

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; exempting certain water control
56 | districts from certain wetlands regulation; amending

57 | s. 376.30713, F.S.; increasing the amount of funding
58 | for preapproved advanced cleanup work contracts;
59 | increasing the amount of funding a facility is
60 | eligible for in each fiscal year; amending s. 376.313,
61 | F.S.; holding harmless a person who discharges
62 | pollution pursuant to ch. 403, F.S.; amending s.
63 | 403.031, F.S.; defining the term "beneficiary";
64 | amending s. 403.061, F.S.; authorizing the department
65 | to adopt rules requiring or incentivizing the
66 | electronic submission of certain forms, documents,
67 | fees, and reports; amending s. 403.0872, F.S.;
68 | extending the payment deadline of permit fees for
69 | major sources of air pollution and conforming the date
70 | for related notice by the department; revising
71 | provisions for the calculation of such annual fees;
72 | amending s. 403.088, F.S.; revising conditions for
73 | denial of water pollution operation permit
74 | applications; amending s. 403.0893, F.S.; authorizing
75 | a local government to charge stormwater utility fees
76 | to the beneficiaries of the stormwater utility;
77 | providing for the collection of delinquent fees;
78 | amending s. 403.7046, F.S.; prohibiting local
79 | governments from using information contained in
80 | recovered materials dealer registration applications
81 | for specified purposes; providing that a recovered
82 | materials dealer may seek injunctive relief and
83 | damages for certain violations; amending s. 403.813,
84 | F.S.; revising conditions under which certain permits

85 are not required for seawall restoration projects;
 86 creating s. 403.8141, F.S.; requiring the Department
 87 of Environmental Protection to establish general
 88 permits for special events; providing permit
 89 requirements; amending s. 403.973, F.S.; authorizing
 90 expedited permitting for natural gas pipelines,
 91 subject to specified certification; providing that
 92 natural gas pipelines are subject to certain
 93 requirements; providing that natural gas pipelines are
 94 eligible for certain review; providing for
 95 applicability of specified changes made by the act;
 96 providing for legislative ratification and approval of
 97 specified leases approved by the Board of Trustees of
 98 the Internal Improvement Trust Fund; providing
 99 legislative findings with respect to such leases;
 100 providing an effective date.

101

102 Be It Enacted by the Legislature of the State of Florida:

103

104 Section 1. Subsection (8) is added to section 20.255,
 105 Florida Statutes, to read:

106 20.255 Department of Environmental Protection.—There is
 107 created a Department of Environmental Protection.

108 (8) The department may adopt rules requiring or
 109 incentivizing electronic submission of forms, documents, fees,
 110 or reports required under chapter 161, chapter 253, chapter 373,
 111 chapter 376, chapter 377, or chapter 403. The rules must
 112 reasonably accommodate technological or financial hardship and

113 must provide procedures for obtaining an exemption due to such a
114 hardship.

115 Section 2. Section 125.022, Florida Statutes, is amended
116 to read:

117 125.022 Development permits.—

118 (1) When reviewing an application for a development permit
119 that is certified by a professional listed in s. 403.0877, a
120 county may not request additional information from the applicant
121 more than three times, unless the applicant waives the
122 limitation in writing. Before a third request for additional
123 information, the applicant must be offered a meeting to attempt
124 to resolve outstanding issues. Except as provided in subsection
125 (4), if the applicant believes the request for additional
126 information is not authorized by ordinance, rule, statute, or
127 other legal authority, the county, at the applicant's request,
128 shall proceed to process the application for approval or denial.

129 (2) When a county denies an application for a development
130 permit, the county shall give written notice to the applicant.
131 The notice must include a citation to the applicable portions of
132 an ordinance, rule, statute, or other legal authority for the
133 denial of the permit.

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

137 (4) For any development permit application filed with the
138 county after July 1, 2012, a county may not require as a
139 condition of processing or issuing a development permit that an
140 applicant obtain a permit or approval from any state or federal

141 agency unless the agency has issued a final agency action that
142 denies the federal or state permit before the county action on
143 the local development permit.

