



1                   A bill to be entitled  
2           An act relating to environmental regulation; amending  
3           s. 20.255, F.S.; authorizing the Department of  
4           Environmental Protection to adopt rules requiring or  
5           incentivizing the electronic submission of certain  
6           forms, documents, fees, and reports; amending ss.  
7           125.022 and 166.033, F.S.; providing requirements for  
8           the review of development permit applications by  
9           counties and municipalities; amending s. 211.3103,  
10          F.S.; revising the definition of "phosphate-related  
11          expenses" to include maintenance and restoration of  
12          certain lands; amending s. 253.0345, F.S.; revising  
13          provisions for the duration of leases and letters of  
14          consent issued by the Board of Trustees of the  
15          Internal Improvement Trust Fund for special events;  
16          providing conditions for fees relating to such leases  
17          and letters of consent; creating s. 253.0346, F.S.;  
18          defining the term "first-come, first-served basis";  
19          providing conditions for the discount and waiver of  
20          lease fees and surcharges for certain marinas,  
21          boatyards, and marine retailers; providing  
22          applicability; amending s. 253.0347, F.S.; providing  
23          exemptions from lease fees for certain lessees;  
24          amending s. 373.118, F.S.; deleting provisions  
25          requiring the department to adopt general permits for  
26          public marina facilities; deleting certain  
27          requirements under general permits for public marina  
28          facilities and mooring fields; limiting the number of



29 | vessels for mooring fields authorized under such  
30 | permits; providing for the department to issue certain  
31 | leases; amending s. 373.233, F.S.; clarifying  
32 | conditions for competing consumptive use of water  
33 | applications; amending s. 373.236, F.S.; prohibiting  
34 | water management districts from reducing certain  
35 | allocations as a result of seawater desalination plant  
36 | activities; providing an exception; amending s.  
37 | 373.246, F.S.; authorizing the department or governing  
38 | board to notify permittees by electronic mail of  
39 | permit changes under certain conditions; amending s.  
40 | 373.308, F.S.; providing that issuance of well permits  
41 | is the sole responsibility of water management  
42 | districts, delegated local governments, and local  
43 | county health departments; prohibiting certain  
44 | counties and other government entities from imposing  
45 | requirements and fees and establishing programs for  
46 | installation and abandonment of groundwater wells;  
47 | amending s. 373.323, F.S.; providing that licenses  
48 | issued by water management districts are the only  
49 | water well contractor licenses required for  
50 | construction, repair, or abandonment of water wells;  
51 | authorizing licensed water well contractors to install  
52 | equipment for all water systems; amending s. 373.406,  
53 | F.S.; exempting specified ponds, ditches, and wetlands  
54 | from surface water management and storage  
55 | requirements; amending s. 376.30713, F.S.; increasing  
56 | the amount of funding for preapproved advanced cleanup



57 | work contracts; increasing the amount of funding a  
58 | facility is eligible for in each fiscal year; amending  
59 | s. 376.313, F.S.; holding harmless a person who  
60 | discharges pollution pursuant to ch. 403, F.S.;  
61 | amending s. 403.061, F.S.; authorizing the department  
62 | to adopt rules requiring or incentivizing the  
63 | electronic submission of certain forms, documents,  
64 | fees, and reports; amending s. 403.0872, F.S.;  
65 | extending the payment deadline of permit fees for  
66 | major sources of air pollution and conforming the date  
67 | for related notice by the department; revising  
68 | provisions for the calculation of such annual fees;  
69 | amending s. 403.088, F.S.; revising conditions for  
70 | denial of water pollution operation permit  
71 | applications; amending s. 403.7046, F.S.; prohibiting  
72 | local governments from using information contained in  
73 | recovered materials dealer registration applications  
74 | for specified purposes; providing that a recovered  
75 | materials dealer may seek injunctive relief and  
76 | damages for certain violations; amending s. 403.813,  
77 | F.S.; revising conditions under which certain permits  
78 | are not required for seawall restoration projects;  
79 | creating s. 403.8141, F.S.; requiring the Department  
80 | of Environmental Protection to establish general  
81 | permits for special events; providing permit  
82 | requirements; amending s. 403.973, F.S.; authorizing  
83 | expedited permitting for natural gas pipelines,  
84 | subject to specified certification; providing that



85 | natural gas pipelines are subject to certain  
86 | requirements; providing that natural gas pipelines are  
87 | eligible for certain review; providing for legislative  
88 | ratification and approval of specified leases approved  
89 | by the Board of Trustees of the Internal Improvement  
90 | Trust Fund; providing legislative findings with  
91 | respect to such leases; providing an effective date.  
92 |

93 | Be It Enacted by the Legislature of the State of Florida:  
94 |

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

97 | 20.255 Department of Environmental Protection.—There is  
98 | created a Department of Environmental Protection.

