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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2014	.	
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	.	

The Committee on Environmental Preservation and Conservation (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (i) of subsection (3) of section 163.3162, Florida Statutes, is amended to read:

163.3162 Agricultural Lands and Practices.—

(3) DUPLICATION OF REGULATION.—Except as otherwise provided in this section and s. 487.051(2), and notwithstanding any other law, including any provision of chapter 125 or this chapter:



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11 (i)1. This subsection does not limit a county's powers to:
12 ~~a.1.~~ Enforce wetlands, springs protection, or stormwater
13 ordinances, regulations, or rules adopted before July 1, 2003,
14 or modifications or readoptions of such ordinances, regulations,
15 or rules which are approved on or after July 1, 2003, if such
16 modifications or readoptions leave the substance of the
17 ordinances, regulations, or rules unchanged or reduce their
18 regulatory impact.

19 ~~b.2.~~ Enforce wetlands, springs protection, or stormwater
20 ordinances, regulations, or rules pertaining to the Wekiva River
21 Protection Area.

22 ~~c.3.~~ Enforce ordinances, regulations, or rules as directed
23 by law or implemented consistent with the requirements of a
24 program operated under a delegation agreement from a state
25 agency or water management district.

26 2. As used in this paragraph, the term "wetlands" has the
27 same meaning as defined in s. 373.019.

28 Section 2. Paragraph (a) of subsection (11) of section
29 163.3184, Florida Statutes, is amended to read:

30 163.3184 Process for adoption of comprehensive plan or plan
31 amendment.—

32 (11) PUBLIC HEARINGS.—

33 (a) The procedure for transmittal of a complete proposed
34 comprehensive plan or plan amendment pursuant to subparagraph
35 (3) (b)1. and paragraph (4) (b) and for adoption of a
36 comprehensive plan or plan amendment pursuant to subparagraphs
37 (3) (c)1. and (4) (e)1. shall be by affirmative vote requiring ~~of~~
38 ~~not less than~~ a simple majority of the members of the governing
39 body present at the hearing except in counties that have



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40 approved by countywide election a charter provision requiring an
41 affirmative vote of more than a simple majority. The adoption of
42 a comprehensive plan or plan amendment shall be by ordinance.
43 For the purposes of transmitting or adopting a comprehensive
44 plan or plan amendment, the notice requirements in chapters 125
45 and 166 are superseded by this subsection, except as provided in
46 this part.

47 Section 3. Paragraph (g) is added to subsection (2) of
48 section 253.0347, Florida Statutes, to read:

49 253.0347 Lease of sovereignty submerged lands for private
50 residential docks and piers.-

51 (2)

52 (g) A lessee of sovereignty submerged lands for a private
53 residential multifamily dock is not required to pay a lease
54 renewal processing fee when the preempted area equal to or less
55 than 10 times the riparian shoreline along sovereignty submerged
56 land on the affected waterbody times the number of units with
57 docks in the private multifamily development calculation of base
58 lease fee results in no annual fee assessment.

59 Section 4. Subsection (6) of section 298.225, Florida
60 Statutes, is amended to read:

61 298.225 Water control plan; plan development and
62 amendment.-

63 (6) The review or approval of the water control plan by the
64 applicable water management district shall not constitute the
65 granting of any permit necessary for the construction or
66 operation of any water control district work and cannot be
67 relied upon as any future agency action on a permit application.
68 Notwithstanding any other provision of law, if any of the



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69 facilities, structures, or improvements, including, but not
70 limited to, ditches, dikes, water control structures, canals, or
71 pump stations, included within a water control plan have been
72 issued an environmental resource permit pursuant to part IV of
73 chapter 373, or a permit has been issued pursuant to s. 404 of
74 the federal Clean Water Act, 33 U.S.C. s. 1344, and such
75 structures are incorporated in a plat of the county or
76 municipality within which the water control district lies,
77 additional local government authorizations or permits are not
78 required to implement, construct, or maintain the permitted
79 facilities, structures, or improvements.

80 Section 5. Subsection (8) is added to section 373.236,
81 Florida Statutes, to read:

82 373.236 Duration of permits; compliance reports.—

83 (8) Water management districts and the department may grant
84 a permit for a period of up to 30 years for a development of
85 regional impact that is approved pursuant to s. 380.06 and
86 located in a rural area of critical economic concern as defined
87 in s. 288.0656.