144 (5) Issuance of a development permit by a county does not
145 in any way create any rights on the part of the applicant to
146 obtain a permit from a state or federal agency and does not
147 create any liability on the part of the county for issuance of
148 the permit if the applicant fails to obtain requisite approvals
149 or fulfill the obligations imposed by a state or federal agency
150 or undertakes actions that result in a violation of state or
151 federal law. A county may attach such a disclaimer to the
152 issuance of a development permit and may include a permit
153 condition that all other applicable state or federal permits be
154 obtained before commencement of the development.

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

158 Section 3. Section 166.033, Florida Statutes, is amended
159 to read:

160 166.033 Development permits.—

161 (1) When reviewing an application for a development permit
162 that is certified by a professional listed in s. 403.0877, a
163 municipality may not request additional information from the
164 applicant more than three times, unless the applicant waives the
165 limitation in writing. Before a third request for additional
166 information, the applicant must be offered a meeting to attempt
167 to resolve outstanding issues. Except as provided in subsection
168 (4), if the applicant believes the request for additional

169 information is not authorized by ordinance, rule, statute, or
170 other legal authority, the municipality, at the applicant's
171 request, shall proceed to process the application for approval
172 or denial.

173 (2) When a municipality denies an application for a
174 development permit, the municipality shall give written notice
175 to the applicant. The notice must include a citation to the
176 applicable portions of an ordinance, rule, statute, or other
177 legal authority for the denial of the permit.

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

181 (4) For any development permit application filed with the
182 municipality after July 1, 2012, a municipality may not require
183 as a condition of processing or issuing a development permit
184 that an applicant obtain a permit or approval from any state or
185 federal agency unless the agency has issued a final agency
186 action that denies the federal or state permit before the
187 municipal action on the local development permit.

188 (5) Issuance of a development permit by a municipality
189 does not in any way create any right on the part of an applicant
190 to obtain a permit from a state or federal agency and does not
191 create any liability on the part of the municipality for
192 issuance of the permit if the applicant fails to obtain
193 requisite approvals or fulfill the obligations imposed by a
194 state or federal agency or undertakes actions that result in a
195 violation of state or federal law. A municipality may attach
196 such a disclaimer to the issuance of development permits and may

197 include a permit condition that all other applicable state or
 198 federal permits be obtained before commencement of the
 199 development.

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

203 Section 4. Paragraph (c) of subsection (6) of section
 204 211.3103, Florida Statutes is amended to read:

205 211.3103 Levy of tax on severance of phosphate rock; rate,
 206 basis, and distribution of tax.—

207 (6)

208 (c) For purposes of this section, "phosphate-related
 209 expenses" means those expenses that provide for infrastructure
 210 or services in support of the phosphate industry, including
 211 environmental education, reclamation or restoration of phosphate
 212 lands, maintenance and restoration of reclaimed lands and county
 213 owned environmental lands which were formerly phosphate lands,
 214 community infrastructure on such reclaimed lands and county
 215 owned environmental lands which were formerly phosphate lands,
 216 and similar expenses directly related to support of the
 217 industry.

218 Section 5. Section 253.0345, Florida Statutes, is amended
 219 to read:

220 253.0345 Special events; submerged land leases.—

221 (1) The trustees may ~~are authorized to~~ issue leases or
 222 letters of consent ~~consents of use or leases~~ to riparian
 223 landowners, special and event promoters, and boat show owners to
 224 allow the installation of temporary structures, including docks,

225 moorings, pilings, and access walkways, on sovereign submerged
226 lands solely for the purpose of facilitating boat shows and
227 displays in, or adjacent to, established marinas or government-
228 owned ~~government-owned~~ upland property. Riparian owners of
229 adjacent uplands who are not seeking a lease or letter of
230 consent ~~of use~~ shall be notified by certified mail of any
231 request for such a lease or letter of consent ~~of use~~ before
232 ~~prior to~~ approval by the trustees. The trustees shall balance
233 the interests of any objecting riparian owners with the economic
234 interests of the public and the state as a factor in determining
235 whether if a lease or letter of consent ~~of use~~ should be
236 executed over the objection of adjacent riparian owners. This
237 section does ~~shall~~ not apply to structures for viewing motorboat
238 racing, high-speed motorboat contests, or high-speed displays in
239 waters where manatees are known to frequent.

