

Amendment No. Strike all

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Agriculture & Natural
2 Resources Appropriations Subcommittee
3 Representative Patronis offered the following:

Amendment (with title amendment)

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

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

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20 125.022 Development permits.-

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

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

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

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

46 (5) Issuance of a development permit by a county does not
47 in any way create any rights on the part of the applicant to

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

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

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

62 166.033 Development permits.—

63 (1) When reviewing an application for a development permit
64 that is certified by a professional listed in s. 403.0877, a
65 municipality may not request additional information from the
66 applicant more than three times, unless the applicant waives the
67 limitation in writing. Prior to a third request for additional
68 information, the applicant shall be offered a meeting to try and
69 resolve outstanding issues. If the applicant believes the
70 request for additional information is not authorized by
71 ordinance, rule, statute, or other legal authority, the
72 municipality, at the applicant's request, shall proceed to
73 process the application for approval or denial.

74 (2) When a municipality denies an application for a
75 development permit, the municipality shall give written notice

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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.

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

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

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

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

105 211.3103 Levy of tax on severance of phosphate rock; rate,
106 basis, and distribution of tax.—

107 (6)

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

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

120 253.0345 Special events; submerged land leases.—

121 (1) The trustees may ~~are authorized to~~ issue leases or
122 letters of consent ~~consents of use or leases~~ to riparian
123 landowners, special and event promoters, and boat show owners to
124 allow the installation of temporary structures, including docks,
125 moorings, pilings, and access walkways, on sovereign submerged
126 lands solely for the purpose of facilitating boat shows and
127 displays in, or adjacent to, established marinas or government-
128 owned ~~government-owned~~ upland property. Riparian owners of
129 adjacent uplands who are not seeking a lease or letter of consent
130 ~~consent of use~~ shall be notified by certified mail of any request

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

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

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

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

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

155 (3) ~~Nothing in~~ This section does not ~~shall be construed to~~
156 allow any lease or letter of consent ~~consent of use~~ that would
157 result in harm to the natural resources of the area as a result

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158 of the structures or the activities of the special events agreed
159 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,
168 equity interest, or other qualifying requirement.

169 (b) Rental terms do not exceed 12 months and do not
170 include 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-
192 served basis.

193 (c) If the facility is in arrears on lease fees or fails
194 to comply with paragraph (b), the facility is not eligible for
195 the discount or waiver under this subsection until arrears have
196 been 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. Subsection (2) of section 253.0347, Florida
200 Statutes, is amended to read:

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

203 (2) (a) A standard lease contract for sovereignty submerged
204 lands for a private residential single-family dock or pier,
205 private residential multifamily dock or pier, or private
206 residential multislip dock must specify the amount of lease fees
207 as established by the Board of Trustees of the Internal
208 Improvement Trust Fund.

209 (b) If private residential multifamily docks or piers,
210 private residential multislip docks, and other private
211 residential structures pertaining to the same upland parcel
212 include a total of no more than one wet slip for each approved
213 upland residential unit, the lessee is not required to pay a

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214 lease fee on a preempted area of 10 square feet or less of
215 sovereignty submerged lands for each linear foot of shoreline in
216 which the lessee has a sufficient upland interest as determined
217 by the Board of Trustees of the Internal Improvement Trust Fund.

218 (c) A lessee of sovereignty submerged lands for a private
219 residential single-family dock or pier, private residential
220 multifamily dock or pier, or private residential multislip dock
221 is not required to pay a lease fee on revenue derived from the
222 transfer of fee simple or beneficial ownership of private
223 residential property that is entitled to a homestead exemption
224 pursuant to s. 196.031 at the time of transfer.

225 (d) A lessee of sovereignty submerged lands for a private
226 residential single-family dock or pier, private residential
227 multifamily dock or pier, or private residential multislip dock
228 must pay a lease fee on any income derived from a wet slip,
229 dock, or pier in the preempted area under lease in an amount
230 determined by the Board of Trustees of the Internal Improvement
231 Trust Fund.

232 (e) A lessee of sovereignty submerged land for a private
233 residential single-family dock designed to moor up to four boats
234 is not required to pay lease fees for a preempted area equal to
235 or less than 10 times the riparian shoreline along sovereignty
236 submerged land on the affected waterbody or the square footage
237 authorized for a private residential single-family dock under
238 rules adopted by the Board of Trustees of the Internal
239 Improvement Trust Fund for the management of sovereignty
240 submerged lands, whichever is greater.