88 Section 6. Subsection (5) is added to section 373.308,
89 Florida Statutes, to read:

90 373.308 Implementation of programs for regulating water
91 wells.—

92 (5) The Legislature encourages any county that imposes
93 additional or more stringent water well design construction
94 criteria, standards, or fees than the department or the water
95 management districts to establish a Water Well Construction
96 Advisory Board to coordinate and implement well construction
97 criteria and standards, permitting, and aquifer protection



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98 programs. The board should include licensed water well
99 contractors, county health department staff, water management
100 district staff, and a representative of the Florida Ground Water
101 Association.

102 Section 7. Subsection (1) of section 373.4136, Florida
103 Statutes, is amended to read:

104 373.4136 Establishment and operation of mitigation banks.—

105 (1) MITIGATION BANK PERMITS.—The department and the water
106 management districts may require permits to authorize the
107 establishment and use of mitigation banks. A mitigation bank
108 permit shall also constitute authorization to construct, alter,
109 operate, maintain, abandon, or remove any surface water
110 management system necessary to establish and operate the
111 mitigation bank. To obtain a mitigation bank permit, the
112 applicant must provide reasonable assurance that:

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

115 (b) The proposed mitigation bank will provide viable and
116 sustainable ecological and hydrological functions for the
117 proposed mitigation service area;

118 (c) The proposed mitigation bank will be effectively
119 managed in perpetuity;

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

122 (e) The proposed mitigation bank will achieve mitigation
123 success;

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



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

131 (h) It has sufficient legal or equitable interest in the
132 property to ensure perpetual protection and management of the
133 land within a mitigation bank; and

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

138 Section 8. By January 1, 2015, the Department of
139 Environmental Protection and each water management district
140 shall adopt rules to implement the amendment made by this act to
141 s. 373.4136(1), Florida Statutes.

142 Section 9. Present subsection (9) of section 373.709,
143 Florida Statutes, is redesignated as subsection (10), and a new
144 subsection (9) is added to that section, to read:

145 373.709 Regional water supply planning.—

146 (9) The water needs, water sources, water resource
147 development projects, and water supply development projects
148 identified in a long-term master plan adopted pursuant to s.
149 163.3245 or a master plan development order issued under s.
150 380.06(21) must be incorporated into a regional water supply
151 plan adopted pursuant to this section and are exempt from the
152 population analyses required under subsection (2).

153 Section 10. Subsection (7) of section 380.276, Florida
154 Statutes, is amended to read:

155 380.276 Beaches and coastal areas; display of uniform



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156 warning and safety flags at public beaches; placement of uniform
157 notification signs; beach safety education.—

158 (7) The Department of Environmental Protection, through the
159 Florida Coastal Management Program, may also develop and make
160 available to the public other educational information and
161 materials related to beach safety, and is authorized to approve
162 the use by state agencies and local governments of additional
163 safety and warning devices to be used in conjunction with the
164 display of uniform warning and safety flags at public beaches.

165 Section 11. Subsection (2) of section 403.201, Florida
166 Statutes, is amended to read:

167 403.201 Variances.—

168 (2) A ~~no~~ variance may not ~~shall~~ be granted from any
169 provision or requirement concerning discharges of waste into
170 waters of the state or hazardous waste management which would
171 result in the provision or requirement being less stringent than
172 a comparable federal provision or requirement, except as
173 provided in s. 403.70715. The department may grant relief
174 mechanisms in federally delegated or approved permitting
175 programs if the action is not inconsistent with the implemented
176 federal program.

177 Section 12. Subsection (5) is added to section 403.709,
178 Florida Statutes, to read:

179 403.709 Solid Waste Management Trust Fund; use of waste
180 tire fees.—There is created the Solid Waste Management Trust
181 Fund, to be administered by the department.

182 (5) (a) Notwithstanding subsection (1), a solid waste
183 landfill closure account is established within the Solid Waste
184 Management Trust Fund to provide funding for the closing and



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185 long-term care of solid waste management facilities. The
186 department may use funds from the account to contract with a
187 third party for the closing and long-term care of a solid waste
188 management facility if:

189 1. The facility has or had a department permit to operate
190 the facility.

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

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

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

197 5. The department has written documentation that the
198 insurance company issuing the closure insurance policy will
199 provide or reimburse the funds required to complete closing and
200 long-term care of the facility.

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

205 Section 13. (1) Any building permit, and any permit issued
206 by the Department of Environmental Protection or by a water
207 management district pursuant to part IV of chapter 373, Florida
208 Statutes, which has an expiration date from January 1, 2014,
209 through January 1, 2016, is extended and renewed for a period of
210 2 years after its previously scheduled date of expiration. This
211 extension includes any local government-issued development order
212 or building permit including certificates of levels of service.
213 This section does not prohibit conversion from the construction



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214 phase to the operation phase upon completion of construction.
215 This extension is in addition to any existing permit extension.
216 Extensions granted pursuant to this section; s. 14 of chapter
217 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter
218 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of
219 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; or
220 s. 24 of chapter 2012-205, Laws of Florida, may not exceed 4
221 years in total. Further, specific development order extensions
222 granted pursuant to s. 380.06(19)(c)2., Florida Statutes, may
223 not be further extended by this section.

