

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WITHDRAWN	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: State Affairs Committee
 2 Representative Patronis offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

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

8 20.255 Department of Environmental Protection.—There is
 9 created a Department of Environmental Protection.

10 (8) The department may adopt rules requiring or
 11 incentivizing electronic submission of forms, documents, fees,
 12 or reports required under chapter 161, chapter 253, chapter 373,
 13 chapter 376, chapter 377, or chapter 403. The rules must
 14 reasonably accommodate technological or financial hardship and
 15 must provide procedures for obtaining an exemption due to such a
 16 hardship.

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

19 125.022 Development permits.—

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

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

36 (3) As used in this section, the term "development permit"
37 has the same meaning as in s. 163.3164, except building permits
38 are excluded.

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. Before a third request for additional
68 information, the applicant must be offered a meeting to attempt
69 to resolve outstanding issues. Except as provided in subsection
70 (4), if the applicant believes the request for additional
71 information is not authorized by ordinance, rule, statute, or
72 other legal authority, the municipality, at the applicant's
73 request, shall proceed to process the application for approval or
74 denial.

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

80 (3) As used in this section, the term "development permit"
81 has the same meaning as in s. 163.3164, except building permits
82 are excluded.

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

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

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

105 Section 4. Paragraph (c) of subsection (6) of section
106 211.3103, Florida Statutes is amended to read:

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

109 (6)

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

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

122 253.0345 Special events; submerged land leases.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

184 1. Actively maintains designation under the program.

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185 2. Complies with the terms of the lease.

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

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

189 1. Actively maintains designation under the program.

190 2. Complies with the terms of the lease.

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

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

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

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

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

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

204 (2)

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

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212 Improvement Trust Fund for the management of sovereignty
213 submerged lands, whichever is greater.

214 (f) A lessee of sovereignty submerged land for a private
215 residential multifamily dock designed to moor boats up to the
216 number of units within the multifamily development is not
217 required to pay lease fees for a preempted area equal to or less
218 than 10 times the riparian shoreline along sovereignty submerged
219 land on the affected waterbody times the number of units with
220 docks in the private multifamily development.

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

223 373.118 General permits; delegation.—

224 (4) The department shall adopt by rule one or more general
225 permits for local governments to construct, operate, and
226 maintain ~~public marina facilities,~~ public mooring fields, public
227 boat ramps, including associated courtesy docks, and associated
228 parking facilities located in uplands. Such general permits
229 adopted by rule shall include provisions to ensure compliance
230 with part IV of this chapter, subsection (1), and the criteria
231 necessary to include the general permits in a state programmatic
232 general permit issued by the United States Army Corps of
233 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
234 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
235 authorized under such general permits is exempt from review as a
236 development of regional impact if the facility complies with the
237 comprehensive plan of the applicable local government. Such
238 facilities shall be consistent with the local government manatee
239 protection plan required pursuant to chapter 379 ~~and shall~~

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240 ~~obtain Clean Marina Program status prior to opening for~~
241 ~~operation and maintain that status for the life of the facility.~~
242 ~~Marinas and mooring fields authorized under any such~~
243 ~~general permit shall not exceed an area of 50,000 square feet~~
244 ~~over wetlands and other surface waters. Mooring fields authorized~~
245 ~~under such general permit may not exceed 100 vessels. All~~
246 facilities permitted under this section shall be constructed,
247 maintained, and operated in perpetuity for the exclusive use of
248 the general public. The department is authorized to have
249 delegation of authority from the Board of Trustees of the
250 Internal Improvement Trust Fund to issue leases for mooring
251 fields that meet the requirements of such general permits. The
252 department shall initiate the rulemaking process within 60 days
253 after the effective date of this act.