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241 (f) A lessee of sovereignty submerged land for a private
242 residential multifamily dock designed to moor boats up to the
243 number of units within the multifamily development is not
244 required to pay lease fees for a preempted area equal to or less
245 than 10 times the riparian shoreline along sovereignty submerged
246 land on the affected waterbody times the number of units with
247 docks in the private multifamily development providing for
248 existing docks.

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

251 373.118 General permits; delegation.-

252 (4) The department shall adopt by rule one or more general
253 permits for local governments to construct, operate, and
254 maintain ~~public marina facilities,~~ public mooring fields, public
255 boat ramps, including associated courtesy docks, and associated
256 parking facilities located in uplands. Such general permits
257 adopted by rule shall include provisions to ensure compliance
258 with part IV of this chapter, subsection (1), and the criteria
259 necessary to include the general permits in a state programmatic
260 general permit issued by the United States Army Corps of
261 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
262 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
263 authorized under such general permits is exempt from review as a
264 development of regional impact if the facility complies with the
265 comprehensive plan of the applicable local government. Such
266 facilities shall be consistent with the local government manatee
267 protection plan required pursuant to chapter 379 ~~and shall~~
268 ~~obtain Clean Marina Program status prior to opening for~~

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269 ~~operation and maintain that status for the life of the facility.~~
270 ~~Marinas and mooring fields authorized under any such~~
271 ~~general permit shall not exceed an area of 50,000 square feet~~
272 ~~over wetlands and other surface waters. Mooring fields authorized~~
273 ~~under such general permit may not exceed 100 vessels. All~~
274 facilities permitted under this section shall be constructed,
275 maintained, and operated in perpetuity for the exclusive use of
276 the general public. The department is authorized to have
277 delegation from the Board of Trustees to issue leases for mooring
278 fields that meet the requirements of this general permit. The
279 department shall initiate the rulemaking process within 60 days
280 after the effective date of this act.

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

283 373.233 Competing applications.—

284 (1) If two or more applications that ~~which~~ otherwise comply
285 with the provisions of this part are pending for a quantity of
286 water that is inadequate for both or all, or which for any other
287 reason are in conflict, and the water management district or
288 department has deemed the applications complete, the governing
289 board or the department has ~~shall have~~ the right to approve or
290 modify the application which best serves the public interest.

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

293 373.236 Duration of permits; compliance reports.—

294 (4) Where necessary to maintain reasonable assurance that
295 the conditions for issuance of a 20-year permit can continue to
296 be met, the governing board or department, in addition to any

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297 conditions required pursuant to s. 373.219, may require a
298 compliance report by the permittee every 10 years during the term
299 of a permit. The Suwannee River Water Management District may
300 require a compliance report by the permittee every 5 years
301 through July 1, 2015, and thereafter every 10 years during the
302 term of the permit. This report shall contain sufficient data to
303 maintain reasonable assurance that the initial conditions for
304 permit issuance are met. Following review of this report, the
305 governing board or the department may modify the permit to ensure
306 that the use meets the conditions for issuance. Permit
307 modifications pursuant to this subsection shall not be subject to
308 competing applications, provided there is no increase in the
309 permitted allocation or permit duration, and no change in source,
310 except for changes in source requested by the district. In order
311 to promote the sustainability of natural systems through the
312 diversification of water supplies to include sources that are
313 resistant to drought, a water management district may not reduce
314 an existing permitted allocation of water during the permit term
315 as a result of planned future construction of, or additional
316 water becoming available from, sources that are resistant to
317 drought, including but not limited to, a seawater desalination
318 plant, unless such reductions are conditions of a permit with the
319 water management district. Except as otherwise provided in this
320 subsection, this subsection ~~does shall~~ not be construed to limit
321 the existing authority of the department or the governing board
322 to modify or revoke a consumptive use permit.

323 Section 11. Subsection (1) of section 373.308, Florida
324 Statutes, is amended to read:

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325 373.308 Implementation of programs for regulating water
326 wells.—

327 (1) The department shall authorize the governing board of
328 a water management district to implement a program for the
329 issuance of permits for the location, construction, repair, and
330 abandonment of water wells. Upon authorization from the
331 department, issuance of well permits will be the sole
332 responsibility of the water management district or delegated
333 local government. Other government entities may not impose
334 additional or duplicate requirements or fees or establish a
335 separate program for the permitting of the location,
336 abandonment, boring, or other activities reasonably associated
337 with the installation and abandonment of a groundwater well.