99 | (8) The department may adopt rules requiring or  
100 | incentivizing electronic submission of forms, documents, fees,  
101 | or reports required under chapter 161, chapter 253, chapter 373,  
102 | chapter 376, chapter 377, or chapter 403. The rules must  
103 | reasonably accommodate technological or financial hardship and  
104 | must provide procedures for obtaining an exemption due to such a  
105 | hardship.

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

108 | 125.022 Development permits.—

109 | (1) When reviewing an application for a development permit  
110 | that is certified by a professional listed in s. 403.0877, a  
111 | county may not request additional information from the applicant  
112 | more than three times, unless the applicant waives the



113 | limitation in writing. Before a third request for additional  
114 | information, the applicant must be offered a meeting to attempt  
115 | to resolve outstanding issues. Except as provided in subsection  
116 | (4), if the applicant believes the request for additional  
117 | information is not authorized by ordinance, rule, statute, or  
118 | other legal authority, the county, at the applicant's request,  
119 | shall proceed to process the application for approval or denial.

120 |       (2) When a county denies an application for a development  
121 | permit, the county shall give written notice to the applicant.  
122 | The notice must include a citation to the applicable portions of  
123 | an ordinance, rule, statute, or other legal authority for the  
124 | denial of the permit.

125 |       (3) As used in this section, the term "development permit"  
126 | has the same meaning as in s. 163.3164, but does not include  
127 | building permits.

128 |       (4) For any development permit application filed with the  
129 | county after July 1, 2012, a county may not require as a  
130 | condition of processing or issuing a development permit that an  
131 | applicant obtain a permit or approval from any state or federal  
132 | agency unless the agency has issued a final agency action that  
133 | denies the federal or state permit before the county action on  
134 | the local development permit.

135 |       (5) Issuance of a development permit by a county does not  
136 | in any way create any rights on the part of the applicant to  
137 | obtain a permit from a state or federal agency and does not  
138 | create any liability on the part of the county for issuance of  
139 | the permit if the applicant fails to obtain requisite approvals  
140 | or fulfill the obligations imposed by a state or federal agency



141 or undertakes actions that result in a violation of state or  
142 federal law. A county may attach such a disclaimer to the  
143 issuance of a development permit and may include a permit  
144 condition that all other applicable state or federal permits be  
145 obtained before commencement of the development.

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

149 Section 3. Section 166.033, Florida Statutes, is amended  
150 to read:

151 166.033 Development permits.—

152 (1) When reviewing an application for a development permit  
153 that is certified by a professional listed in s. 403.0877, a  
154 municipality may not request additional information from the  
155 applicant more than three times, unless the applicant waives the  
156 limitation in writing. Before a third request for additional  
157 information, the applicant must be offered a meeting to attempt  
158 to resolve outstanding issues. Except as provided in subsection  
159 (4), if the applicant believes the request for additional  
160 information is not authorized by ordinance, rule, statute, or  
161 other legal authority, the municipality, at the applicant's  
162 request, shall proceed to process the application for approval  
163 or denial.

164 (2) When a municipality denies an application for a  
165 development permit, the municipality shall give written notice  
166 to the applicant. The notice must include a citation to the  
167 applicable portions of an ordinance, rule, statute, or other  
168 legal authority for the denial of the permit.



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

172        (4) For any development permit application filed with the  
173 municipality after July 1, 2012, a municipality may not require  
174 as a condition of processing or issuing a development permit  
175 that an applicant obtain a permit or approval from any state or  
176 federal agency unless the agency has issued a final agency  
177 action that denies the federal or state permit before the  
178 municipal action on the local development permit.

179        (5) Issuance of a development permit by a municipality  
180 does not in any way create any right on the part of an applicant  
181 to obtain a permit from a state or federal agency and does not  
182 create any liability on the part of the municipality for  
183 issuance of the permit if the applicant fails to obtain  
184 requisite approvals or fulfill the obligations imposed by a  
185 state or federal agency or undertakes actions that result in a  
186 violation of state or federal law. A municipality may attach  
187 such a disclaimer to the issuance of development permits and may  
188 include a permit condition that all other applicable state or  
189 federal permits be obtained before commencement of the  
190 development.

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

194        Section 4. Paragraph (c) of subsection (6) of section  
195 211.3103, Florida Statutes is amended to read:



196 |           211.3103 Levy of tax on severance of phosphate rock; rate,  
197 | basis, and distribution of tax.—

198 |           (6)

199 |           (c) For purposes of this section, "phosphate-related  
200 | expenses" means those expenses that provide for infrastructure  
201 | or services in support of the phosphate industry, including  
202 | environmental education, reclamation or restoration of phosphate  
203 | lands, maintenance and restoration of reclaimed lands and county  
204 | owned environmental lands which were formerly phosphate lands,  
205 | community infrastructure on such reclaimed lands and county  
206 | owned environmental lands which were formerly phosphate lands,  
207 | and similar expenses directly related to support of the  
208 | industry.