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

256 373.233 Competing applications.-

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

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

266 373.236 Duration of permits; compliance reports.-

267 (4) Where necessary to maintain reasonable assurance that

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268 the conditions for issuance of a 20-year permit can continue to
269 be met, the governing board or department, in addition to any
270 conditions required pursuant to s. 373.219, may require a
271 compliance report by the permittee every 10 years during the term
272 of a permit. The Suwannee River Water Management District may
273 require a compliance report by the permittee every 5 years
274 through July 1, 2015, and thereafter every 10 years during the
275 term of the permit. This report shall contain sufficient data to
276 maintain reasonable assurance that the initial conditions for
277 permit issuance are met. Following review of this report, the
278 governing board or the department may modify the permit to ensure
279 that the use meets the conditions for issuance. Permit
280 modifications pursuant to this subsection shall not be subject to
281 competing applications, provided there is no increase in the
282 permitted allocation or permit duration, and no change in source,
283 except for changes in source requested by the district. In order
284 to promote the sustainability of natural systems through the
285 diversification of water supplies through the development of
286 seawater desalination plants, a water management district shall
287 not reduce an existing permitted allocation of water during the
288 permit term as a result of planned future construction of, or
289 additional water becoming available from, a new seawater
290 desalination plant that does not receive funding from a water
291 management district. Except as expressly provided herein,
292 nothing in this subsection shall be construed to alter a
293 district's existing authority to modify a consumptive use permit
294 pursuant to chapter 373, F.S. This subsection shall not be

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295 ~~construed to limit the existing authority of the department or~~
296 ~~the governing board to modify or revoke a consumptive use permit.~~

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

299 373.246 Declaration of water shortage or emergency.-

300 (6) The governing board or the department shall notify
301 each permittee in the district by electronic mail or regular
302 mail of any change in the condition of his or her permit or any
303 suspension of his or her permit or of any other restriction on
304 the permittee's use of water for the duration of the water
305 shortage.

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

308 373.308 Implementation of programs for regulating water
309 wells.-

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

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

324 373.323 Licensure of water well contractors; application,
325 qualifications, and examinations; equipment identification.—

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

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

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

342 373.406 Exemptions.—The following exemptions shall apply:

343 (13) Nothing in this part, or in any rule, regulation, or
344 order adopted pursuant to this part, applies to construction,
345 alteration, operation, or maintenance of any wholly owned,
346 manmade excavated farm ponds, as defined in s. 403.927,
347 constructed entirely in uplands. Alteration or maintenance may
348 not involve any work to connect the farm pond to, or expand the
349 farm pond into, other wetlands or other surface waters.

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350 (14) Nothing in this part, or in any rule, regulation, or
351 order adopted pursuant to this part, may require a permit for
352 activities affecting wetlands created solely by the unauthorized
353 flooding or interference with the natural flow of surface water
354 caused by an unaffiliated adjoining landowner. Requests to
355 qualify for this exemption must be made within 7 years of the
356 cause of such unauthorized flooding or unauthorized interference
357 with the natural flow of surface water and must be submitted in
358 writing to the district or department. Such activities may not
359 begin without a written determination from the district or
360 department confirming that the activity qualifies for the
361 exemption. This exemption does not expand the jurisdiction of
362 the department or water management districts and does not apply
363 to activities that discharge dredged or fill material into
364 waters of the United States, including wetlands, subject to
365 federal jurisdiction under section 404 of the federal Clean
366 Water Act, 33 U.S.C. s. 1344.

367 (15) Any independent water control district created and
368 operating pursuant to chapter 298 for which a valid environmental
369 resource permit or management and storage of surface waters
370 permit has been issued pursuant to this part is exempt from
371 further wetlands regulation imposed pursuant to chapters 125,
372 163, and 166.

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

375 376.30713 Preapproved advanced cleanup.—

376 (4) The department is authorized to enter into contract
377 for a total of up to \$15 ~~\$10~~ million of preapproved advanced

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378 cleanup work in each fiscal year. However, no facility shall be
379 preapproved for more than \$5 million ~~\$500,000~~ of cleanup
380 activity in each fiscal year. For the purposes of this section
381 the term "facility" shall include, but not be limited to,
382 multiple site facilities such as airports, port facilities, and
383 terminal facilities even though such enterprises may be treated
384 as separate facilities for other purposes under this chapter.

