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LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (g) is added to subsection (2) of
section 253.0347, Florida Statutes, to read:

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

(2)

(g) A lessee of sovereignty submerged lands for a private



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11 residential multifamily dock is not required to pay a lease
12 renewal processing fee when the preempted area equal to or less
13 than 10 times the riparian shoreline along sovereignty submerged
14 land on the affected waterbody times the number of units with
15 docks in the private multifamily development calculation of base
16 lease fee results in no annual fee assessment.

17 Section 2. Subsection (8) is added to section 373.236,
18 Florida Statutes, to read:

19 373.236 Duration of permits; compliance reports.—

20 (8) Water management districts and the department may grant
21 a permit for a period of up to 30 years for a development of
22 regional impact which is approved pursuant to s. 380.06 and
23 located in a rural area of critical economic concern as defined
24 in s. 288.0656.

25 Section 3. Subsection (5) is added to section 373.308,
26 Florida Statutes, to read:

27 373.308 Implementation of programs for regulating water
28 wells.—

29 (5) The Legislature encourages any county that imposes
30 additional or more stringent water well design construction
31 criteria, standards, or fees than the department or the water
32 management districts to establish a Water Well Construction
33 Advisory Board to coordinate and implement well construction
34 criteria and standards, permitting, and aquifer protection
35 programs. The board should include licensed water well
36 contractors, county health department staff, water management
37 district staff, and a representative of the Florida Ground Water
38 Association.

39 Section 4. Subsection (1) of section 373.4136, Florida



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40 Statutes, is amended to read:

41 373.4136 Establishment and operation of mitigation banks.—

42 (1) MITIGATION BANK PERMITS.—The department and the water
43 management districts may require permits to authorize the
44 establishment and use of mitigation banks. A mitigation bank
45 permit shall also constitute authorization to construct, alter,
46 operate, maintain, abandon, or remove any surface water
47 management system necessary to establish and operate the
48 mitigation bank. To obtain a mitigation bank permit, the
49 applicant must provide reasonable assurance that:

50 (a) The proposed mitigation bank will improve ecological
51 conditions of the regional watershed;

52 (b) The proposed mitigation bank will provide viable and
53 sustainable ecological and hydrological functions for the
54 proposed mitigation service area;

55 (c) The proposed mitigation bank will be effectively
56 managed in perpetuity;

57 (d) The proposed mitigation bank will not destroy areas
58 with high ecological value;

59 (e) The proposed mitigation bank will achieve mitigation
60 success;

61 (f) The proposed mitigation bank will be adjacent to lands
62 that will not adversely affect the perpetual viability of the
63 mitigation bank due to unsuitable land uses or conditions;

64 (g) Any surface water management system to be constructed,
65 altered, operated, maintained, abandoned, or removed within the
66 mitigation bank will meet the requirements of this part and the
67 rules adopted thereunder;

68 (h) It has sufficient legal or equitable interest in the



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69 property to ensure perpetual protection and management of the
70 land within a mitigation bank; and

71 (i) It can meet the financial responsibility requirements
72 prescribed for mitigation banks. The applicant may satisfy this
73 requirement by submitting proof of insurance in a form approved
74 by the department or the water management district.

75 Section 5. By January 1, 2015, the Department of
76 Environmental Protection and each water management district
77 shall adopt rules to implement the amendment made by this act to
78 s. 373.4136(1), Florida Statutes.

79 Section 6. Present subsection (9) of section 373.709,
80 Florida Statutes, is redesignated as subsection (10), and a new
81 subsection (9) is added to that section, to read:

82 373.709 Regional water supply planning.—

83 (9) The water needs, water sources, water resource
84 development projects, and water supply development projects
85 identified in a long-term master plan adopted pursuant to s.
86 163.3245 or a master plan development order issued under s.
87 380.06(21) must be incorporated into a regional water supply
88 plan adopted pursuant to this section.

89 Section 7. Subsection (7) of section 380.276, Florida
90 Statutes, is amended to read:

91 380.276 Beaches and coastal areas; display of uniform
92 warning and safety flags at public beaches; placement of uniform
93 notification signs; beach safety education.—

94 (7) The Department of Environmental Protection, through the
95 Florida Coastal Management Program, may also develop and make
96 available to the public other educational information and
97 materials related to beach safety and may approve the use by



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98 state agencies and local governments of additional safety and
99 warning devices to be used in conjunction with the display of
100 uniform warning and safety flags at public beaches.

101 Section 8. Subsection (2) of section 403.201, Florida
102 Statutes, is amended to read:

103 403.201 Variances.—

104 (2) A ~~no~~ variance may not ~~shall~~ be granted from any
105 provision or requirement concerning discharges of waste into
106 waters of the state or hazardous waste management which would
107 result in the provision or requirement being less stringent than
108 a comparable federal provision or requirement, except as
109 provided in s. 403.70715. The department may grant relief
110 mechanisms in federally delegated or approved permitting
111 programs if the action is not inconsistent with the implemented
112 federal program.

113 Section 9. Subsection (5) is added to section 403.709,
114 Florida Statutes, to read:

115 403.709 Solid Waste Management Trust Fund; use of waste
116 tire fees.—There is created the Solid Waste Management Trust
117 Fund, to be administered by the department.

118 (5) (a) Notwithstanding subsection (1), a solid waste
119 landfill closure account is established within the Solid Waste
120 Management Trust Fund to provide funding for the closing and
121 long-term care of solid waste management facilities. The
122 department may use funds from the account to contract with a
123 third party for the closing and long-term care of a solid waste
124 management facility if:

125 1. The facility has or had a department permit to operate
126 the facility.