209 |           Section 5. Section 253.0345, Florida Statutes, is amended  
210 | to read:

211 |           253.0345 Special events; submerged land leases.—

212 |           (1) The trustees may ~~are authorized to~~ issue leases or  
213 | letters of consent ~~consents of use or leases~~ to riparian  
214 | landowners, special and event promoters, and boat show owners to  
215 | allow the installation of temporary structures, including docks,  
216 | moorings, pilings, and access walkways, on sovereign submerged  
217 | lands solely for the purpose of facilitating boat shows and  
218 | displays in, or adjacent to, established marinas or government-  
219 | owned ~~government-owned~~ upland property. Riparian owners of  
220 | adjacent uplands who are not seeking a lease or letter of  
221 | consent of use shall be notified by certified mail of any  
222 | request for such a lease or letter of consent of use before  
223 | ~~prior to~~ approval by the trustees. The trustees shall balance





224 the interests of any objecting riparian owners with the economic  
225 interests of the public and the state as a factor in determining  
226 whether ~~if~~ a lease or letter of consent ~~of use~~ should be  
227 executed over the objection of adjacent riparian owners. This  
228 section does ~~shall~~ not apply to structures for viewing motorboat  
229 racing, high-speed motorboat contests, or high-speed displays in  
230 waters where manatees are known to frequent.

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

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

235 (b) Shall include a lease fee, if applicable, based solely  
236 on the period and actual size of the preemption and conditions  
237 to allow reconfiguration of temporary structures within the  
238 lease area with notice to the department of the configuration  
239 and size of preemption within the lease area.

240 (c) The lease or letter of consent ~~of use~~ may ~~also~~ contain  
241 appropriate requirements for removal of the temporary  
242 structures, including the posting of sufficient surety to  
243 guarantee appropriate funds for removal of the structures should  
244 the promoter or riparian owner fail to do so within the time  
245 specified in the agreement.

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

250 Section 6. Section 253.0346, Florida Statutes, is created  
251 to read:



252 | 253.0346 Lease of sovereignty submerged lands for marinas,  
 253 | boatyards, and marine retailers.—

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

257 | (a) There is not a club membership, stock ownership,  
 258 | equity interest, or other qualifying requirement.

259 | (b) Rental terms do not exceed 12 months and do not  
 260 | include automatic renewal rights or conditions.

261 | (2) For marinas that are open to the public on a first-  
 262 | come, first-served basis and for which at least 90 percent of  
 263 | the slips are open for rent to the public, a discount of 30  
 264 | percent on the annual lease fee shall apply if dockage rate  
 265 | sheet publications and dockage advertising clearly state that  
 266 | slips are open for rent to the public on a first-come, first-  
 267 | served basis.

268 | (3) For a facility designated by the department as a Clean  
 269 | Marina, Clean Boatyard, or Clean Marine Retailer under the Clean  
 270 | Marina Program:

271 | (a) A discount of 10 percent on the annual lease fee shall  
 272 | apply if the facility:

- 273 | 1. Actively maintains designation under the program.
- 274 | 2. Complies with the terms of the lease.
- 275 | 3. Does not change use during the term of the lease.

276 | (b) Extended-term lease surcharges shall be waived if the  
 277 | facility:

- 278 | 1. Actively maintains designation under the program.
- 279 | 2. Complies with the terms of the lease.



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

281       4. Is available to the public on a first-come, first-  
282 served basis.

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

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

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

291       253.0347 Lease of sovereignty submerged lands for private  
292 residential docks and piers.—

293       (2)

294       (e) A lessee of sovereignty submerged lands for a private  
295 residential single-family dock designed to moor up to four boats  
296 is not required to pay lease fees for a preempted area equal to  
297 or less than 10 times the riparian shoreline along sovereignty  
298 submerged land on the affected waterbody or the square footage  
299 authorized for a private residential single-family dock under  
300 rules adopted by the Board of Trustees of the Internal  
301 Improvement Trust Fund for the management of sovereignty  
302 submerged lands, whichever is greater.

303       (f) A lessee of sovereignty submerged lands for a private  
304 residential multifamily dock designed to moor boats up to the  
305 number of units within the multifamily development is not  
306 required to pay lease fees for a preempted area equal to or less  
307 than 10 times the riparian shoreline along sovereignty submerged



308 land on the affected waterbody times the number of units with  
309 docks in the private multifamily development.

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

312 373.118 General permits; delegation.—

313 (4) The department shall adopt by rule one or more general  
314 permits for local governments to construct, operate, and  
315 maintain ~~public marina facilities,~~ public mooring fields, public  
316 boat ramps, including associated courtesy docks, and associated  
317 parking facilities located in uplands. Such general permits  
318 adopted by rule shall include provisions to ensure compliance  
319 with part IV of this chapter, subsection (1), and the criteria  
320 necessary to include the general permits in a state programmatic  
321 general permit issued by the United States Army Corps of  
322 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-  
323 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility  
324 authorized under such general permits is exempt from review as a  
325 development of regional impact if the facility complies with the  
326 comprehensive plan of the applicable local government. Such  
327 facilities shall be consistent with the local government manatee  
328 protection plan required pursuant to chapter 379 ~~and shall~~  
329 ~~obtain Clean Marina Program status prior to opening for~~  
330 ~~operation and maintain that status for the life of the facility.~~  
331 ~~Marinas and mooring fields authorized under any such general~~  
332 ~~permit shall not exceed an area of 50,000 square feet over~~  
333 ~~wetlands and other surface waters.~~ Mooring fields authorized  
334 under such general permits may not exceed 100 vessels. All  
335 facilities permitted under this section shall be constructed,



