

By the Committee on Environmental Preservation and Conservation;  
and Senator Simpson

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1                   A bill to be entitled  
2       An act relating to environmental regulation; amending  
3       s. 163.3184, F.S.; revising procedures for the  
4       transmittal and adoption of a comprehensive plan or  
5       plan amendment; providing applicability; amending s.  
6       253.0347, F.S.; exempting certain lessees of  
7       sovereignty submerged lands from lease renewal  
8       processing fees under certain circumstances; amending  
9       s. 373.236, F.S.; specifying the authorized duration  
10      of consumptive use permits for certain developments;  
11      amending s. 373.308, F.S.; encouraging certain  
12      counties to establish water well construction advisory  
13      boards; specifying the recommended composition of such  
14      boards; amending s. 373.4136, F.S.; providing that  
15      proof of insurance satisfies a specified requirement  
16      to obtain a mitigation bank permit; requiring the  
17      Department of Environmental Protection and water  
18      management districts to adopt certain rules by a  
19      specified date; amending s. 373.709, F.S.; requiring  
20      that certain criteria be incorporated into a regional  
21      water supply plan; amending s. 380.276, F.S.;  
22      authorizing the Department of Environmental Protection  
23      to approve additional beach safety and warning devices  
24      to be used in conjunction with uniform warning and  
25      safety flags; amending s. 403.201, F.S.; providing  
26      applicability of the prohibition against certain  
27      variances from regulations concerning discharges of  
28      waste into waters of the state or concerning hazardous  
29      waste management; amending s. 403.709, F.S.;

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30 establishing a solid waste landfill closure account  
31 within the Solid Waste Management Trust Fund for  
32 specified purposes; requiring the Department of  
33 Environmental Protection to deposit specified funds  
34 into the account; extending and renewing building  
35 permits and certain permits issued by the Department  
36 of Environmental Protection or a water management  
37 district, including any local government-issued  
38 development order or building permit issued pursuant  
39 thereto; limiting certain permit extensions to a  
40 specified period of time; extending commencement and  
41 completion dates for required mitigation associated  
42 with a phased construction project; requiring the  
43 holder of an extended permit or authorization to  
44 provide notice to the authorizing agency; providing  
45 exceptions to the extension and renewal of such  
46 permits; providing that extended permits are governed  
47 by certain rules; providing exceptions; providing  
48 applicability; providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Paragraph (a) of subsection (11) of section  
53 163.3184, Florida Statutes, is amended to read:

54 163.3184 Process for adoption of comprehensive plan or plan  
55 amendment.—

56 (11) PUBLIC HEARINGS.—

57 (a) The procedure for transmittal of a complete proposed  
58 comprehensive plan or plan amendment pursuant to subparagraph

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59 (3) (b)1. and paragraph (4) (b) and for adoption of a  
60 comprehensive plan or plan amendment pursuant to subparagraphs  
61 (3) (c)1. and (4) (e)1. shall be by affirmative vote requiring ~~of~~  
62 ~~not less than~~ a simple majority of the members of the governing  
63 body present at the hearing except in counties that have  
64 approved by countywide election a charter provision requiring an  
65 affirmative vote of more than a simple majority. The adoption of  
66 a comprehensive plan or plan amendment shall be by ordinance.  
67 For the purposes of transmitting or adopting a comprehensive  
68 plan or plan amendment, the notice requirements in chapters 125  
69 and 166 are superseded by this subsection, except as provided in  
70 this part.

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

73 253.0347 Lease of sovereignty submerged lands for private  
74 residential docks and piers.—

75 (2)

76 (g) A lessee of sovereignty submerged lands for a private  
77 residential multifamily dock is not required to pay a lease  
78 renewal processing fee when the preempted area equal to or less  
79 than 10 times the riparian shoreline along sovereignty submerged  
80 land on the affected waterbody times the number of units with  
81 docks in the private multifamily development calculation of base  
82 lease fee results in no annual fee assessment.

83 Section 3. Subsection (8) is added to section 373.236,  
84 Florida Statutes, to read:

85 373.236 Duration of permits; compliance reports.—

86 (8) Water management districts and the department may grant  
87 a permit for a period of up to 30 years for a development of

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88 regional impact that is approved pursuant to s. 380.06 and  
89 located in a rural area of critical economic concern as defined  
90 in s. 288.0656.

91 Section 4. Subsection (5) is added to section 373.308,  
92 Florida Statutes, to read:

93 373.308 Implementation of programs for regulating water  
94 wells.-

95 (5) The Legislature encourages any county that imposes  
96 additional or more stringent water well design construction  
97 criteria, standards, or fees than the department or the water  
98 management districts to establish a Water Well Construction  
99 Advisory Board to coordinate and implement well construction  
100 criteria and standards, permitting, and aquifer protection  
101 programs. The board should include licensed water well  
102 contractors, county health department staff, water management  
103 district staff, and a representative of the Florida Ground Water  
104 Association.