338 Section 12. Subsections (1) and (10) of section 373.323,
339 Florida Statutes, are amended to read:

340 373.323 Licensure of water well contractors; application,
341 qualifications, and examinations; equipment identification.—

342 (1) Every person who wishes to engage in business as a
343 water well contractor shall obtain from the water management
344 district a license to conduct such business. Licensure under
345 this part by a water management district shall be the only water
346 well contractor license required for the construction, repair, or
347 abandonment of water wells in the state or any political
348 subdivision thereof.

349 (10) Water well contractors licensed under this section
350 may install, repair, and modify pumps and tanks in accordance
351 with the Florida Building Code, Plumbing; Section 612—Wells

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352 pumps and tanks used for private potable water systems. In
353 addition, licensed water well contractors may install pumps,
354 tanks, and water conditioning equipment for all water ~~well~~
355 systems.

356 Section 13. Subsection (23) is added to section 373.403,
357 Florida Statutes, to read:

358 373.403 Definitions.—When appearing in this part or in any
359 rule, regulation, or order adopted pursuant thereto, the
360 following terms mean:

361 (23) "Mean annual flood line" for the limited purposes of
362 delineating the environmental resource permit regulatory limits
363 of other surface waters, means the water surface boundary
364 produced by the discharge determined by calculating the
365 arithmetic mean of the maximum yearly discharges for the period
366 of record, to include at least the most recent 10-year period.
367 If at least 10 years of data is not available, the mean annual
368 flood line may be determined through consideration of data
369 available and field verification conducted by a certified
370 professional surveyor and mapper with experience in the
371 determination of floodwater elevations and subsequently verified
372 by the department. Field verification of the mean annual flood
373 line shall be performed using the provisions of chapter 62-340,
374 Florida Administrative Code, and the Florida Wetlands
375 Delineation Manual. Generally accepted hydrological standards
376 and procedures shall be used to qualify hydrologic field
377 indicators as rare or aberrant prior to exclusion from mean
378 annual flood determinations.

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

381 373.406 Exemptions.—The following exemptions shall apply:

382 (13) Nothing in this part, or in any rule, regulation, or
383 order adopted pursuant to this part, applies to construction,
384 alteration, operation, or maintenance of any wholly owned,
385 manmade excavated farm ponds, as defined under s. 403.927,
386 constructed entirely in uplands; alteration or maintenance shall
387 not involve any work to connect the farm pond to, or expand the
388 farm pond into, other wetlands or other surface waters.

389 (14) Nothing in this part, or in any rule, regulation, or
390 order adopted pursuant to this part, may require a permit for
391 activities affecting wetlands created solely by the unauthorized
392 flooding or interference with the natural flow of surface water
393 caused by an unaffiliated adjoining landowner. Requests to
394 qualify for this exemption shall be made within seven years of
395 the cause of such unauthorized flooding or unauthorized
396 interference with the natural flow of surface water. Such
397 requests shall be submitted in writing to the district or
398 department, and such activities shall not be commenced without a
399 written determination from the district or department confirming
400 that the activity qualifies for the exemption. This exemption
401 shall not be construed to expand the jurisdiction of the
402 department or the districts. This exemption does not apply to
403 activities that discharge dredged or fill material into waters
404 of the United States, including wetlands, subject to federal
405 jurisdiction under section 404 of the federal Clean Water Act,
406 33 U.S.C. s. 1344.

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407 (15) Any water control district created and operating
408 pursuant to chapter 298 for which a valid environmental resource
409 permit or management and storage of surface waters permit has
410 been issued pursuant to this part is exempt from further
411 wetlands regulations imposed pursuant to chapters 125, 163, and
412 166.

413 Section 15. Subsection (3) of section 376.313, Florida
414 Statutes, is amended to read:

415 376.313 Nonexclusiveness of remedies and individual cause
416 of action for damages under ss. 376.30-376.317.—

417 (3) Except as provided in s. 376.3078(3) and (11), nothing
418 contained in ss. 376.30-376.317 prohibits any person from
419 bringing a cause of action in a court of competent jurisdiction
420 for all damages resulting from a discharge or other condition of
421 pollution covered by ss. 376.30-376.317 and which was not
422 authorized pursuant to chapter 403. Nothing in this chapter
423 shall prohibit or diminish a party's right to contribution from
424 other parties jointly or severally liable for a prohibited
425 discharge of pollutants or hazardous substances or other
426 pollution conditions. Except as otherwise provided in subsection
427 (4) or subsection (5), in any such suit, it is not necessary for
428 such person to plead or prove negligence in any form or manner.
429 Such person need only plead and prove the fact of the prohibited
430 discharge or other pollutive condition and that it has occurred.
431 The only defenses to such cause of action shall be those
432 specified in s. 376.308.