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

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

244 (b) Shall include a lease fee, if applicable, based solely
245 on the period and actual size of the preemption and conditions
246 to allow reconfiguration of temporary structures within the
247 lease area with notice to the department of the configuration
248 and size of preemption within the lease area.

249 (c) The lease or letter of consent ~~of use~~ may also contain
250 appropriate requirements for removal of the temporary
251 structures, including the posting of sufficient surety to
252 guarantee appropriate funds for removal of the structures should

253 the promoter or riparian owner fail to do so within the time
 254 specified in the agreement.

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

259 Section 6. Section 253.0346, Florida Statutes, is created
 260 to read:

261 253.0346 Lease of sovereignty submerged lands for marinas,
 262 boatyards, and marine retailers.-

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

266 (a) There is not a club membership, stock ownership,
 267 equity interest, or other qualifying requirement.

268 (b) Rental terms do not exceed 12 months and do not
 269 include automatic renewal rights or conditions.

270 (2) For marinas that are open to the public on a first-
 271 come, first-served basis and for which at least 90 percent of
 272 the slips are open for rent to the public, a discount of 30
 273 percent on the annual lease fee shall apply if dockage rate
 274 sheet publications and dockage advertising clearly state that
 275 slips are open for rent to the public on a first-come, first-
 276 served basis.

277 (3) For a facility designated by the department as a Clean
 278 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean
 279 Marina Program:

280 (a) A discount of 10 percent on the annual lease fee shall

281 apply if the facility:

282 1. Actively maintains designation under the program.

283 2. Complies with the terms of the lease.

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

285 (b) Extended-term lease surcharges shall be waived if the

286 facility:

287 1. Actively maintains designation under the program.

288 2. Complies with the terms of the lease.

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

290 4. Is available to the public on a first-come, first-

291 served basis.

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

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

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

300 253.0347 Lease of sovereignty submerged lands for private
301 residential docks and piers.—

302 (2)

303 (e) A lessee of sovereignty submerged lands for a private
304 residential single-family dock designed to moor up to four boats
305 is not required to pay lease fees for a preempted area equal to
306 or less than 10 times the riparian shoreline along sovereignty
307 submerged land on the affected waterbody or the square footage
308 authorized for a private residential single-family dock under

309 rules adopted by the Board of Trustees of the Internal
 310 Improvement Trust Fund for the management of sovereignty
 311 submerged lands, whichever is greater.

312 (f) A lessee of sovereignty submerged lands for a private
 313 residential multifamily dock designed to moor boats up to the
 314 number of units within the multifamily development is not
 315 required to pay lease fees for a preempted area equal to or less
 316 than 10 times the riparian shoreline along sovereignty submerged
 317 land on the affected waterbody times the number of units with
 318 docks in the private multifamily development.

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

321 373.118 General permits; delegation.—

322 (4) The department shall adopt by rule one or more general
 323 permits for local governments to construct, operate, and
 324 maintain ~~public marina facilities,~~ public mooring fields, public
 325 boat ramps, including associated courtesy docks, and associated
 326 parking facilities located in uplands. Such general permits
 327 adopted by rule shall include provisions to ensure compliance
 328 with part IV of this chapter, subsection (1), and the criteria
 329 necessary to include the general permits in a state programmatic
 330 general permit issued by the United States Army Corps of
 331 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
 332 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
 333 authorized under such general permits is exempt from review as a
 334 development of regional impact if the facility complies with the
 335 comprehensive plan of the applicable local government. Such
 336 facilities shall be consistent with the local government manatee

337 protection plan required pursuant to chapter 379 ~~and shall~~
338 ~~obtain Clean Marina Program status prior to opening for~~
339 ~~operation and maintain that status for the life of the facility.~~
340 ~~Marinas and mooring fields authorized under any such general~~
341 ~~permit shall not exceed an area of 50,000 square feet over~~
342 ~~wetlands and other surface waters.~~ Mooring fields authorized
343 under such general permits may not exceed 100 vessels. All
344 facilities permitted under this section shall be constructed,
345 maintained, and operated in perpetuity for the exclusive use of
346 the general public. The department is authorized to have
347 delegation of authority from the Board of Trustees of the
348 Internal Improvement Trust Fund to issue leases for mooring
349 fields that meet the requirements of such general permits. The
350 department shall initiate the rulemaking process within 60 days
351 after the effective date of this act.

