

1                                   A bill to be entitled  
2           An act relating to environmental regulation; amending  
3           s. 163.3162, F.S.; specifying the authority of  
4           counties to enforce certain wetlands, springs  
5           protection, and stormwater ordinances, regulations,  
6           and rules; amending s. 163.3184, F.S.; revising  
7           procedures for the transmittal and adoption of a  
8           comprehensive plan or plan amendment; amending s.  
9           163.3194, F.S.; prohibiting local governments from  
10          rescinding certain land use approvals; amending s.  
11          253.0347, F.S.; exempting certain lessees of  
12          sovereignty submerged lands from certain permit fees;  
13          amending s. 298.225, F.S.; exempting certain  
14          facilities, structures, and improvements from  
15          additional local government authorizations and  
16          permits; amending s. 373.236, F.S.; authorizing  
17          consumptive use permit durations for certain projects  
18          and developments; authorizing multiple commencement  
19          dates for certain consumptive use permits; amending s.  
20          373.308, F.S.; requiring delegated local governments  
21          to follow certain criteria and standards for water  
22          well construction; preempting certain water well  
23          construction permitting regulations; amending s.  
24          373.323, F.S.; revising requirements to take the water  
25          well contractor licensure examination; amending s.  
26          373.4136, F.S.; providing that proof of insurance

27 | meets a certain mitigation bank permit requirement;  
 28 | directing the Department of Environmental Protection  
 29 | and water managements districts to adopt specified  
 30 | rules; amending s. 373.709, F.S.; requiring certain  
 31 | criteria to be incorporated into regional water supply  
 32 | plans; amending s. 403.201, F.S.; providing  
 33 | applicability of prohibited variances relating to  
 34 | certain discharges of waste; amending s. 403.709,  
 35 | F.S.; establishing a solid waste landfill closure  
 36 | account within the Solid Waste Management Trust Fund  
 37 | for specified purposes; providing for the deposit of  
 38 | certain funds into the account; providing a 2-year  
 39 | permit extension; providing an effective date.

40 |

41 | Be It Enacted by the Legislature of the State of Florida:

42 |

43 | Section 1. Paragraph (i) of subsection (3) of section  
 44 | 163.3162, Florida Statutes, is amended to read:

45 | 163.3162 Agricultural Lands and Practices.—

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

50 | (i) This subsection does not limit a county's powers to:

51 | 1. Enforce wetlands, springs protection, or stormwater  
 52 | ordinances, regulations, or rules adopted before July 1, 2003,

53 excluding any modification, readoption, or amendment approved on  
 54 or after July 1, 2003.

55 2. Enforce wetlands, springs protection, or stormwater  
 56 ordinances, regulations, or rules pertaining to the Wekiva River  
 57 Protection Area.

58 3. Enforce ordinances, regulations, or rules as directed  
 59 by law or implemented consistent with the requirements of a  
 60 program operated under a delegation agreement from a state  
 61 agency or water management district.

62  
 63 As used in this paragraph, the term "wetlands" has the same  
 64 meaning as defined in s. 373.019.

65 Section 2. Paragraph (a) of subsection (11) of section  
 66 163.3184, Florida Statutes, is amended to read:

67 163.3184 Process for adoption of comprehensive plan or  
 68 plan amendment.—

69 (11) PUBLIC HEARINGS.—

70 (a) The procedure for transmittal of a complete proposed  
 71 comprehensive plan or plan amendment pursuant to subparagraph  
 72 (3) (b)1. and paragraph (4) (b) and for adoption of a  
 73 comprehensive plan or plan amendment pursuant to subparagraphs  
 74 (3) (c)1. and (4) (e)1. shall be by affirmative vote requiring ~~of~~  
 75 ~~not less than~~ a simple majority of the members of the governing  
 76 body present at the hearing. The adoption of a comprehensive  
 77 plan or plan amendment shall be by ordinance. For the purposes  
 78 of transmitting or adopting a comprehensive plan or plan

79 amendment, the notice requirements in chapters 125 and 166 are  
 80 superseded by this subsection, except as provided in this part.