433 Section 16. Subsection (22) is added to section 403.031,
434 Florida Statutes, to read:

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435 403.031 Definitions.—In construing this chapter, or rules
436 and regulations adopted pursuant hereto, the following words,
437 phrases, or terms, unless the context otherwise indicates, have
438 the following meanings:

439 (22) "Beneficiary" means any person, partnership,
440 corporation, business entity, charitable organization, not-for-
441 profit corporation, state, county, district, authority, or
442 municipal unit of government or any other separate unit of
443 government created or established by law.

444 Section 17. Subsection (43) is added to section 403.061,
445 Florida Statutes, to read:

446 403.061 Department; powers and duties.—The department shall
447 have the power and the duty to control and prohibit pollution of
448 air and water in accordance with the law and rules adopted and
449 promulgated by it and, for this purpose, to:

450 (43) Adopt rules requiring or incentivizing the electronic
451 submission of forms, documents, fees, or reports required under
452 chapter 161, chapter 253, chapter 373, chapter 376, chapter 377,
453 or this chapter. The rules must reasonably accommodate
454 technological or financial hardship and provide procedures for
455 obtaining an exemption due to such hardship.

456
457 The department shall implement such programs in conjunction with
458 its other powers and duties and shall place special emphasis on
459 reducing and eliminating contamination that presents a threat to
460 humans, animals or plants, or to the environment.

461 Section 18. Subsection (11) of section 403.0872, Florida
462 Statutes, is amended to read:

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463 403.0872 Operation permits for major sources of air
464 pollution; annual operation license fee.—Provided that program
465 approval pursuant to 42 U.S.C. s. 7661a has been received from
466 the United States Environmental Protection Agency, beginning
467 January 2, 1995, each major source of air pollution, including
468 electrical power plants certified under s. 403.511, must obtain
469 from the department an operation permit for a major source of
470 air pollution under this section. This operation permit is the
471 only department operation permit for a major source of air
472 pollution required for such source; provided, at the applicant's
473 request, the department shall issue a separate acid rain permit
474 for a major source of air pollution that is an affected source
475 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
476 for major sources of air pollution, except general permits
477 issued pursuant to s. 403.814, must be issued in accordance with
478 the procedures contained in this section and in accordance with
479 chapter 120; however, to the extent that chapter 120 is
480 inconsistent with the provisions of this section, the procedures
481 contained in this section prevail.

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

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491 (a) The annual fee must be assessed based upon the source's
492 previous year's emissions and must be calculated by multiplying
493 the applicable annual operation license fee factor times the tons
494 of each regulated air pollutant actually emitted, as calculated
495 in accordance with department's emissions computation and
496 reporting rules. The annual fee shall only apply to those
497 regulated pollutants, ~~(except carbon monoxide)~~ and greenhouse
498 gases, for which an allowable numeric emission limiting standard
499 is specified in ~~allowed to be emitted per hour by specific~~
500 ~~condition of the source's most recent construction or operation~~
501 ~~permit, times the annual hours of operation allowed by permit~~
502 ~~condition~~; provided, however, that:

503 1. The license fee factor is \$25 or another amount
504 determined by department rule which ensures that the revenue
505 provided by each year's operation license fees is sufficient to
506 cover all reasonable direct and indirect costs of the major
507 stationary source air-operation permit program established by
508 this section. The license fee factor may be increased beyond \$25
509 only if the secretary of the department affirmatively finds that
510 a shortage of revenue for support of the major stationary source
511 air-operation permit program will occur in the absence of a fee
512 factor adjustment. The annual license fee factor may never
513 exceed \$35.

514 ~~2. For any source that operates for fewer hours during the~~
515 ~~calendar year than allowed under its permit, the annual fee~~
516 ~~calculation must be based upon actual hours of operation rather~~
517 ~~than allowable hours if the owner or operator of the source~~
518 ~~documents the source's actual hours of operation for the~~

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519 ~~calendar year. For any source that has an emissions limit that~~
520 ~~is dependent upon the type of fuel burned, the annual fee~~
521 ~~calculation must be based on the emissions limit applicable~~
522 ~~during actual hours of operation.~~