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

228 (3) The holder of a valid permit or other authorization
229 that is eligible for the 2-year extension must notify the
230 authorizing agency in writing by December 31, 2014, identifying
231 the specific authorization for which the holder intends to use
232 the extension and the anticipated timeframe for acting on the
233 authorization.

234 (4) The extension provided in subsection (1) does not apply
235 to:

236 (a) A permit or other authorization under any programmatic
237 or regional general permit issued by the Army Corps of
238 Engineers.

239 (b) A permit or other authorization held by an owner or
240 operator determined to be in significant noncompliance with the
241 conditions of the permit or authorization as established through
242 the issuance of a warning letter or notice of violation, the



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243 initiation of formal enforcement, or other equivalent action by
244 the authorizing agency.

245 (c) A permit or other authorization, if granted an
246 extension that would delay or prevent compliance with a court
247 order.

248 (5) Permits extended under this section shall continue to
249 be governed by the rules in effect at the time the permit was
250 issued unless it is demonstrated that the rules in effect at the
251 time the permit was issued would create an immediate threat to
252 public safety or health. This provision applies to any
253 modification of the plans, terms, and conditions of the permit
254 which lessens the environmental impact, except that any such
255 modification does not extend the time limit beyond 2 additional
256 years.

257 (6) This section does not impair the authority of a county
258 or municipality to require the owner of a property who has
259 notified the county or municipality of the owner's intent to
260 receive the extension of time granted pursuant to this section
261 to maintain and secure the property in a safe and sanitary
262 condition in compliance with applicable laws and ordinances.

263 Section 14. This act shall take effect July 1, 2014.

264
265 ===== T I T L E A M E N D M E N T =====

266 And the title is amended as follows:

267 Delete everything before the enacting clause
268 and insert:

269 A bill to be entitled
270 An act relating to environmental regulation; amending
271 s. 163.3162, F.S.; limiting the authority of a county



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272 to enforce certain modifications or readoptions of
273 certain wetlands, springs protection, and stormwater
274 ordinances, regulations, and rules; amending s.
275 163.3184, F.S.; revising procedures for the
276 transmittal and adoption of a comprehensive plan or
277 plan amendment; providing applicability; amending s.
278 253.0347, F.S.; exempting certain lessees of
279 sovereignty submerged lands from lease renewal
280 processing fees under certain circumstances; amending
281 s. 298.225, F.S.; exempting certain facilities,
282 structures, or improvements from additional local
283 government authorizations or permits; amending s.
284 373.236, F.S.; specifying the authorized duration of
285 consumptive use permits for certain developments;
286 amending s. 373.308, F.S.; encouraging certain
287 counties to establish water well construction advisory
288 boards; specifying the recommended composition of such
289 boards; amending s. 373.4136, F.S.; providing that
290 proof of insurance satisfies a specified requirement
291 to obtain a mitigation bank permit; requiring the
292 Department of Environmental Protection and water
293 management districts to adopt certain rules by a
294 specified date; amending s. 373.709, F.S.; requiring
295 that certain criteria be incorporated into a regional
296 water supply plan; exempting such additional criteria
297 from specified analyses; amending s. 380.276, F.S.;
298 authorizing the Department of Environmental Protection
299 to approve additional beach safety and warning devices
300 to be used in conjunction with uniform warning and



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301 safety flags; amending s. 403.201, F.S.; providing
302 applicability of the prohibition against certain
303 variances from regulations concerning discharges of
304 waste into waters of the state or concerning hazardous
305 waste management; amending s. 403.709, F.S.;
306 establishing a solid waste landfill closure account
307 within the Solid Waste Management Trust Fund for
308 specified purposes; requiring the Department of
309 Environmental Protection to deposit specified funds
310 into the account; extending and renewing building
311 permits and certain permits issued by the Department
312 of Environmental Protection or a water management
313 district, including any local government-issued
314 development order or building permit issued pursuant
315 thereto; limiting certain permit extensions to a
316 specified period of time; extending commencement and
317 completion dates for required mitigation associated
318 with a phased construction project; requiring the
319 holder of an extended permit or authorization to
320 provide notice to the authorizing agency; providing
321 exceptions to the extension and renewal of such
322 permits; providing that extended permits are governed
323 by certain rules; providing applicability; providing
324 an effective date.