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

387 376.313 Nonexclusiveness of remedies and individual cause
388 of action for damages under ss. 376.30-376.317.—

389 (3) Except as provided in s. 376.3078(3) and (11), nothing
390 contained in ss. 376.30-376.317 prohibits any person from
391 bringing a cause of action in a court of competent jurisdiction
392 for all damages resulting from a discharge or other condition of
393 pollution covered by ss. 376.30-376.317 and which was not
394 authorized pursuant to chapter 403. Nothing in this chapter
395 shall prohibit or diminish a party's right to contribution from
396 other parties jointly or severally liable for a prohibited
397 discharge of pollutants or hazardous substances or other
398 pollution conditions. Except as otherwise provided in subsection
399 (4) or subsection (5), in any such suit, it is not necessary for
400 such person to plead or prove negligence in any form or manner.
401 Such person need only plead and prove the fact of the prohibited
402 discharge or other pollutive condition and that it has occurred.
403 The only defenses to such cause of action shall be those
404 specified in s. 376.308.

405 Section 17. Subsection (22) is added to section 403.031,

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406 Florida Statutes, to read:

407 403.031 Definitions.—In construing this chapter, or rules
408 and regulations adopted pursuant hereto, the following words,
409 phrases, or terms, unless the context otherwise indicates, have
410 the following meanings:

411 (22) "Beneficiary" means any person, partnership,
412 corporation, business entity, charitable organization, not-for-
413 profit corporation, state, county, district, authority, or
414 municipal unit of government or any other separate unit of
415 government created or established by law.

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

418 403.061 Department; powers and duties.—The department shall
419 have the power and the duty to control and prohibit pollution of
420 air and water in accordance with the law and rules adopted and
421 promulgated by it and, for this purpose, to:

422 (43) Adopt rules requiring or incentivizing the electronic
423 submission of forms, documents, fees, or reports required under
424 chapter 161, chapter 253, chapter 373, chapter 376, chapter 377,
425 or this chapter. The rules must reasonably accommodate
426 technological or financial hardship and provide procedures for
427 obtaining an exemption due to such hardship.

428

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

433 Section 19. Subsection (11) of section 403.0872, Florida

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434 Statutes, is amended to read:

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

454 (11) Each major source of air pollution permitted to
455 operate in this state must pay between January 15 and April
456 ~~March~~ 1 of each year, upon written notice from the department,
457 an annual operation license fee in an amount determined by
458 department rule. The annual operation license fee shall be
459 terminated immediately in the event the United States
460 Environmental Protection Agency imposes annual fees solely to

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461 implement and administer the major source air-operation permit
462 program in Florida under 40 C.F.R. s. 70.10(d).

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

475 1. The license fee factor is \$25 or another amount
476 determined by department rule which ensures that the revenue
477 provided by each year's operation license fees is sufficient to
478 cover all reasonable direct and indirect costs of the major
479 stationary source air-operation permit program established by
480 this section. The license fee factor may be increased beyond \$25
481 only if the secretary of the department affirmatively finds that
482 a shortage of revenue for support of the major stationary source
483 air-operation permit program will occur in the absence of a fee
484 factor adjustment. The annual license fee factor may never
485 exceed \$35.