523 ~~3. For any source whose allowable emission limitation is~~
524 ~~specified by permit per units of material input or heat input or~~
525 ~~product output, the applicable input or production amount may be~~
526 ~~used to calculate the allowable emissions if the owner or~~
527 ~~operator of the source documents the actual input or production~~
528 ~~amount. If the input or production amount is not documented, the~~
529 ~~maximum allowable input or production amount specified in the~~
530 ~~permit must be used to calculate the allowable emissions.~~

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

535 ~~5. For any source that emits less of any regulated air~~
536 ~~pollutant than allowed by permit condition, the annual fee~~
537 ~~calculation for such pollutant must be based upon actual~~
538 ~~emissions rather than allowable emissions if the owner or~~
539 ~~operator documents the source's actual emissions by means of~~
540 ~~data from a department-approved certified continuous emissions~~
541 ~~monitor or from an emissions monitoring method which has been~~
542 ~~approved by the United States Environmental Protection Agency~~
543 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
544 ~~or from a method approved by the department for purposes of this~~
545 ~~section.~~

546 ~~2.6.~~ The amount of each regulated air pollutant in excess

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547 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
548 group of sources belonging to the same Major Group as described
549 in the Standard Industrial Classification Manual, 1987, may not
550 be included in the calculation of the fee. Any source, or group
551 of sources, which does not emit any regulated air pollutant in
552 excess of 4,000 tons per year, is allowed a one-time credit not
553 to exceed 25 percent of the first annual licensing fee for the
554 prorated portion of existing air-operation permit application
555 fees remaining upon commencement of the annual licensing fees.

556 ~~3.7.~~ If the department has not received the fee by March 1
557 ~~February 15~~ of the calendar year, the permittee must be sent a
558 written warning of the consequences for failing to pay the fee
559 by April March 1. If the fee is not postmarked by April March 1
560 of the calendar year, the department shall impose, in addition
561 to the fee, a penalty of 50 percent of the amount of the fee,
562 plus interest on such amount computed in accordance with s.
563 220.807. The department may not impose such penalty or interest
564 on any amount underpaid, provided that the permittee has timely
565 remitted payment of at least 90 percent of the amount determined
566 to be due and remits full payment within 60 days after receipt
567 of notice of the amount underpaid. The department may waive the
568 collection of underpayment and shall not be required to refund
569 overpayment of the fee, if the amount due is less than 1 percent
570 of the fee, up to \$50. The department may revoke any major air
571 pollution source operation permit if it finds that the
572 permitholder has failed to timely pay any required annual
573 operation license fee, penalty, or interest.

574 ~~4.8.~~ Notwithstanding the computational provisions of this

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575 subsection, the annual operation license fee for any source
576 subject to this section shall not be less than \$250, except that
577 the annual operation license fee for sources permitted solely
578 through general permits issued under s. 403.814 shall not exceed
579 \$50 per year.

580 ~~5.9.~~ Notwithstanding the provisions of s.
581 403.087(6)(a)5.a., authorizing air pollution construction permit
582 fees, the department may not require such fees for changes or
583 additions to a major source of air pollution permitted pursuant
584 to this section, unless the activity triggers permitting
585 requirements under Title I, Part C or Part D, of the federal
586 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
587 administer such permits shall be considered direct and indirect
588 costs of the major stationary source air-operation permit
589 program under s. 403.0873. The department shall, however,
590 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
591 for the construction of a new major source of air pollution that
592 will be subject to the permitting requirements of this section
593 once constructed and for activities triggering permitting
594 requirements under Title I, Part C or Part D, of the federal
595 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

596 (b) Annual operation license fees collected by the
597 department must be sufficient to cover all reasonable direct and
598 indirect costs required to develop and administer the major
599 stationary source air-operation permit program, which shall
600 consist of the following elements to the extent that they are
601 reasonably related to the regulation of major stationary air
602 pollution sources, in accordance with United States

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603 Environmental Protection Agency regulations and guidelines:

- 604 1. Reviewing and acting upon any application for such a
605 permit.
- 606 2. Implementing and enforcing the terms and conditions of
607 any such permit, excluding court costs or other costs associated
608 with any enforcement action.
- 609 3. Emissions and ambient monitoring.
- 610 4. Preparing generally applicable regulations or guidance.
- 611 5. Modeling, analyses, and demonstrations.
- 612 6. Preparing inventories and tracking emissions.
- 613 7. Implementing the Small Business Stationary Source
614 Technical and Environmental Compliance Assistance Program.
- 615 8. Any audits conducted under paragraph (c).