336 maintained, and operated in perpetuity for the exclusive use of  
337 the general public. The department is authorized to have  
338 delegation of authority from the Board of Trustees of the  
339 Internal Improvement Trust Fund to issue leases for mooring  
340 fields that meet the requirements of such general permits. The  
341 department shall initiate the rulemaking process within 60 days  
342 after the effective date of this act.

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

345 373.233 Competing applications.—

346 (1) If two or more applications that ~~which~~ otherwise  
347 comply with the provisions of this part are pending for a  
348 quantity of water that is inadequate for both or all, or that  
349 ~~which~~ for any other reason are in conflict, and the water  
350 management district or department has deemed the applications  
351 complete, the water management district ~~governing board~~ or the  
352 department has ~~shall have~~ the right to approve or modify the  
353 application that ~~which~~ best serves the public interest.

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

356 373.236 Duration of permits; compliance reports.—

357 (4) Where necessary to maintain reasonable assurance that  
358 the conditions for issuance of a 20-year permit can continue to  
359 be met, the governing board or department, in addition to any  
360 conditions required pursuant to s. 373.219, may require a  
361 compliance report by the permittee every 10 years during the  
362 term of a permit. The Suwannee River Water Management District  
363 may require a compliance report by the permittee every 5 years



364 through July 1, 2015, and thereafter every 10 years during the  
365 term of the permit. This report shall contain sufficient data to  
366 maintain reasonable assurance that the initial conditions for  
367 permit issuance are met. Following review of this report, the  
368 governing board or the department may modify the permit to  
369 ensure that the use meets the conditions for issuance. Permit  
370 modifications pursuant to this subsection shall not be subject  
371 to competing applications, provided there is no increase in the  
372 permitted allocation or permit duration, and no change in  
373 source, except for changes in source requested by the district.  
374 In order to promote the sustainability of natural systems  
375 through the diversification of water supplies through the  
376 development of seawater desalination plants, a water management  
377 district may not reduce an existing permitted allocation of  
378 water during the permit term as a result of planned future  
379 construction of, or additional water becoming available from, a  
380 new seawater desalination plant that does not receive funding  
381 from a water management district. Except as expressly provided  
382 in this subsection, this subsection does shall not alter be  
383 construed to limit the existing authority of a water management  
384 district the department or the governing board to modify or  
385 revoke a consumptive use permit pursuant to chapter 373.

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

388 373.246 Declaration of water shortage or emergency.—

389 (6) The governing board or the department shall notify  
390 each permittee in the district by electronic mail or regular  
391 mail of any change in the condition of his or her permit or any



392 suspension of his or her permit or of any other restriction on  
393 the permittee's use of water for the duration of the water  
394 shortage.

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

397 373.308 Implementation of programs for regulating water  
398 wells.—

399 (1) The department shall authorize the governing board of  
400 a water management district to implement a program for the  
401 issuance of permits for the location, construction, repair, and  
402 abandonment of water wells. Upon authorization from the  
403 department, issuance of well permits will be the sole  
404 responsibility of the water management district, delegated local  
405 government, or local county health department. Other local  
406 governmental entities may not impose additional or duplicate  
407 requirements or fees or establish a separate program for the  
408 permitting of the location, abandonment, boring, or other  
409 activities reasonably associated with the installation and  
410 abandonment of a groundwater well.

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

413 373.323 Licensure of water well contractors; application,  
414 qualifications, and examinations; equipment identification.—

415 (1) Every person who wishes to engage in business as a  
416 water well contractor shall obtain from the water management  
417 district a license to conduct such business. Licensure under  
418 this part by a water management district shall be the only water  
419 well contractor license required for the construction, repair,



420 or abandonment of water wells in the state or any political  
421 subdivision thereof.

422 (10) Water well contractors licensed under this section  
423 may install, repair, and modify pumps and tanks in accordance  
424 with the Florida Building Code, Plumbing; Section 612–Wells  
425 pumps and tanks used for private potable water systems. In  
426 addition, licensed water well contractors may install pumps,  
427 tanks, and water conditioning equipment for all water ~~well~~  
428 systems.