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

354 373.233 Competing applications.-

355 (1) If two or more applications that ~~which~~ otherwise
356 comply with the provisions of this part are pending for a
357 quantity of water that is inadequate for both or all, or that
358 ~~which~~ for any other reason are in conflict, and the water
359 management district or department has deemed the applications
360 complete, the water management district ~~governing board~~ or the
361 department has ~~shall have~~ the right to approve or modify the
362 application that ~~which~~ best serves the public interest.

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

365 373.236 Duration of permits; compliance reports.—
366 (4) Where necessary to maintain reasonable assurance that
367 the conditions for issuance of a 20-year permit can continue to
368 be met, the governing board or department, in addition to any
369 conditions required pursuant to s. 373.219, may require a
370 compliance report by the permittee every 10 years during the
371 term of a permit. The Suwannee River Water Management District
372 may require a compliance report by the permittee every 5 years
373 through July 1, 2015, and thereafter every 10 years during the
374 term of the permit. This report shall contain sufficient data to
375 maintain reasonable assurance that the initial conditions for
376 permit issuance are met. Following review of this report, the
377 governing board or the department may modify the permit to
378 ensure that the use meets the conditions for issuance. Permit
379 modifications pursuant to this subsection shall not be subject
380 to competing applications, provided there is no increase in the
381 permitted allocation or permit duration, and no change in
382 source, except for changes in source requested by the district.
383 In order to promote the sustainability of natural systems
384 through the diversification of water supplies through the
385 development of seawater desalination plants, a water management
386 district may not reduce an existing permitted allocation of
387 water during the permit term as a result of planned future
388 construction of, or additional water becoming available from, a
389 new seawater desalination plant that does not receive funding
390 from a water management district. Except as expressly provided
391 in this subsection, this subsection ~~shall~~ does not alter ~~be~~
392 construed to limit the existing authority of a water management

393 | ~~district the department or the governing board~~ to modify ~~or~~
 394 | ~~revoke~~ a consumptive use permit pursuant to chapter 373.

395 | Section 11. Subsection (6) of section 373.246, Florida
 396 | Statutes, is amended to read:

397 | 373.246 Declaration of water shortage or emergency.—

398 | (6) The governing board or the department shall notify
 399 | each permittee in the district by electronic mail or regular
 400 | mail of any change in the condition of his or her permit or any
 401 | suspension of his or her permit or of any other restriction on
 402 | the permittee's use of water for the duration of the water
 403 | shortage.

404 | Section 12. Subsection (1) of section 373.308, Florida
 405 | Statutes, is amended to read:

406 | 373.308 Implementation of programs for regulating water
 407 | wells.—

408 | (1) The department shall authorize the governing board of
 409 | a water management district to implement a program for the
 410 | issuance of permits for the location, construction, repair, and
 411 | abandonment of water wells. Upon authorization from the
 412 | department, issuance of well permits will be the sole
 413 | responsibility of the water management district, delegated local
 414 | government, or local county health department. Other local
 415 | governmental entities may not impose additional or duplicate
 416 | requirements or fees or establish a separate program for the
 417 | permitting of the location, abandonment, boring, or other
 418 | activities reasonably associated with the installation and
 419 | abandonment of a groundwater well.

420 | Section 13. Subsections (1) and (10) of section 373.323,

421 Florida Statutes, are amended to read:

422 373.323 Licensure of water well contractors; application,
423 qualifications, and examinations; equipment identification.—

424 (1) Every person who wishes to engage in business as a
425 water well contractor shall obtain from the water management
426 district a license to conduct such business. Licensure under
427 this part by a water management district shall be the only water
428 well contractor license required for the construction, repair,
429 or abandonment of water wells in the state or any political
430 subdivision thereof.