616 (c) An audit of the major stationary source air-operation
617 permit program must be conducted 2 years after the United States
618 Environmental Protection Agency has given full approval of the
619 program to ascertain whether the annual operation license fees
620 collected by the department are used solely to support any
621 reasonable direct and indirect costs as listed in paragraph (b).
622 A program audit must be performed biennially after the first
623 audit.

624 Section 19. Paragraph (2)(b) of section 403.088, Florida
625 Statutes, is amended to read:

626 403.088 Water pollution operation permits; conditions.—

627 (2)(a) Any person intending to discharge wastes into
628 waters of the state shall make application to the department for
629 any appropriate permit required by this chapter. Application

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630 shall be made on a form prescribed by the department and shall
631 contain such information as the department requires.

632 (b)1. If the department finds that the proposed discharge
633 will reduce the quality of the receiving waters below the
634 classification established for them, it shall deny the
635 application and refuse to issue a permit. The department may not
636 use the results from a field procedure or laboratory method to
637 make such a finding, or determine facility compliance, unless
638 the field procedure or laboratory method has been adopted by
639 rule or noticed and approved by the department order in
640 accordance with department rule. Field procedures and
641 laboratory methods must satisfy the quality assurance
642 requirements of department rule and must produce data of known
643 and verifiable quality. The results of field procedures and
644 laboratory methods shall be evaluated for sources of uncertainty
645 to assure suitability for the intended purposes as properly
646 documented with each procedure or method.

647 2. If the department finds that the proposed discharge
648 will not reduce the quality of the receiving waters below the
649 classification established for them, it may issue an operation
650 permit if it finds that such degradation is necessary or
651 desirable under federal standards and under circumstances which
652 are clearly in the public interest.

653 Section 20. Section 403.7046, Florida Statutes, is amended
654 to read:

655 403.7046 Regulation of recovered materials.—

656 (1) Any person who handles, purchases, receives, recovers,
657 sells, or is an end user of recovered materials shall annually

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658 certify to the department on forms provided by the department.
659 The department may by rule exempt from this requirement
660 generators of recovered materials; persons who handle or sell
661 recovered materials as an activity which is incidental to the
662 normal primary business activities of that person; or persons
663 who handle, purchase, receive, recover, sell, or are end users
664 of recovered materials in small quantities as defined by the
665 department. The department shall adopt rules for the
666 certification of and reporting by such persons and shall
667 establish criteria for revocation of such certification. Such
668 rules shall be designed to elicit, at a minimum, the amount and
669 types of recovered materials handled by registrants, and the
670 amount and disposal site, or name of person with whom such
671 disposal was arranged, of any solid waste generated by such
672 facility. By February 1 of each year, registrants shall report
673 all required information to the department and to all counties
674 from which it received materials. Such rules may provide for the
675 department to conduct periodic inspections. The department may
676 charge a fee of up to \$50 for each registration, which shall be
677 deposited into the Solid Waste Management Trust Fund for
678 implementation of the program.

679 (2) Information reported pursuant to the requirements of
680 this section or any rule adopted pursuant to this section which,
681 if disclosed, would reveal a trade secret, as defined in s.
682 812.081(1)(c), is confidential and exempt from the provisions of
683 s. 119.07(1). For reporting or information purposes, however,
684 the department may provide this information in such form that

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685 the names of the persons reporting such information and the
686 specific information reported are not revealed.

687 (3) Except as otherwise provided in this section or
688 pursuant to a special act in effect on or before January 1,
689 1993, a local government may not require a commercial
690 establishment that generates source-separated recovered
691 materials to sell or otherwise convey its recovered materials to
692 the local government or to a facility designated by the local
693 government, nor may the local government restrict such a
694 generator's right to sell or otherwise convey such recovered
695 materials to any properly certified recovered materials dealer
696 who has satisfied the requirements of this section. A local
697 government may not enact any ordinance that prevents such a
698 dealer from entering into a contract with a commercial
699 establishment to purchase, collect, transport, process, or
700 receive source-separated recovered materials.

701 (a) The local government may require that the recovered
702 materials generated at the commercial establishment be source
703 separated at the premises of the commercial establishment.