429 Section 14. Subsections (13) and (14) are added to section  
430 373.406, Florida Statutes, to read:

431 373.406 Exemptions.—The following exemptions shall apply:

432 (13) Nothing in this part, or in any rule, regulation, or  
433 order adopted pursuant to this part, applies to construction,  
434 alteration, operation, or maintenance of any wholly owned,  
435 manmade excavated farm ponds, as defined in s. 403.927,  
436 constructed entirely in uplands. Alteration or maintenance may  
437 not involve any work to connect the farm pond to, or expand the  
438 farm pond into, other wetlands or other surface waters. This  
439 exemption does not apply to any farm pond that covers an area  
440 greater than 15 acres and has an average depth greater than 15  
441 feet, or is less than 50 feet from any wetlands.

442 (14) Nothing in this part, or in any rule, regulation, or  
443 order adopted pursuant to this part, may require a permit for  
444 activities affecting wetlands created solely by the unauthorized  
445 flooding or interference with the natural flow of surface water  
446 caused by an unaffiliated adjoining landowner. Requests to  
447 qualify for this exemption must be made within 7 years after the





448 cause of such unauthorized flooding or unauthorized interference  
449 with the natural flow of surface water and must be submitted in  
450 writing to the district or department. Such activities may not  
451 begin without a written determination from the district or  
452 department confirming that the activity qualifies for the  
453 exemption. This exemption does not expand the jurisdiction of  
454 the department or the water management districts and does not  
455 apply to activities that discharge dredged or fill material into  
456 waters of the United States, including wetlands, subject to  
457 federal jurisdiction under s. 404 of the federal Clean Water  
458 Act, 33 U.S.C. s. 1344.

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

461 376.30713 Preapproved advanced cleanup.—

462 (4) The department is authorized to enter into contracts  
463 ~~contract~~ for a total of up to \$15 ~~\$10~~ million of preapproved  
464 advanced cleanup work in each fiscal year. However, a ~~no~~  
465 facility may not ~~shall~~ be preapproved for more than \$5 million  
466 ~~\$500,000~~ of cleanup activity in each fiscal year. For the  
467 purposes of this section the term "facility" shall include, but  
468 not be limited to, multiple site facilities such as airports,  
469 port facilities, and terminal facilities even though such  
470 enterprises may be treated as separate facilities for other  
471 purposes under this chapter.

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

474 376.313 Nonexclusiveness of remedies and individual cause  
475 of action for damages under ss. 376.30-376.317.—



476 (3) Except as provided in s. 376.3078(3) and (11), nothing  
477 contained in ss. 376.30-376.317 prohibits any person from  
478 bringing a cause of action in a court of competent jurisdiction  
479 for all damages resulting from a discharge or other condition of  
480 pollution covered by ss. 376.30-376.317 and which was not  
481 authorized pursuant to chapter 403. Nothing in this chapter  
482 shall prohibit or diminish a party's right to contribution from  
483 other parties jointly or severally liable for a prohibited  
484 discharge of pollutants or hazardous substances or other  
485 pollution conditions. Except as otherwise provided in subsection  
486 (4) or subsection (5), in any such suit, it is not necessary for  
487 such person to plead or prove negligence in any form or manner.  
488 Such person need only plead and prove the fact of the prohibited  
489 discharge or other pollutive condition and that it has occurred.  
490 The only defenses to such cause of action shall be those  
491 specified in s. 376.308.

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

494 403.061 Department; powers and duties.—The department  
495 shall have the power and the duty to control and prohibit  
496 pollution of air and water in accordance with the law and rules  
497 adopted and promulgated by it and, for this purpose, to:

498 (43) Adopt rules requiring or incentivizing the electronic  
499 submission of forms, documents, fees, or reports required under  
500 chapter 161, chapter 253, chapter 373, chapter 376, chapter 377,  
501 or this chapter. The rules must reasonably accommodate  
502 technological or financial hardship and provide procedures for  
503 obtaining an exemption due to such hardship.



504  
505 The department shall implement such programs in conjunction with  
506 its other powers and duties and shall place special emphasis on  
507 reducing and eliminating contamination that presents a threat to  
508 humans, animals or plants, or to the environment.

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

511 403.0872 Operation permits for major sources of air  
512 pollution; annual operation license fee.—Provided that program  
513 approval pursuant to 42 U.S.C. s. 7661a has been received from  
514 the United States Environmental Protection Agency, beginning  
515 January 2, 1995, each major source of air pollution, including  
516 electrical power plants certified under s. 403.511, must obtain  
517 from the department an operation permit for a major source of  
518 air pollution under this section. This operation permit is the  
519 only department operation permit for a major source of air  
520 pollution required for such source; provided, at the applicant's  
521 request, the department shall issue a separate acid rain permit  
522 for a major source of air pollution that is an affected source  
523 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
524 for major sources of air pollution, except general permits  
525 issued pursuant to s. 403.814, must be issued in accordance with  
526 the procedures contained in this section and in accordance with  
527 chapter 120; however, to the extent that chapter 120 is  
528 inconsistent with the provisions of this section, the procedures  
529 contained in this section prevail.