431 (10) Water well contractors licensed under this section
432 may install, repair, and modify pumps and tanks in accordance
433 with the Florida Building Code, Plumbing; Section 612—Wells
434 pumps and tanks used for private potable water systems. In
435 addition, licensed water well contractors may install pumps,
436 tanks, and water conditioning equipment for all water well
437 systems.

438 Section 14. Subsections (13), (14), and (15) are added to
439 section 373.406, Florida Statutes, to read:

440 373.406 Exemptions.—The following exemptions shall apply:

441 (13) Nothing in this part, or in any rule, regulation, or
442 order adopted pursuant to this part, applies to construction,
443 alteration, operation, or maintenance of any wholly owned,
444 manmade excavated farm ponds, as defined in s. 403.927,
445 constructed entirely in uplands. Alteration or maintenance may
446 not involve any work to connect the farm pond to, or expand the
447 farm pond into, other wetlands or other surface waters.

448 (14) Nothing in this part, or in any rule, regulation, or

449 order adopted pursuant to this part, may require a permit for
450 activities affecting wetlands created solely by the unauthorized
451 flooding or interference with the natural flow of surface water
452 caused by an unaffiliated adjoining landowner. Requests to
453 qualify for this exemption must be made within 7 years after the
454 cause of such unauthorized flooding or unauthorized interference
455 with the natural flow of surface water and must be submitted in
456 writing to the district or department. Such activities may not
457 begin without a written determination from the district or
458 department confirming that the activity qualifies for the
459 exemption. This exemption does not expand the jurisdiction of
460 the department or the water management districts and does not
461 apply to activities that discharge dredged or fill material into
462 waters of the United States, including wetlands, subject to
463 federal jurisdiction under section 404 of the federal Clean
464 Water Act, 33 U.S.C. s. 1344.

465 (15) Any independent water control district created and
466 operating pursuant to chapter 298 for which a valid
467 environmental resource permit or management and storage of
468 surface waters permit has been issued pursuant to this part is
469 exempt from further wetlands regulation imposed pursuant to
470 chapters 125, 163, and 166.

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

473 376.30713 Preapproved advanced cleanup.—

474 (4) The department is authorized to enter into contracts
475 ~~contract~~ for a total of up to \$15 ~~\$10~~ million of preapproved
476 advanced cleanup work in each fiscal year. However, a ~~no~~

477 facility may not ~~shall~~ be preapproved for more than \$5 million
 478 ~~\$500,000~~ of cleanup activity in each fiscal year. For the
 479 purposes of this section the term "facility" shall include, but
 480 not be limited to, multiple site facilities such as airports,
 481 port facilities, and terminal facilities even though such
 482 enterprises may be treated as separate facilities for other
 483 purposes under this chapter.

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

486 376.313 Nonexclusiveness of remedies and individual cause
 487 of action for damages under ss. 376.30-376.317.—

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

504 Section 17. Subsection (22) is added to section 403.031,

505 Florida Statutes, to read:

506 403.031 Definitions.—In construing this chapter, or rules
 507 and regulations adopted pursuant hereto, the following words,
 508 phrases, or terms, unless the context otherwise indicates, have
 509 the following meanings:

510 (22) "Beneficiary" means any person, partnership,
 511 corporation, business entity, charitable organization, not-for-
 512 profit corporation, state, county, district, authority, or
 513 municipal unit of government or any other separate unit of
 514 government created or established by law.

515 Section 18. Subsection (43) is added to section 403.061,
 516 Florida Statutes, to read:

517 403.061 Department; powers and duties.—The department
 518 shall have the power and the duty to control and prohibit
 519 pollution of air and water in accordance with the law and rules
 520 adopted and promulgated by it and, for this purpose, to:

521 (43) Adopt rules requiring or incentivizing the electronic
 522 submission of forms, documents, fees, or reports required under
 523 chapter 161, chapter 253, chapter 373, chapter 376, chapter 377,
 524 or this chapter. The rules must reasonably accommodate
 525 technological or financial hardship and provide procedures for
 526 obtaining an exemption due to such hardship.