704 (b) Prior to engaging in business within the jurisdiction
705 of the local government, a recovered materials dealer must
706 provide the local government with a copy of the certification
707 provided for in this section. In addition, the local government
708 may establish a registration process whereby a recovered
709 materials dealer must register with the local government prior
710 to engaging in business within the jurisdiction of the local
711 government. Such registration process is limited to requiring
712 the dealer to register its name, including the owner or operator

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713 of the dealer, and, if the dealer is a business entity, its
714 general or limited partners, its corporate officers and
715 directors, its permanent place of business, evidence of its
716 certification under this section, and a certification that the
717 recovered materials will be processed at a recovered materials
718 processing facility satisfying the requirements of this section.
719 A registration application must be acted on by the local
720 government within 90 days of receipt. During the pendency of
721 the local government's review, a local government may not use
722 the registration information to unfairly compete with the
723 recovered materials dealer seeking registration. All counties,
724 and municipalities whose population exceeds 35,000 according to
725 the population estimates determined pursuant to s. 186.901, may
726 establish a reporting process which shall be limited to the
727 regulations, reporting format, and reporting frequency
728 established by the department pursuant to this section, which
729 shall, at a minimum, include requiring the dealer to identify
730 the types and approximate amount of recovered materials
731 collected, recycled, or reused during the reporting period; the
732 approximate percentage of recovered materials reused, stored, or
733 delivered to a recovered materials processing facility or
734 disposed of in a solid waste disposal facility; and the
735 locations where any recovered materials were disposed of as
736 solid waste. Information reported under this subsection which,
737 if disclosed, would reveal a trade secret, as defined in s.
738 812.081(1)(c), is confidential and exempt from the provisions of
739 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The
740 local government may charge the dealer a registration fee

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741 commensurate with and no greater than the cost incurred by the
742 local government in operating its registration program.
743 Registration program costs are limited to those costs associated
744 with the activities described in this paragraph. Any reporting
745 or registration process established by a local government with
746 regard to recovered materials shall be governed by the
747 provisions of this section and department rules promulgated
748 pursuant thereto.

749 (c) A local government may establish a process in which
750 the local government may temporarily or permanently revoke the
751 authority of a recovered materials dealer to do business within
752 the local government if the local government finds the recovered
753 materials dealer, after reasonable notice of the charges and an
754 opportunity to be heard by an impartial party, has consistently
755 and repeatedly violated state or local laws, ordinances, rules,
756 and regulations.

757 (d) In addition to any other authority provided by law, a
758 local government is hereby expressly authorized to prohibit a
759 person or entity not certified under this section from doing
760 business within the jurisdiction of the local government; to
761 enter into a nonexclusive franchise or to otherwise provide for
762 the collection, transportation, and processing of recovered
763 materials at commercial establishments, provided that a local
764 government may not require a certified recovered materials
765 dealer to enter into such franchise agreement in order to enter
766 into a contract with any commercial establishment located within
767 the local government's jurisdiction to purchase, collect,
768 transport, process, or receive source-separated recovered

Amendment No. Strike all
769 materials; and to enter into an exclusive franchise or to
770 otherwise provide for the exclusive collection, transportation,
771 and processing of recovered materials at single-family or
772 multifamily residential properties.

773 (e) Nothing in this section shall prohibit a local
774 government from enacting ordinances designed to protect the
775 public's general health, safety, and welfare.

776 (f) As used in this section:

777 1. "Commercial establishment" means a property or
778 properties zoned or used for commercial or industrial uses, or
779 used by an entity exempt from taxation under s. 501(c)(3) of the
780 Internal Revenue Code, and excludes property or properties zoned
781 or used for single-family residential or multifamily residential
782 uses.

783 2. "Local government" means a county or municipality.

784 3. "Certified recovered materials dealer" means a dealer
785 certified under this section.

786 (4) Recovered materials dealers may initiate an action for
787 injunctive relief or damages for alleged violations of this
788 section.

789 Section 21. Paragraph (e) of subsection (1) of section
790 403.813, Florida Statutes, is amended to read:

791 403.813 Permits issued at district centers; exceptions.-

792 (1) A permit is not required under this chapter, chapter
793 373, chapter 61-691, Laws of Florida, or chapter 25214 or
794 chapter 25270, 1949, Laws of Florida, for activities associated
795 with the following types of projects; however, except as
796 otherwise provided in this subsection, ~~nothing in this~~

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797 subsection does not relieve ~~relieves~~ an applicant from any
798 requirement to obtain permission to use or occupy lands owned by
799 the Board of Trustees of the Internal Improvement Trust Fund or
800 a any water management district in its governmental or
801 proprietary capacity or from complying with applicable local
802 pollution control programs authorized under this chapter or
803 other requirements of county and municipal governments:

804 (e) The restoration of seawalls at their previous
805 locations or upland of, or within 18 inches ~~1 foot~~ waterward of,
806 their previous locations. However, this shall not affect the
807 permitting requirements of chapter 161, and department rules
808 shall clearly indicate that this exception does not constitute
809 an exception from the permitting requirements of chapter 161.