486 ~~2. For any source that operates for fewer hours during the~~
487 ~~calendar year than allowed under its permit, the annual fee~~
488 ~~calculation must be based upon actual hours of operation rather~~

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489 ~~than allowable hours if the owner or operator of the source~~
490 ~~documents the source's actual hours of operation for the~~
491 ~~calendar year. For any source that has an emissions limit that~~
492 ~~is dependent upon the type of fuel burned, the annual fee~~
493 ~~calculation must be based on the emissions limit applicable~~
494 ~~during actual hours of operation.~~

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

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

507 ~~5. For any source that emits less of any regulated air~~
508 ~~pollutant than allowed by permit condition, the annual fee~~
509 ~~calculation for such pollutant must be based upon actual~~
510 ~~emissions rather than allowable emissions if the owner or~~
511 ~~operator documents the source's actual emissions by means of~~
512 ~~data from a department-approved certified continuous emissions~~
513 ~~monitor or from an emissions monitoring method which has been~~
514 ~~approved by the United States Environmental Protection Agency~~
515 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~

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516 ~~or from a method approved by the department for purposes of this~~
517 ~~section.~~

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

528 ~~3.7.~~ If the department has not received the fee by March 1
529 ~~February 15~~ of the calendar year, the permittee must be sent a
530 written warning of the consequences for failing to pay the fee
531 by April March 1. If the fee is not postmarked by April March 1
532 of the calendar year, the department shall impose, in addition
533 to the fee, a penalty of 50 percent of the amount of the fee,
534 plus interest on such amount computed in accordance with s.
535 220.807. The department may not impose such penalty or interest
536 on any amount underpaid, provided that the permittee has timely
537 remitted payment of at least 90 percent of the amount determined
538 to be due and remits full payment within 60 days after receipt
539 of notice of the amount underpaid. The department may waive the
540 collection of underpayment and shall not be required to refund
541 overpayment of the fee, if the amount due is less than 1 percent
542 of the fee, up to \$50. The department may revoke any major air
543 pollution source operation permit if it finds that the

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544 | permitholder has failed to timely pay any required annual
545 | operation license fee, penalty, or interest.

546 | ~~4.8.~~ Notwithstanding the computational provisions of this
547 | subsection, the annual operation license fee for any source
548 | subject to this section shall not be less than \$250, except that
549 | the annual operation license fee for sources permitted solely
550 | through general permits issued under s. 403.814 shall not exceed
551 | \$50 per year.

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

568 | (b) Annual operation license fees collected by the
569 | department must be sufficient to cover all reasonable direct and
570 | indirect costs required to develop and administer the major
571 | stationary source air-operation permit program, which shall

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572 consist of the following elements to the extent that they are
573 reasonably related to the regulation of major stationary air
574 pollution sources, in accordance with United States
575 Environmental Protection Agency regulations and guidelines:

- 576 1. Reviewing and acting upon any application for such a
577 permit.
- 578 2. Implementing and enforcing the terms and conditions of
579 any such permit, excluding court costs or other costs associated
580 with any enforcement action.
- 581 3. Emissions and ambient monitoring.
- 582 4. Preparing generally applicable regulations or guidance.
- 583 5. Modeling, analyses, and demonstrations.
- 584 6. Preparing inventories and tracking emissions.
- 585 7. Implementing the Small Business Stationary Source
586 Technical and Environmental Compliance Assistance Program.
- 587 8. Any audits conducted under paragraph (c).

588 (c) An audit of the major stationary source air-operation
589 permit program must be conducted 2 years after the United States
590 Environmental Protection Agency has given full approval of the
591 program to ascertain whether the annual operation license fees
592 collected by the department are used solely to support any
593 reasonable direct and indirect costs as listed in paragraph (b).
594 A program audit must be performed biennially after the first
595 audit.

596 Section 20. Paragraph (b) of subsection (2) of section
597 403.088, Florida Statutes, is amended to read:

598 403.088 Water pollution operation permits; conditions.—

599 (2)

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600 (b)1. If the department finds that the proposed discharge
601 will reduce the quality of the receiving waters below the
602 classification established for them, it shall deny the
603 application and refuse to issue a permit. The department may not
604 use the results from a field procedure or laboratory method to
605 make such a finding or determine facility compliance unless the
606 field procedure or laboratory method has been adopted by rule or
607 noticed and approved by department order pursuant to department
608 rule. Field procedures and laboratory methods must satisfy the
609 quality assurance requirements of department rule and must
610 produce data of known and verifiable quality. The results of
611 field procedures and laboratory methods shall be evaluated for
612 sources of uncertainty to assure suitability for the intended
613 purposes as properly documented with each procedure or method.

