(d).

1072 3. Extract natural resources.

1073 4. Produce oil.

1074 5. Construct, maintain, or operate an oil, petroleum,
1075 ~~natural gas~~, or sewage pipeline.

1076 Section 26. Subsection (2) of section 570.076, Florida
1077 Statutes, is amended to read:

1078 570.076 Environmental Stewardship Certification Program.—
1079 The department may, by rule, establish the Environmental
1080 Stewardship Certification Program consistent with this section.
1081 A rule adopted under this section must be developed in

Amendment No.

1082 consultation with state universities, agricultural
1083 organizations, and other interested parties.

1084 (2) The department shall provide an agricultural
1085 certification under this program for implementation of one or
1086 more of the following criteria:

1087 (a) A voluntary agreement between an agency and an
1088 agricultural producer for environmental improvement or water-
1089 resource protection.

1090 (b) A conservation plan that meets or exceeds the
1091 requirements of the United States Department of Agriculture.

1092 (c) Best management practices adopted by rule pursuant to
1093 s. 403.067(7)(c) or s. 570.085(1)(b) ~~570.085(2)~~.

1094 Section 27. Section 570.085, Florida Statutes, is amended
1095 to read:

1096 570.085 Department of Agriculture and Consumer Services;
1097 agricultural water conservation and water supply planning.-

1098 (1) The department shall establish an agricultural water
1099 conservation program that includes the following:

1100 (a)~~(1)~~ A cost-share program, coordinated where appropriate
1101 with the United States Department of Agriculture and other
1102 federal, state, regional, and local agencies, for irrigation
1103 system retrofit and application of mobile irrigation laboratory
1104 evaluations for water conservation as provided in this section
1105 and, where applicable, for water quality improvement pursuant to
1106 s. 403.067(7)(c).

1107 (b)~~(2)~~ The development and implementation of voluntary
1108 interim measures or best management practices, adopted by rule,
1109 which provide for increased efficiencies in the use and

Amendment No.

1110 management of water for agricultural production. In the process
1111 of developing and adopting rules for interim measures or best
1112 management practices, the department shall consult with the
1113 Department of Environmental Protection and the water management
1114 districts. Such rules may also include a system to assure the
1115 implementation of the practices, including recordkeeping
1116 requirements. As new information regarding efficient
1117 agricultural water use and management becomes available, the
1118 department shall reevaluate and revise as needed, the interim
1119 measures or best management practices. The interim measures or
1120 best management practices may include irrigation retrofit,
1121 implementation of mobile irrigation laboratory evaluations and
1122 recommendations, water resource augmentation, and integrated
1123 water management systems for drought management and flood
1124 control and should, to the maximum extent practicable, be
1125 designed to qualify for regulatory incentives and other
1126 incentives, as determined by the agency having applicable
1127 statutory authority.

1128 ~~(c)(3)~~ Provision of assistance to the water management
1129 districts in the development and implementation of a consistent,
1130 to the extent practicable, methodology for the efficient
1131 allocation of water for agricultural irrigation.

1132 (2) (a) The department shall establish an agricultural
1133 water supply planning program that includes the development of
1134 appropriate data indicative of future agricultural water needs,
1135 which must be:

- 1136 1. Based on at least a 20-year planning period.
1137 2. Provided to each water management district.

Amendment No.

1138 3. Considered by each water management district in
1139 accordance with ss. 373.036(2) and 373.709(2) (a)1.b.

1140 (b) The data on future agricultural water supply demands
1141 which are provided to each district must include, but need not
1142 be limited to:

1143 1. Applicable agricultural crop types or categories.

1144 2. Historic estimates of irrigated acreage, current
1145 estimates of irrigated acreage, and future projections of
1146 irrigated acreage for each applicable crop type or category
1147 spatially for each county, including the historic and current
1148 methods and assumptions used to generate the spatial acreage
1149 estimates and projections.

1150 3. Crop type or category water use coefficients for an
1151 average year and a 1-in-10 year drought used in calculating
1152 historic and current water supply needs and projected future
1153 water demands, including data, methods, and assumptions used to
1154 generate the coefficients. Estimates of historic and current
1155 water demands shall take into account actual metered data as
1156 available. Projected future water demands shall incorporate
1157 appropriate potential water conservation factors based upon data
1158 collected as part of the department's agricultural water
1159 conservation program pursuant to s. 570.085(1).

1160 4. An evaluation of significant uncertainties affecting
1161 agricultural production that may require a range of projections
1162 for future agricultural water supply needs.

1163 (c) In developing the future agricultural water supply
1164 needs described in paragraph (a), the department shall consult
1165 with the agricultural industry, the University of Florida

Amendment No.

1166 Institute of Food and Agricultural Sciences, the Department of
1167 Environmental Protection, the water management districts, the
1168 United States Department of Agriculture National Agricultural
1169 Statistics Service, and the United States Geological Survey.

1170 (d) The department shall coordinate with each water
1171 management district to establish a schedule for provision of
1172 data on agricultural water supply needs in order to comply with
1173 water supply planning provisions of ss. 373.036(2) and
1174 373.709(2) (a)1.b.