810 Section 22. Section 403.8141, Florida Statutes, is created
811 to read:

812 403.8141 Special event permits.—The department
813 shall issue permits for special events under s. 253.0345. The
814 permits must be for a period that runs concurrently with the
815 letter of consent or lease issued pursuant to that section and
816 must allow for the movement of temporary structures within the
817 footprint of the lease area.

818 Section 23. Paragraph (b) of subsection (14) and paragraph
819 (b) of subsection (19) of section 403.973, Florida Statutes, are
820 amended, and paragraph (g) is added to subsection (3) of that
821 section, to read:

822 403.973 Expedited permitting; amendments to comprehensive
823 plans.—

824 (3)

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825 (g) Projects to construct interstate natural gas pipelines
826 subject to certification by the Federal Energy Regulatory
827 Commission, are eligible for the expedited permitting process.

828 (14)

829 (b) Projects identified in paragraph (3)(f) or paragraph
830 (3)(g) or challenges to state agency action in the expedited
831 permitting process for establishment of a state-of-the-art
832 biomedical research institution and campus in this state by the
833 grantee under s. 288.955 are subject to the same requirements as
834 challenges brought under paragraph (a), except that,
835 notwithstanding s. 120.574, summary proceedings must be conducted
836 within 30 days after a party files the motion for summary
837 hearing, regardless of whether the parties agree to the summary
838 proceeding.

839 (19) The following projects are ineligible for review under
840 this part:

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

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

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

848 3. Extract natural resources.

849 4. Produce oil.

850 5. Construct, maintain, or operate an oil, petroleum,
851 ~~natural gas,~~ or sewage pipeline.

852 Section 24. This act shall take effect July 1, 2013.

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

Remove everything before the enacting clause and insert:

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2013)

Amendment No. Strike all

881 permits for public marina facilities; deleting certain
882 requirements under general permits for public marina
883 facilities and mooring fields; limiting the number of
884 vessels for mooring fields authorized under such permits;
885 amending s. 373.233, F.S.; clarifying conditions for
886 competing consumptive use of water applications; amending
887 s. 373.236, F.S.; prohibiting water management districts
888 from reducing certain allocations as a result of seawater
889 desalination plant activities; providing an exception;
890 amending s. 373.308, F.S.; providing that issuance of well
891 permits is the sole responsibility of water management
892 districts; prohibiting certain counties and other
893 government entities from imposing requirements and fees and
894 establishing programs for installation and abandonment of
895 groundwater wells; amending s. 373.323, F.S.; providing
896 that licenses issued by water management districts are the
897 only water well construction licenses required for
898 construction, repair, or abandonment of water wells;
899 authorizing licensed water well contractors to install
900 equipment for all water systems; amending s. 373.403, F.S.;
901 defining the term "mean annual flood line"; amending s.
902 373.406, F.S.; exempting specified ponds, ditches, and
903 wetlands from surface water management and storage
904 requirements; exempting certain water control districts
905 from wetlands or water quality regulations; amending s.
906 376.313, F.S.; holding harmless a person who discharges
907 pollution pursuant to ch. 403, F.S.; amending s. 403.088,
908 F.S.; revising conditions for the issuance of water

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2013)

Amendment No. Strike all

909 pollution operation permits; amending s. 403.031, F.S.;

910 defining "beneficiaries"; amending s. 403.061, F.S.;

911 authorizing the Department of Environmental Protection to

912 adopt rules requiring or incentivizing electronic

913 submission of forms, documents, or fees and reports

914 required certain permits; amending s. 403.088, F.S.;

915 revising conditions for the issuance of water pollution

916 operation permits; amending s. 403.0872, F.S.; extending

917 the payment deadline of permit fees for major sources of

918 air pollution and conforming the date for related notice by

919 the department; revising provisions for the calculation of

920 such annual fees; amending s. 403.7046, F.S.; revising

921 requirements relating to recovered materials; amending s.

922 403.813, F.S.; revising conditions under which certain

923 permits are not required for seawall restoration projects;

924 creating s. 403.8141, F.S.; requiring the Department of

925 Environmental Protection to establish general permits for

926 special events; providing permit requirements; amending s.

927 403.973, F.S.; authorizing expedited permitting for natural

928 gas pipelines, subject to specified certification;

929 providing that natural gas pipelines are subject to certain

930 requirements; providing that natural gas pipelines are

931 eligible for certain review; providing an effective date.

932