614 2. If the department finds that the proposed discharge
615 will not reduce the quality of the receiving waters below the
616 classification established for them, it may issue an operation
617 permit if it finds that such degradation is necessary or
618 desirable under federal standards and under circumstances which
619 are clearly in the public interest.

620 Section 21. Subsection (1) of section 403.0893, Florida
621 Statutes, is amended to read:

622 403.0893 Stormwater funding; dedicated funds for stormwater
623 management.—In addition to any other funding mechanism legally
624 available to local government to construct, operate, or maintain
625 stormwater systems, a county or municipality may:

626 (1) Create one or more stormwater utilities and adopt
627 stormwater utility fees sufficient to plan, construct, operate,

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628 and maintain stormwater management systems set out in the local
629 program required pursuant to s. 403.0891(3). Stormwater utility
630 fees adopted pursuant to this subsection may be charged to the
631 beneficiaries of a stormwater utility. If stormwater utility
632 fees charged to a beneficiary of a stormwater utility are not
633 paid when due, any and all lawful methods to collect delinquent
634 fees may be utilized, including by suit in a court of competent
635 jurisdiction.

636 Section 22. The amendments made by this act to ss. 403.031
637 and 403.0893 apply only to stormwater utility fees billed on or
638 after July 1, 2013, to a beneficiary of a stormwater utility for
639 services provided on or after that date.

640 Section 23. Paragraph (b) of subsection (3) of section
641 403.7046, Florida Statutes, is amended, and subsection (4) is
642 added to that section, to read:

643 403.7046 Regulation of recovered materials.—

644 (3) Except as otherwise provided in this section or
645 pursuant to a special act in effect on or before January 1,
646 1993, a local government may not require a commercial
647 establishment that generates source-separated recovered
648 materials to sell or otherwise convey its recovered materials to
649 the local government or to a facility designated by the local
650 government, nor may the local government restrict such a
651 generator's right to sell or otherwise convey such recovered
652 materials to any properly certified recovered materials dealer
653 who has satisfied the requirements of this section. A local
654 government may not enact any ordinance that prevents such a
655 dealer from entering into a contract with a commercial

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656 establishment to purchase, collect, transport, process, or
657 receive source-separated recovered materials.

658 (b) Before ~~Prior to~~ engaging in business within the
659 jurisdiction of the local government, a recovered materials
660 dealer must provide the local government with a copy of the
661 certification provided for in this section. In addition, the
662 local government may establish a registration process whereby a
663 recovered materials dealer must register with the local
664 government prior to engaging in business within the jurisdiction
665 of the local government. Such registration process is limited to
666 requiring the dealer to register its name, including the owner
667 or operator of the dealer, and, if the dealer is a business
668 entity, its general or limited partners, its corporate officers
669 and directors, its permanent place of business, evidence of its
670 certification under this section, and a certification that the
671 recovered materials will be processed at a recovered materials
672 processing facility satisfying the requirements of this section.
673 For a period of 90 days after it is submitted, a local
674 government may not use the registration information to compete
675 unfairly with the recovered materials dealer. All counties, and
676 municipalities whose population exceeds 35,000 according to the
677 population estimates determined pursuant to s. 186.901, may
678 establish a reporting process which shall be limited to the
679 regulations, reporting format, and reporting frequency
680 established by the department pursuant to this section, which
681 shall, at a minimum, include requiring the dealer to identify
682 the types and approximate amount of recovered materials
683 collected, recycled, or reused during the reporting period; the

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684 approximate percentage of recovered materials reused, stored, or
685 delivered to a recovered materials processing facility or
686 disposed of in a solid waste disposal facility; and the
687 locations where any recovered materials were disposed of as
688 solid waste. Information reported under this subsection which,
689 if disclosed, would reveal a trade secret, as defined in s.
690 812.081(1)(c), is confidential and exempt from the provisions of
691 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The
692 local government may charge the dealer a registration fee
693 commensurate with and no greater than the cost incurred by the
694 local government in operating its registration program.
695 Registration program costs are limited to those costs associated
696 with the activities described in this paragraph. Any reporting
697 or registration process established by a local government with
698 regard to recovered materials shall be governed by the
699 provisions of this section and department rules adopted
700 ~~promulgated~~ pursuant thereto.