530 (11) Each major source of air pollution permitted to  
531 operate in this state must pay between January 15 and April



532 ~~March~~ 1 of each year, upon written notice from the department,  
533 an annual operation license fee in an amount determined by  
534 department rule. The annual operation license fee shall be  
535 terminated immediately in the event the United States  
536 Environmental Protection Agency imposes annual fees solely to  
537 implement and administer the major source air-operation permit  
538 program in Florida under 40 C.F.R. s. 70.10(d).

539 (a) The annual fee must be assessed based upon the  
540 source's previous year's emissions and must be calculated by  
541 multiplying the applicable annual operation license fee factor  
542 times the tons of each regulated air pollutant actually emitted,  
543 as calculated in accordance with department's emissions  
544 computation and reporting rules. The annual fee shall only apply  
545 to those regulated pollutants, ~~(except carbon monoxide)~~ and  
546 greenhouse gases, for which an allowable numeric emission  
547 limiting standard is specified in ~~allowed to be emitted per hour~~  
548 ~~by specific condition of the source's most recent construction~~  
549 ~~or operation permit, times the annual hours of operation allowed~~  
550 ~~by permit condition;~~ provided, however, that:

551 1. The license fee factor is \$25 or another amount  
552 determined by department rule which ensures that the revenue  
553 provided by each year's operation license fees is sufficient to  
554 cover all reasonable direct and indirect costs of the major  
555 stationary source air-operation permit program established by  
556 this section. The license fee factor may be increased beyond \$25  
557 only if the secretary of the department affirmatively finds that  
558 a shortage of revenue for support of the major stationary source  
559 air-operation permit program will occur in the absence of a fee



560 factor adjustment. The annual license fee factor may never  
561 exceed \$35.

562 ~~2. For any source that operates for fewer hours during the~~  
563 ~~calendar year than allowed under its permit, the annual fee~~  
564 ~~calculation must be based upon actual hours of operation rather~~  
565 ~~than allowable hours if the owner or operator of the source~~  
566 ~~documents the source's actual hours of operation for the~~  
567 ~~calendar year. For any source that has an emissions limit that~~  
568 ~~is dependent upon the type of fuel burned, the annual fee~~  
569 ~~calculation must be based on the emissions limit applicable~~  
570 ~~during actual hours of operation.~~

571 ~~3. For any source whose allowable emission limitation is~~  
572 ~~specified by permit per units of material input or heat input or~~  
573 ~~product output, the applicable input or production amount may be~~  
574 ~~used to calculate the allowable emissions if the owner or~~  
575 ~~operator of the source documents the actual input or production~~  
576 ~~amount. If the input or production amount is not documented, the~~  
577 ~~maximum allowable input or production amount specified in the~~  
578 ~~permit must be used to calculate the allowable emissions.~~

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

583 ~~5. For any source that emits less of any regulated air~~  
584 ~~pollutant than allowed by permit condition, the annual fee~~  
585 ~~calculation for such pollutant must be based upon actual~~  
586 ~~emissions rather than allowable emissions if the owner or~~  
587 ~~operator documents the source's actual emissions by means of~~



588 ~~data from a department-approved certified continuous emissions~~  
589 ~~monitor or from an emissions monitoring method which has been~~  
590 ~~approved by the United States Environmental Protection Agency~~  
591 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~  
592 ~~or from a method approved by the department for purposes of this~~  
593 ~~section.~~

594 2.6. The amount of each regulated air pollutant in excess  
595 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or  
596 group of sources belonging to the same Major Group as described  
597 in the Standard Industrial Classification Manual, 1987, may not  
598 be included in the calculation of the fee. Any source, or group  
599 of sources, which does not emit any regulated air pollutant in  
600 excess of 4,000 tons per year, is allowed a one-time credit not  
601 to exceed 25 percent of the first annual licensing fee for the  
602 prorated portion of existing air-operation permit application  
603 fees remaining upon commencement of the annual licensing fees.

604 3.7. If the department has not received the fee by March 1  
605 ~~February 15~~ of the calendar year, the permittee must be sent a  
606 written warning of the consequences for failing to pay the fee  
607 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1  
608 of the calendar year, the department shall impose, in addition  
609 to the fee, a penalty of 50 percent of the amount of the fee,  
610 plus interest on such amount computed in accordance with s.  
611 220.807. The department may not impose such penalty or interest  
612 on any amount underpaid, provided that the permittee has timely  
613 remitted payment of at least 90 percent of the amount determined  
614 to be due and remits full payment within 60 days after receipt  
615 of notice of the amount underpaid. The department may waive the



616 collection of underpayment and shall not be required to refund  
617 overpayment of the fee, if the amount due is less than 1 percent  
618 of the fee, up to \$50. The department may revoke any major air  
619 pollution source operation permit if it finds that the  
620 permitholder has failed to timely pay any required annual  
621 operation license fee, penalty, or interest.

622 ~~4.8.~~ Notwithstanding the computational provisions of this  
623 subsection, the annual operation license fee for any source  
624 subject to this section shall not be less than \$250, except that  
625 the annual operation license fee for sources permitted solely  
626 through general permits issued under s. 403.814 shall not exceed  
627 \$50 per year.