81 Section 3. Subsection (5) of section 163.3194, Florida  
 82 Statutes, is amended to read:

83 163.3194 Legal status of comprehensive plan.—

84 (5) (a) The tax-exempt status of lands classified as  
 85 agricultural under s. 193.461 may ~~shall~~ not be affected by any  
 86 comprehensive plan adopted under this act as long as the land  
 87 meets the criteria set forth in s. 193.461.

88 (b) A local government may not rescind a prior land use  
 89 approval solely because the underlying land continues to be used  
 90 for bona fide agricultural purposes in a manner which qualifies  
 91 for an agricultural classification under s. 193.461.

92 Section 4. Paragraph (f) of subsection (2) of section  
 93 253.0347, Florida Statutes, is amended to read:

94 253.0347 Lease of sovereignty submerged lands for private  
 95 residential docks and piers.—

96 (2)

97 (f) A lessee of sovereignty submerged lands for a private  
 98 residential multifamily dock designed to moor boats up to the  
 99 number of units within the multifamily development is not  
 100 required to pay lease or permit fees for a preempted area equal  
 101 to or less than 10 times the riparian shoreline along  
 102 sovereignty submerged land on the affected waterbody times the  
 103 number of units with docks in the private multifamily  
 104 development.

105 Section 5. Subsection (6) of section 298.225, Florida  
 106 Statutes, is amended to read:

107 298.225 Water control plan; plan development and  
 108 amendment.—

109 (6) The review or approval of the water control plan by  
 110 the applicable water management district shall not constitute  
 111 the granting of any permit necessary for the construction or  
 112 operation of any water control district work and cannot be  
 113 relied upon as any future agency action on a permit application.  
 114 Notwithstanding any other provision of law, if any of the  
 115 facilities, structures, or improvements, including, but not  
 116 limited to, ditches, dikes, water control structures, canals, or  
 117 pump stations, included within a water control plan have been  
 118 issued an environmental resource permit pursuant to part IV of  
 119 chapter 373, or a permit has been issued pursuant to s. 404 of  
 120 the Federal Clean Water Act, 33 U.S.C. s. 1344, and such  
 121 structures are incorporated in a plat of the county or city  
 122 within which the water control district lies, additional local  
 123 government authorizations or permits are not required to  
 124 implement, construct, or maintain the permitted facilities,  
 125 structures, or improvements.

126 Section 6. Subsection (6) of section 373.236, Florida  
 127 Statutes, is amended, and subsection (8) is added to that  
 128 section, to read:

129 373.236 Duration of permits; compliance reports.—

130 (6) (a) The Legislature finds that the need for alternative

131 water supply development projects to meet anticipated public  
132 water supply demands of the state is so important that it is  
133 essential to encourage participation in and contribution to  
134 these projects by private-rural-land owners who  
135 characteristically have relatively modest near-term water  
136 demands but substantially increasing demands after the 20-year  
137 planning period in s. 373.709.

138 1. ~~Therefore,~~ Where such landowners make extraordinary  
139 contributions of lands or construction funding to enable the  
140 expeditious implementation of such projects, water management  
141 districts and the department may grant permits for such projects  
142 for a period of up to 50 years to municipalities, counties,  
143 special districts, regional water supply authorities,  
144 multijurisdictional water supply entities, and publicly or  
145 privately owned utilities, with the exception of any publicly or  
146 privately owned utilities created for or by a private landowner  
147 after April 1, 2008, which have entered into an agreement with  
148 the private landowner for the purpose of more efficiently  
149 pursuing alternative public water supply development projects  
150 identified in a district's regional water supply plan and  
151 meeting water demands of both the applicant and the landowner.

152 2. Where landowners, individually or collectively, make  
153 available lands to enable the expeditious development of  
154 projects involving dispersed surface water storage and release  
155 or surface water storage and recharge which provide water  
156 resource benefits and alternative water supply development, the

157 water management districts and the department may grant permits  
 158 for such projects for a period of up to 50 years.

159 (b) A permit under paragraph (a):

160 1. May authorize the uses of the individual project  
 161 participants to begin on different dates.

162 2. May be granted only for that period for which there is  
 163 sufficient data to provide reasonable assurance that the  
 164 conditions for permit issuance will be met.