701 (4) A recovered materials dealer or an association whose
702 members include recovered materials dealers may initiate an
703 action for injunctive relief or damages for alleged violations
704 of this section. The court may, in its discretion, award to the
705 prevailing party or parties reasonable attorneys' fees and
706 costs.

707 Section 24. Paragraph (e) of subsection (1) of section
708 403.813, Florida Statutes, is amended to read:

709 403.813 Permits issued at district centers; exceptions.—

710 (1) A permit is not required under this chapter, chapter

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711 373, chapter 61-691, Laws of Florida, or chapter 25214 or
712 chapter 25270, 1949, Laws of Florida, for activities associated
713 with the following types of projects; however, except as
714 otherwise provided in this subsection, ~~nothing in this~~
715 subsection does not relieve ~~relieves~~ an applicant from any
716 requirement to obtain permission to use or occupy lands owned by
717 the Board of Trustees of the Internal Improvement Trust Fund or
718 a ~~any~~ water management district in its governmental or
719 proprietary capacity or from complying with applicable local
720 pollution control programs authorized under this chapter or
721 other requirements of county and municipal governments:

722 (e) The restoration of seawalls at their previous
723 locations or upland of, or within 18 inches ~~1-foot~~ waterward of,
724 their previous locations. However, this shall not affect the
725 permitting requirements of chapter 161, and department rules
726 shall clearly indicate that this exception does not constitute
727 an exception from the permitting requirements of chapter 161.

728 Section 25. Section 403.8141, Florida Statutes, is created
729 to read:

730 403.8141 Special event permits.—The department
731 shall issue permits for special events under s. 253.0345. The
732 permits must be for a period that runs concurrently with the
733 lease or letter of consent issued pursuant to s. 253.0345 and
734 must allow for the movement of temporary structures within the
735 footprint of the lease area.

736 Section 26. Paragraph (b) of subsection (14) and paragraph
737 (b) of subsection (19) of section 403.973, Florida Statutes, are

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738 amended, and paragraph (g) is added to subsection (3) of that
739 section, to read:

740 403.973 Expedited permitting; amendments to comprehensive
741 plans.—

742 (3)

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

746 (14)

747 (b) Projects identified in paragraph (3) (f) or paragraph
748 (3) (g) or challenges to state agency action in the expedited
749 permitting process for establishment of a state-of-the-art
750 biomedical research institution and campus in this state by the
751 grantee under s. 288.955 are subject to the same requirements as
752 challenges brought under paragraph (a), except that,
753 notwithstanding s. 120.574, summary proceedings must be conducted
754 within 30 days after a party files the motion for summary
755 hearing, regardless of whether the parties agree to the summary
756 proceeding.

757 (19) The following projects are ineligible for review under
758 this part:

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

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

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

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766 3. Extract natural resources.

767 4. Produce oil.

768 5. Construct, maintain, or operate an oil, petroleum,
769 ~~natural gas,~~ or sewage pipeline.