628 ~~5.9.~~ Notwithstanding the provisions of s.  
629 403.087(6)(a)5.a., authorizing air pollution construction permit  
630 fees, the department may not require such fees for changes or  
631 additions to a major source of air pollution permitted pursuant  
632 to this section, unless the activity triggers permitting  
633 requirements under Title I, Part C or Part D, of the federal  
634 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and  
635 administer such permits shall be considered direct and indirect  
636 costs of the major stationary source air-operation permit  
637 program under s. 403.0873. The department shall, however,  
638 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.  
639 for the construction of a new major source of air pollution that  
640 will be subject to the permitting requirements of this section  
641 once constructed and for activities triggering permitting  
642 requirements under Title I, Part C or Part D, of the federal  
643 Clean Air Act, 42 U.S.C. ss. 7470-7514a.



644 (b) Annual operation license fees collected by the  
645 department must be sufficient to cover all reasonable direct and  
646 indirect costs required to develop and administer the major  
647 stationary source air-operation permit program, which shall  
648 consist of the following elements to the extent that they are  
649 reasonably related to the regulation of major stationary air  
650 pollution sources, in accordance with United States  
651 Environmental Protection Agency regulations and guidelines:

- 652 1. Reviewing and acting upon any application for such a  
653 permit.
- 654 2. Implementing and enforcing the terms and conditions of  
655 any such permit, excluding court costs or other costs associated  
656 with any enforcement action.
- 657 3. Emissions and ambient monitoring.
- 658 4. Preparing generally applicable regulations or guidance.
- 659 5. Modeling, analyses, and demonstrations.
- 660 6. Preparing inventories and tracking emissions.
- 661 7. Implementing the Small Business Stationary Source  
662 Technical and Environmental Compliance Assistance Program.
- 663 8. Any audits conducted under paragraph (c).

664 (c) An audit of the major stationary source air-operation  
665 permit program must be conducted 2 years after the United States  
666 Environmental Protection Agency has given full approval of the  
667 program to ascertain whether the annual operation license fees  
668 collected by the department are used solely to support any  
669 reasonable direct and indirect costs as listed in paragraph (b).  
670 A program audit must be performed biennially after the first  
671 audit.





672 Section 19. Paragraph (b) of subsection (2) of section  
673 403.088, Florida Statutes, is amended to read:

674 403.088 Water pollution operation permits; conditions.—  
675 (2)

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

690 2. If the department finds that the proposed discharge  
691 will not reduce the quality of the receiving waters below the  
692 classification established for them, it may issue an operation  
693 permit if it finds that such degradation is necessary or  
694 desirable under federal standards and under circumstances which  
695 are clearly in the public interest.

696 Section 20. Paragraph (b) of subsection (3) of section  
697 403.7046, Florida Statutes, is amended, and subsection (4) is  
698 added to that section, to read:

699 403.7046 Regulation of recovered materials.—



700           (3) Except as otherwise provided in this section or  
701 pursuant to a special act in effect on or before January 1,  
702 1993, a local government may not require a commercial  
703 establishment that generates source-separated recovered  
704 materials to sell or otherwise convey its recovered materials to  
705 the local government or to a facility designated by the local  
706 government, nor may the local government restrict such a  
707 generator's right to sell or otherwise convey such recovered  
708 materials to any properly certified recovered materials dealer  
709 who has satisfied the requirements of this section. A local  
710 government may not enact any ordinance that prevents such a  
711 dealer from entering into a contract with a commercial  
712 establishment to purchase, collect, transport, process, or  
713 receive source-separated recovered materials.

714           (b) Before ~~Prior to~~ engaging in business within the  
715 jurisdiction of the local government, a recovered materials  
716 dealer must provide the local government with a copy of the  
717 certification provided for in this section. In addition, the  
718 local government may establish a registration process whereby a  
719 recovered materials dealer must register with the local  
720 government before ~~prior to~~ engaging in business within the  
721 jurisdiction of the local government. Such registration process  
722 is limited to requiring the dealer to register its name,  
723 including the owner or operator of the dealer, and, if the  
724 dealer is a business entity, its general or limited partners,  
725 its corporate officers and directors, its permanent place of  
726 business, evidence of its certification under this section, and  
727 a certification that the recovered materials will be processed