165 3. ~~Such a permit~~ Shall require a compliance report by the  
 166 permittee every 5 years during the term of the permit. The  
 167 report shall contain sufficient data to maintain reasonable  
 168 assurance that the conditions for permit issuance applicable at  
 169 the time of district review of the compliance report are met.  
 170 After review of the ~~this~~ report, the governing board or the  
 171 department may modify the permit to ensure that the use meets  
 172 the conditions for issuance.

173 (c) This subsection does not limit the existing authority  
 174 of the department or the governing board to modify or revoke a  
 175 consumptive use permit.

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

181 Section 7. Subsection (5) is added to section 373.308,  
 182 Florida Statutes, to read:

183 373.308 Implementation of programs for regulating water  
 184 wells.-

185 (5) Delegated local governments must follow water well  
 186 construction criteria and applicable standards adopted by the  
 187 department or water management district, and such criteria and  
 188 standards shall preempt additional local government water well  
 189 construction permitting regulations.

190 Section 8. Paragraph (b) of subsection (3) of section  
 191 373.323, Florida Statutes, is amended to read:

192 373.323 Licensure of water well contractors; application,  
 193 qualifications, and examinations; equipment identification.-

194 (3) An applicant who meets the following requirements  
 195 shall be entitled to take the water well contractor licensure  
 196 examination:

197 (b) Has at least 2 years of experience in constructing,  
 198 repairing, or abandoning water wells. Satisfactory proof of such  
 199 experience shall be demonstrated by providing:

200 1. Evidence of the length of time the applicant has been  
 201 engaged in the business of the construction, repair, or  
 202 abandonment of water wells as a major activity, as attested to  
 203 by a letter from ~~three~~ of the following persons:

204 a. A water well contractor.

205 ~~b. A water well driller.~~

206 ~~e. A water well parts and equipment vendor.~~

207 b.d. A water well inspector employed by a governmental  
 208 agency.



209           2. A list of at least 10 water wells that the applicant  
 210 has constructed, repaired, or abandoned within the preceding 5  
 211 years. Of these wells, at least seven must have been  
 212 constructed, as defined in s. 373.303(2), by the applicant. The  
 213 list shall also include:

214           a. The name and address of the owner or owners of each  
 215 well.

216           b. The location, primary use, and approximate depth and  
 217 diameter of each well that the applicant has constructed,  
 218 repaired, or abandoned.

219           c. The approximate date the construction, repair, or  
 220 abandonment of each well was completed.

221           Section 9. Paragraph (i) of subsection (1) of section  
 222 373.4136, Florida Statutes, is amended to read:

223           373.4136 Establishment and operation of mitigation banks.—

224           (1) MITIGATION BANK PERMITS.—The department and the water  
 225 management districts may require permits to authorize the  
 226 establishment and use of mitigation banks. A mitigation bank  
 227 permit shall also constitute authorization to construct, alter,  
 228 operate, maintain, abandon, or remove any surface water  
 229 management system necessary to establish and operate the  
 230 mitigation bank. To obtain a mitigation bank permit, the  
 231 applicant must provide reasonable assurance that:

232           (i) It can meet the financial responsibility requirements  
 233 prescribed for mitigation banks. Submitting proof of insurance  
 234 in a form approved by the department or water management

235 district is an option for satisfying this condition.

236 Section 10. By January 1, 2015, the Department of  
 237 Environmental Protection and each water management district  
 238 shall adopt rules to implement the amendment to s.  
 239 373.4136(1)(i), Florida Statutes.

240 Section 11. Subsection (9) of section 373.709, Florida  
 241 Statutes, is renumbered as subsection (10), and a new subsection  
 242 (9) is added to that section to read:

243 373.709 Regional water supply planning.—

244 (9) The water needs, water sources, water resource  
 245 development projects, and water supply development projects  
 246 identified in a long-term master plan adopted pursuant to s.  
 247 163.3245 or a master plan development order issued under s.  
 248 380.06(21) shall be incorporated into a regional water supply  
 249 plan adopted pursuant to this section and are exempt from the  
 250 analyses required under subsection (2).