105 Section 5. Subsection (1) of section 373.4136, Florida  
106 Statutes, is amended to read:

107 373.4136 Establishment and operation of mitigation banks.-

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

116 (a) The proposed mitigation bank will improve ecological

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117 conditions of the regional watershed;

118 (b) The proposed mitigation bank will provide viable and  
119 sustainable ecological and hydrological functions for the  
120 proposed mitigation service area;

121 (c) The proposed mitigation bank will be effectively  
122 managed in perpetuity;

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

125 (e) The proposed mitigation bank will achieve mitigation  
126 success;

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

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

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

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

141 Section 6. By January 1, 2015, the Department of  
142 Environmental Protection and each water management district  
143 shall adopt rules to implement the amendment made by this act to  
144 s. 373.4136(1), Florida Statutes.

145 Section 7. Present subsection (9) of section 373.709,

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146 Florida Statutes, is redesignated as subsection (10), and a new  
147 subsection (9) is added to that section, to read:

148 373.709 Regional water supply planning.—

149 (9) The water needs, water sources, water resource  
150 development projects, and water supply development projects  
151 identified in a long-term master plan adopted pursuant to s.  
152 163.3245 or a master plan development order issued under s.  
153 380.06(21) must be incorporated into a regional water supply  
154 plan adopted pursuant to this section.

155 Section 8. Subsection (7) of section 380.276, Florida  
156 Statutes, is amended to read:

157 380.276 Beaches and coastal areas; display of uniform  
158 warning and safety flags at public beaches; placement of uniform  
159 notification signs; beach safety education.—

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

167 Section 9. Subsection (2) of section 403.201, Florida  
168 Statutes, is amended to read:

169 403.201 Variances.—

170 (2) A ~~no~~ variance may not ~~shall~~ be granted from any  
171 provision or requirement concerning discharges of waste into  
172 waters of the state or hazardous waste management which would  
173 result in the provision or requirement being less stringent than  
174 a comparable federal provision or requirement, except as

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175 provided in s. 403.70715. The department may grant relief  
176 mechanisms in federally delegated or approved permitting  
177 programs if the action is not inconsistent with the implemented  
178 federal program.

179 Section 10. Subsection (5) is added to section 403.709,  
180 Florida Statutes, to read:

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

184 (5) (a) Notwithstanding subsection (1), a solid waste  
185 landfill closure account is established within the Solid Waste  
186 Management Trust Fund to provide funding for the closing and  
187 long-term care of solid waste management facilities. The  
188 department may use funds from the account to contract with a  
189 third party for the closing and long-term care of a solid waste  
190 management facility if:

191 1. The facility has or had a department permit to operate  
192 the facility.

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

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

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

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

203 (b) The department shall deposit funds received from an

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204 insurance company as reimbursement for the costs of closing and  
205 long-term care of a facility into the solid waste landfill  
206 closure account.

207 Section 11. (1) Any building permit, and any permit issued  
208 by the Department of Environmental Protection or by a water  
209 management district pursuant to part IV of chapter 373, Florida  
210 Statutes, which has an expiration date from January 1, 2014,  
211 through January 1, 2016, is extended and renewed for a period of  
212 2 years after its previously scheduled date of expiration. This  
213 extension includes any local government-issued development order  
214 or building permit including certificates of levels of service.  
215 This section does not prohibit conversion from the construction  
216 phase to the operation phase upon completion of construction.  
217 This extension is in addition to any existing permit extension.  
218 Extensions granted pursuant to this section; s. 14 of chapter  
219 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter  
220 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of  
221 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; or  
222 s. 24 of chapter 2012-205, Laws of Florida, may not exceed 4  
223 years in total. Further, specific development order extensions  
224 granted pursuant to s. 380.06(19)(c)2., Florida Statutes, may  
225 not be further extended by this section.

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

230 (3) The holder of a valid permit or other authorization  
231 that is eligible for the 2-year extension must notify the  
232 authorizing agency in writing by December 31, 2014, identifying



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233 the specific authorization for which the holder intends to use  
234 the extension and the anticipated timeframe for acting on the  
235 authorization.

236 (4) The extension provided in subsection (1) does not apply  
237 to:

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

241 (b) A permit or other authorization held by an owner or  
242 operator determined to be in significant noncompliance with the  
243 conditions of the permit or authorization as established through  
244 the issuance of a warning letter or notice of violation, the  
245 initiation of formal enforcement, or other equivalent action by  
246 the authorizing agency.

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

250 (5) Permits extended under this section shall continue to  
251 be governed by the rules in effect at the time the permit was  
252 issued unless it is demonstrated that the rules in effect at the  
253 time the permit was issued would create an immediate threat to  
254 public safety or health, or unless any such rule is superseded  
255 by laws in effect after July 1, 2014. This provision applies to  
256 any modification of the plans, terms, and conditions of the  
257 permit which lessens the environmental impact, except that any  
258 such modification does not extend the time limit beyond 2  
259 additional years.

260 (6) This section does not impair the authority of a county  
261 or municipality to require the owner of a property who has

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262 notified the county or municipality of the owner's intent to  
263 receive the extension of time granted pursuant to this section  
264 to maintain and secure the property in a safe and sanitary  
265 condition in compliance with applicable laws and ordinances.

266 Section 12. This act shall take effect July 1, 2014.