728 | at a recovered materials processing facility satisfying the  
729 | requirements of this section. The local government may not use  
730 | the information provided in the registration application to  
731 | compete unfairly with the recovered materials dealer until 90  
732 | days after receipt of the application. All counties, and  
733 | municipalities whose population exceeds 35,000 according to the  
734 | population estimates determined pursuant to s. 186.901, may  
735 | establish a reporting process which shall be limited to the  
736 | regulations, reporting format, and reporting frequency  
737 | established by the department pursuant to this section, which  
738 | shall, at a minimum, include requiring the dealer to identify  
739 | the types and approximate amount of recovered materials  
740 | collected, recycled, or reused during the reporting period; the  
741 | approximate percentage of recovered materials reused, stored, or  
742 | delivered to a recovered materials processing facility or  
743 | disposed of in a solid waste disposal facility; and the  
744 | locations where any recovered materials were disposed of as  
745 | solid waste. Information reported under this subsection which,  
746 | if disclosed, would reveal a trade secret, as defined in s.  
747 | 812.081(1)(c), is confidential and exempt from the provisions of  
748 | s. 24(a), Art. I of the State Constitution and s. 119.07(1). The  
749 | local government may charge the dealer a registration fee  
750 | commensurate with and no greater than the cost incurred by the  
751 | local government in operating its registration program.  
752 | Registration program costs are limited to those costs associated  
753 | with the activities described in this paragraph. Any reporting  
754 | or registration process established by a local government with  
755 | regard to recovered materials shall be governed by the



756 provisions of this section and department rules adopted  
757 ~~promulgated~~ pursuant thereto.

758 (4) A recovered materials dealer or an association whose  
759 members include recovered materials dealers may initiate an  
760 action for injunctive relief or damages for alleged violations  
761 of this section. The court may award to the prevailing party or  
762 parties reasonable attorney fees and costs.

763 Section 21. Paragraph (e) of subsection (1) of section  
764 403.813, Florida Statutes, is amended to read:

765 403.813 Permits issued at district centers; exceptions.—

766 (1) A permit is not required under this chapter, chapter  
767 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
768 chapter 25270, 1949, Laws of Florida, for activities associated  
769 with the following types of projects; however, except as  
770 otherwise provided in this subsection, ~~nothing in~~ this  
771 subsection does not relieve ~~relieves~~ an applicant from any  
772 requirement to obtain permission to use or occupy lands owned by  
773 the Board of Trustees of the Internal Improvement Trust Fund or  
774 a any water management district in its governmental or  
775 proprietary capacity or from complying with applicable local  
776 pollution control programs authorized under this chapter or  
777 other requirements of county and municipal governments:

778 (e) The restoration of seawalls at their previous  
779 locations or upland of, or within 18 inches ~~1-foot~~ waterward of,  
780 their previous locations. However, this shall not affect the  
781 permitting requirements of chapter 161, and department rules  
782 shall clearly indicate that this exception does not constitute  
783 an exception from the permitting requirements of chapter 161.



784 Section 22. Section 403.8141, Florida Statutes, is created  
785 to read:

786 403.8141 Special event permits.—The department shall issue  
787 permits for special events under s. 253.0345. The permits must  
788 be for a period that runs concurrently with the lease or letter  
789 of consent issued pursuant to s. 253.0345 and must allow for the  
790 movement of temporary structures within the footprint of the  
791 lease area.

792 Section 23. Paragraph (b) of subsection (14) and paragraph  
793 (b) of subsection (19) of section 403.973, Florida Statutes, are  
794 amended, and paragraph (g) is added to subsection (3) of that  
795 section, to read:

796 403.973 Expedited permitting; amendments to comprehensive  
797 plans.—

798 (3)

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

802 (14)

803 (b) Projects identified in paragraph (3)(f) or paragraph  
804 (3)(g) or challenges to state agency action in the expedited  
805 permitting process for establishment of a state-of-the-art  
806 biomedical research institution and campus in this state by the  
807 grantee under s. 288.955 are subject to the same requirements as  
808 challenges brought under paragraph (a), except that,  
809 notwithstanding s. 120.574, summary proceedings must be  
810 conducted within 30 days after a party files the motion for  
811 summary hearing, regardless of whether the parties agree to the



812 summary proceeding.

813 (19) The following projects are ineligible for review  
814 under this part:

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

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

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

822 3. Extract natural resources.

823 4. Produce oil.

824 5. Construct, maintain, or operate an oil, petroleum,  
825 ~~natural gas,~~ or sewage pipeline.

826 Section 24. (1) The Legislature ratifies and approves the  
827 actions of the Board of Trustees of the Internal Improvement  
828 Trust Fund regarding lease numbers 1447, 1971S, 3420, 3433, and  
829 3543, and lease numbers 3422 and 1935/1935-S as approved on  
830 January 23, 2013, subject to the terms and conditions  
831 established by the Board of Trustees as approved on January 23,  
832 2013.

833 (2) The Legislature finds that the decision to authorize  
834 the use of board of trustees-owned uplands and the use of those  
835 lands as set forth in the leases is not contrary to the public  
836 interest; that it is in the public interest to waive the  
837 competitive bid process; that the leases are not standard  
838 agricultural leases; and that such leases should be amended on  
839 the terms and conditions as approved by the Board of Trustees.



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840           (3) Notwithstanding any other provision of law, the  
841 Legislature finds that the lease amendments and extensions  
842 approved by the Board of Trustees are necessary for Everglades  
843 restoration purposes, are in the public interest, and provide  
844 the greatest combination of benefits to the public.

845           Section 25. This act shall take effect July 1, 2013.