251 Section 12. Subsection (2) of section 403.201, Florida  
 252 Statutes, is amended to read:

253 403.201 Variances.—

254 (2) A ~~No~~ variance may not shall be granted from any  
 255 provision or requirement concerning discharges of waste into  
 256 waters of the state or hazardous waste management which would  
 257 result in the provision or requirement being less stringent than  
 258 a comparable federal provision or requirement, except as  
 259 provided in s. 403.70715. However, this subsection does not  
 260 prohibit the issuance of moderating provisions under state law.

261 Section 13. Subsection (5) is added to section 403.709,  
 262 Florida Statutes, to read:

263 403.709 Solid Waste Management Trust Fund; use of waste  
 264 tire fees.—There is created the Solid Waste Management Trust  
 265 Fund, to be administered by the department.

266 (5) (a) Notwithstanding subsection (1), a solid waste  
 267 landfill closure account is established within the Solid Waste  
 268 Management Trust Fund to provide funding for the closing and  
 269 long-term care of solid waste management facilities. The  
 270 department may use funds from the account to contract with a  
 271 third party for the closing and long-term care of a solid waste  
 272 management facility if:

273 1. The facility has or had a department permit to operate  
 274 the facility.

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

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

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

281 5. The department has written documentation that the  
 282 insurance company issuing the closure insurance policy will  
 283 provide or reimburse the funds required to complete closing and  
 284 long-term care of the facility.

285 (b) The department shall deposit the funds received from  
 286 the insurance company as reimbursement for the costs of closing

287 or long-term care of the facility into the solid waste landfill  
288 closure account.

289 Section 14. (1) Any local government-issued development  
290 order or building permit, including certificates of levels of  
291 service, and any building permit or permit issued by the  
292 Department of Environmental Protection or by a water management  
293 district pursuant to part IV of chapter 373, Florida Statutes,  
294 which has an expiration date from January 1, 2012, through  
295 January 1, 2015, is extended and renewed for a period of 2 years  
296 after its previously scheduled date of expiration. This section  
297 does not prohibit conversion from the construction phase to the  
298 operation phase upon completion of construction. This extension  
299 is in addition to any existing permit extension, including an  
300 extension under s. 252.363, resulting from a declaration of a  
301 state of emergency by the Governor. Extensions granted pursuant  
302 to this section; section 14 of chapter 2009-96, Laws of Florida,  
303 as reauthorized by section 47 of chapter 2010-147, Laws of  
304 Florida; section 46 of chapter 2010-147, Laws of Florida; or  
305 section 74 or section 79 of chapter 2011-139, Laws of Florida,  
306 are limited to a total of 5 years. Further, specific development  
307 order extensions granted pursuant to s. 380.06(19)(c)2., Florida  
308 Statutes, cannot be further extended by this section.

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

313       (3) The extension provided for in subsection (1) does not  
314 apply to:

315       (a) A permit or other authorization under any programmatic  
316 or regional general permit issued by the Army Corps of  
317 Engineers.

318       (b) A permit or other authorization held by an owner or  
319 operator determined to be in significant noncompliance with the  
320 conditions of the permit or authorization as established through  
321 the issuance of a warning letter or notice of violation, the  
322 initiation of formal enforcement, or other equivalent action by  
323 the authorizing agency.

324       (c) A permit or other authorization, if granted an  
325 extension that would delay or prevent compliance with a court  
326 order.

327       (4) Permits extended under this section shall continue to  
328 be governed by the rules in effect at the time that the permit  
329 was issued, except if it is demonstrated that the rules in  
330 effect at the time that the permit was issued would create an  
331 immediate threat to public safety or health. This subsection  
332 applies to any modification of the plans, terms, and conditions  
333 of the permit that lessens the environmental impact, except that  
334 any such modification does not extend the time limit beyond 2  
335 additional years.

336       (5) This section does not impair the authority of a county  
337 or municipality to require the owner of a property that has  
338 notified the county or municipality of the owner's intent to

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339 receive the extension of time granted pursuant to this section  
340 to maintain and secure the property in a safe and sanitary  
341 condition in compliance with applicable laws and ordinances.

342 Section 15. This act shall take effect July 1, 2014.