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127 2. The permittee provided proof of financial assurance for
128 closure in the form of an insurance certificate.

129 3. The facility is deemed to be abandoned or was ordered to
130 close by the department.

131 4. Closure is accomplished in substantial accordance with a
132 closure plan approved by the department.

133 5. The department has written documentation that the
134 insurance company issuing the closure insurance policy will
135 provide or reimburse the funds required to complete closing and
136 long-term care of the facility.

137 (b) The department shall deposit funds received from an
138 insurance company as reimbursement for the costs of closing and
139 long-term care of a facility into the solid waste landfill
140 closure account.

141 Section 10. (1) Any building permit, and any permit issued
142 by the Department of Environmental Protection or by a water
143 management district pursuant to part IV of chapter 373, Florida
144 Statutes, which has an expiration date from January 1, 2014,
145 through January 1, 2016, is extended and renewed for a period of
146 2 years after its previously scheduled date of expiration. This
147 extension includes any local government-issued development order
148 or building permit including certificates of levels of service.
149 This section does not prohibit conversion from the construction
150 phase to the operation phase upon completion of construction.
151 This extension is in addition to any existing permit extension.
152 Extensions granted pursuant to this section; s. 14 of chapter
153 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter
154 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of
155 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; or



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156 s. 24 of chapter 2012-205, Laws of Florida, may not exceed 4
157 years in total. Further, specific development order extensions
158 granted pursuant to s. 380.06(19)(c)2., Florida Statutes, may
159 not be further extended by this section.

160 (2) The commencement and completion dates for any required
161 mitigation associated with a phased construction project are
162 extended so that mitigation takes place in the same timeframe
163 relative to the phase as originally permitted.

164 (3) The holder of a valid permit or other authorization
165 that is eligible for the 2-year extension must notify the
166 authorizing agency in writing by December 31, 2014, identifying
167 the specific authorization for which the holder intends to use
168 the extension and the anticipated timeframe for acting on the
169 authorization.

170 (4) The extension and renewal provided in subsection (1)
171 does not apply to:

172 (a) A permit or other authorization under any programmatic
173 or regional general permit issued by the Army Corps of
174 Engineers.

175 (b) A permit or other authorization held by an owner or
176 operator determined to be in significant noncompliance with the
177 conditions of the permit or authorization as established through
178 the issuance of a warning letter or notice of violation, the
179 initiation of formal enforcement, or other equivalent action by
180 the authorizing agency.

181 (c) A permit or other authorization, if granted an
182 extension that would delay or prevent compliance with a court
183 order.

184 (5) A permit extended under this section shall continue to



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185 be governed by the rules in effect at the time the permit was
186 issued unless it is demonstrated that the rules in effect at the
187 time the permit was issued would create an immediate threat to
188 public safety or health, or unless any such rule is superseded
189 by laws in effect after July 1, 2014. This provision applies to
190 any modification of the plans, terms, and conditions of the
191 permit which lessens the environmental impact, except that any
192 such modification does not extend the time limit beyond 2
193 additional years.

194 (6) This section does not impair the authority of a county
195 or municipality to require the owner of a property who has
196 notified the county or municipality of the owner's intent to
197 receive the extension of time granted pursuant to this section
198 to maintain and secure the property in a safe and sanitary
199 condition in compliance with applicable laws and ordinances.

200 Section 11. This act shall take effect July 1, 2014.

201
202 ===== T I T L E A M E N D M E N T =====

203 And the title is amended as follows:

204 Delete everything before the enacting clause
205 and insert:

206 A bill to be entitled
207 An act relating to environmental regulation; amending
208 s. 253.0347, F.S.; exempting certain lessees of
209 sovereignty submerged lands from lease renewal
210 processing fees under certain circumstances; amending
211 s. 373.236, F.S.; specifying the authorized duration
212 of consumptive use permits for certain developments;
213 amending s. 373.308, F.S.; encouraging certain



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214 counties to establish water well construction advisory
215 boards; specifying the recommended composition of such
216 boards; amending s. 373.4136, F.S.; providing that
217 proof of insurance satisfies a specified requirement
218 to obtain a mitigation bank permit; requiring the
219 Department of Environmental Protection and water
220 management districts to adopt certain rules by a
221 specified date; amending s. 373.709, F.S.; requiring
222 that certain criteria be incorporated into a regional
223 water supply plan; amending s. 380.276, F.S.;

224 authorizing the Department of Environmental Protection
225 to approve additional beach safety and warning devices
226 to be used in conjunction with uniform warning and
227 safety flags; amending s. 403.201, F.S.; providing
228 applicability of the prohibition against certain
229 variances from regulations concerning discharges of
230 waste into waters of the state or concerning hazardous
231 waste management; amending s. 403.709, F.S.;

232 establishing a solid waste landfill closure account
233 within the Solid Waste Management Trust Fund for
234 specified purposes; requiring the Department of
235 Environmental Protection to deposit specified funds
236 into the account; extending and renewing building
237 permits and certain permits issued by the Department
238 of Environmental Protection or a water management
239 district, including any local government-issued
240 development order or building permit issued pursuant
241 thereto; limiting certain permit extensions to a
242 specified period of time; extending commencement and



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243 completion dates for required mitigation associated
244 with a phased construction project; requiring the
245 holder of an extended permit or authorization to
246 provide notice to the authorizing agency; providing
247 exceptions to the extension and renewal of such
248 permits; providing that extended permits are governed
249 by certain rules; providing exceptions; providing
250 applicability; providing an effective date.