1175 Section 28. This act shall take effect July 1, 2013.

1176
1177
1178 -----
1179 **T I T L E A M E N D M E N T**

1180 Remove everything before the enacting clause and insert:

1181 A bill to be entitled

1182 An act relating to environmental regulation; amending
1183 s. 20.255, F.S.; authorizing the Department of
1184 Environmental Protection to adopt rules requiring or
1185 incentivizing the electronic submission of forms,
1186 documents, fees, and reports required for certain
1187 permits; amending ss. 125.022 and 166.033, F.S.;
1188 providing requirements for the review of development
1189 permit applications by counties and municipalities;
1190 amending s. 211.3103, F.S.; revising the definition of
1191 "phosphate-related expenses" to include maintenance
1192 and restoration of certain lands; amending s.
1193 253.0345, F.S.; revising provisions for the duration

Amendment No.

1194 of leases and consents of use issued by the Board of
1195 Trustees of the Internal Improvement Trust Fund for
1196 special events; providing conditions for fees relating
1197 to such leases and consents of use; creating s.
1198 253.0346, F.S.; defining the term "first-come, first-
1199 served basis"; providing conditions for the discount
1200 and waiver of lease fees and surcharges for certain
1201 marinas, boatyards, and marine retailers; providing
1202 applicability; amending s. 373.118, F.S.; deleting
1203 provisions requiring the department to adopt general
1204 permits for public marina facilities; deleting certain
1205 requirements under general permits for public marina
1206 facilities and mooring fields; limiting the number of
1207 vessels for mooring fields authorized under such
1208 permits; amending s. 373.233, F.S.; clarifying
1209 conditions for competing consumptive use of water
1210 applications; amending s. 373.236, F.S.; prohibiting
1211 water management districts from reducing certain
1212 allocations as a result of seawater desalination plant
1213 activities; providing an exception; amending s.
1214 373.308, F.S.; providing that issuance of well permits
1215 is the sole responsibility of water management
1216 districts; prohibiting certain counties and other
1217 government entities from imposing requirements and
1218 fees and establishing programs for installation and
1219 abandonment of groundwater wells; amending s. 373.323,
1220 F.S.; providing that licenses issued by water
1221 management districts are the only water well

Amendment No.

1222 construction licenses required for construction,
1223 repair, or abandonment of water wells; authorizing
1224 licensed water well contractors to install equipment
1225 for all water systems; amending s. 373.403, F.S.;
1226 defining the term "mean annual flood line"; amending
1227 s. 373.406, F.S.; exempting specified ponds, ditches,
1228 and wetlands from surface water management and storage
1229 requirements; exempting certain water control
1230 districts from wetlands or water quality regulations;
1231 amending s. 373.701, F.S.; providing a legislative
1232 declaration that efforts to adequately and dependably
1233 meet water needs; requiring the cooperation of utility
1234 companies, private landowners, water consumers, and
1235 the Department of Agriculture and Consumer Services;
1236 amending s. 373.703, F.S.; requiring the governing
1237 boards of water management districts to assist self-
1238 suppliers, among others, in meeting water supply
1239 demands; authorizing the governing boards to contract
1240 with self-suppliers for the purpose of carrying out
1241 its powers; amending s. 373.709, F.S.; requiring water
1242 management districts to coordinate and cooperate with
1243 the Department of Agriculture and Consumer Services
1244 for regional water supply planning; providing criteria
1245 and requirements for determining agricultural water
1246 supply demand projections; amending s. 376.313, F.S.;
1247 holding harmless a person who discharges pollution
1248 pursuant to ch. 403, F.S.; amending s. 403.021, F.S.;
1249 providing requirements and conditions for water

Amendment No.

1250 quality testing, sampling, collection, and analysis by
1251 the department; amending s. 403.031, F.S.; defining
1252 the term "beneficiaries"; amending s. 403.061, F.S.;
1253 authorizing the department to adopt rules requiring or
1254 incentivizing the electronic submission of forms,
1255 documents, fees, and reports required for certain
1256 permits; amending s. 403.0872, F.S.; extending the
1257 payment deadline of permit fees for major sources of
1258 air pollution and conforming the date for related
1259 notice by the department; revising provisions for the
1260 calculation of such annual fees; amending s. 403.813,
1261 F.S.; revising conditions under which certain permits
1262 are not required for seawall restoration projects;
1263 amending s. 403.70605, F.S.; revising provisions
1264 governing solid waste collection services in
1265 competition with private companies to include
1266 commercial collection of recovered materials; creating
1267 s. 403.8141, F.S.; requiring the Department of
1268 Environmental Protection to establish general permits
1269 for special events; providing permit requirements;
1270 amending s. 403.973, F.S.; authorizing expedited
1271 permitting for natural gas pipelines, subject to
1272 specified certification; providing that natural gas
1273 pipelines are subject to certain requirements;
1274 providing that natural gas pipelines are eligible for
1275 certain review; amending s. 570.076, F.S.; conforming
1276 a cross-reference; amending s. 570.085, F.S.;

1277 requiring the Department of Agriculture and Consumer

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2013)

Amendment No.

1278 Services to establish an agricultural water supply
1279 planning program; providing program requirements;
1280 providing an effective date.