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

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

776 Remove everything before the enacting clause and insert:
777 An act relating to environmental regulation; amending s. 20.255,
778 F.S.; authorizing the Department of Environmental Protection to
779 adopt rules requiring or incentivizing the electronic submission
780 of certain forms, documents, fees, and reports ; amending ss.
781 125.022 and 166.033, F.S.; providing requirements for the review
782 of development permit applications by counties and
783 municipalities; amending s. 211.3103, F.S.; revising the
784 definition of "phosphate-related expenses" to include
785 maintenance and restoration of certain lands; amending s.
786 253.0345, F.S.; revising provisions for the duration of leases
787 and letters of consent issued by the Board of Trustees of the
788 Internal Improvement Trust Fund for special events; providing
789 conditions for fees relating to such leases and letters of
790 consent; creating s. 253.0346, F.S.; defining the term "first-
791 come, first-served basis"; providing conditions for the discount
792 and waiver of lease fees and surcharges for certain marinas,
793 boatyards, and marine retailers; providing applicability;

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794 amending s. 253.0347, F.S.; providing exemptions from lease fees
795 for certain lessees; amending s. 373.118, F.S.; deleting
796 provisions requiring the department to adopt general permits for
797 public marina facilities; deleting certain requirements under
798 general permits for public marina facilities and mooring fields;
799 limiting the number of vessels for mooring fields authorized
800 under such permits; providing for the department to issue
801 certain leases; amending s. 373.233, F.S.; clarifying conditions
802 for competing consumptive use of water applications; amending s.
803 373.236, F.S.; prohibiting water management districts from
804 reducing certain allocations as a result of seawater
805 desalination plant activities; providing an exception; amending
806 s. 373.246, F.S.; allowing the governing board or the department
807 to notify a permittee by electronic mail or regular mail of any
808 change in the condition of his or her permit during a declared
809 water shortage or emergency; amending s. 373.308, F.S.;
810 providing that issuance of well permits is the sole
811 responsibility of water management districts, delegated local
812 governments, and local county health departments; prohibiting
813 certain counties and other local government entities from
814 imposing requirements and fees and establishing programs for
815 installation and abandonment of groundwater wells; amending s.
816 373.323, F.S.; providing that licenses issued by water
817 management districts are the only water well construction
818 licenses required for construction, repair, or abandonment of
819 water wells; authorizing licensed water well contractors to
820 install equipment for all water systems; amending s. 373.406,
821 F.S.; exempting specified ponds, ditches, and wetlands from

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822 surface water management and storage requirements; exempting
823 certain water control districts from certain wetlands
824 regulation; amending s. 376.30713, F.S.; increasing the amount
825 of funding the department is authorized to enter into contract
826 under the preapproved advanced cleanup program; amending s.
827 376.313, F.S.; holding harmless a person who discharges
828 pollution pursuant to ch. 403, F.S.; amending s. 403.031, F.S.;
829 defining the term "beneficiary"; amending s. 403.061, F.S.;
830 authorizing the department to adopt rules requiring or
831 incentivizing the electronic submission of certain forms,
832 documents, fees, and reports; amending s. 403.0872, F.S.;
833 extending the payment deadline of permit fees for major sources
834 of air pollution and conforming the date for related notice by
835 the department; revising provisions for the calculation of such
836 annual fees; amending s. 403.088, F.S.; revising conditions for
837 denial of water pollution operation permit applications;
838 amending s. 403.0893, F.S.; authorizing stormwater utility fees
839 to be charged to the beneficiaries of the stormwater utility;
840 providing that amendments made by this act to ss. 403.031 and
841 403.0893, F.S., apply only to stormwater utility fees billed on
842 or after July 1, 2013, to a stormwater utility's beneficiary for
843 services provided on or after that date; amending s. 403.7046,
844 F.S.; providing requirements for the review of recovered
845 materials dealer registration applications; providing that a
846 recovered materials dealer may seek injunctive relief or damages
847 for certain violations; amending s. 403.813, F.S.; revising
848 conditions under which certain permits are not required for
849 seawall restoration projects; creating s. 403.8141, F.S.;

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850 requiring the Department of Environmental Protection to
851 establish general permits for special events; providing permit
852 requirements; amending s. 403.973, F.S.; authorizing expedited
853 permitting for natural gas pipelines, subject to specified
854 certification; providing that natural gas pipelines are subject
855 to certain requirements; providing that natural gas pipelines
856 are eligible for certain review; providing an effective date.
857