527
 528 The department shall implement such programs in conjunction with
 529 its other powers and duties and shall place special emphasis on
 530 reducing and eliminating contamination that presents a threat to
 531 humans, animals or plants, or to the environment.

532 Section 19. Subsection (11) of section 403.0872, Florida

533 Statutes, is amended to read:

534 403.0872 Operation permits for major sources of air
535 pollution; annual operation license fee.—Provided that program
536 approval pursuant to 42 U.S.C. s. 7661a has been received from
537 the United States Environmental Protection Agency, beginning
538 January 2, 1995, each major source of air pollution, including
539 electrical power plants certified under s. 403.511, must obtain
540 from the department an operation permit for a major source of
541 air pollution under this section. This operation permit is the
542 only department operation permit for a major source of air
543 pollution required for such source; provided, at the applicant's
544 request, the department shall issue a separate acid rain permit
545 for a major source of air pollution that is an affected source
546 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
547 for major sources of air pollution, except general permits
548 issued pursuant to s. 403.814, must be issued in accordance with
549 the procedures contained in this section and in accordance with
550 chapter 120; however, to the extent that chapter 120 is
551 inconsistent with the provisions of this section, the procedures
552 contained in this section prevail.

553 (11) Each major source of air pollution permitted to
554 operate in this state must pay between January 15 and April
555 ~~March~~ 1 of each year, upon written notice from the department,
556 an annual operation license fee in an amount determined by
557 department rule. The annual operation license fee shall be
558 terminated immediately in the event the United States
559 Environmental Protection Agency imposes annual fees solely to
560 implement and administer the major source air-operation permit

561 program in Florida under 40 C.F.R. s. 70.10(d).

562 (a) The annual fee must be assessed based upon the
563 source's previous year's emissions and must be calculated by
564 multiplying the applicable annual operation license fee factor
565 times the tons of each regulated air pollutant actually emitted,
566 as calculated in accordance with department's emissions
567 computation and reporting rules. The annual fee shall only apply
568 to those regulated pollutants, ~~(except carbon monoxide)~~ and
569 greenhouse gases, for which an allowable numeric emission
570 limiting standard is specified in ~~allowed to be emitted per hour~~
571 ~~by specific condition of the source's most recent construction~~
572 ~~or operation permit, times the annual hours of operation allowed~~
573 ~~by permit condition; provided, however, that:~~

574 1. The license fee factor is \$25 or another amount
575 determined by department rule which ensures that the revenue
576 provided by each year's operation license fees is sufficient to
577 cover all reasonable direct and indirect costs of the major
578 stationary source air-operation permit program established by
579 this section. The license fee factor may be increased beyond \$25
580 only if the secretary of the department affirmatively finds that
581 a shortage of revenue for support of the major stationary source
582 air-operation permit program will occur in the absence of a fee
583 factor adjustment. The annual license fee factor may never
584 exceed \$35.

585 ~~2. For any source that operates for fewer hours during the~~
586 ~~calendar year than allowed under its permit, the annual fee~~
587 ~~calculation must be based upon actual hours of operation rather~~
588 ~~than allowable hours if the owner or operator of the source~~

589 ~~documents the source's actual hours of operation for the~~
590 ~~calendar year. For any source that has an emissions limit that~~
591 ~~is dependent upon the type of fuel burned, the annual fee~~
592 ~~calculation must be based on the emissions limit applicable~~
593 ~~during actual hours of operation.~~

594 ~~3. For any source whose allowable emission limitation is~~
595 ~~specified by permit per units of material input or heat input or~~
596 ~~product output, the applicable input or production amount may be~~
597 ~~used to calculate the allowable emissions if the owner or~~
598 ~~operator of the source documents the actual input or production~~
599 ~~amount. If the input or production amount is not documented, the~~
600 ~~maximum allowable input or production amount specified in the~~
601 ~~permit must be used to calculate the allowable emissions.~~

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

606 ~~5. For any source that emits less of any regulated air~~
607 ~~pollutant than allowed by permit condition, the annual fee~~
608 ~~calculation for such pollutant must be based upon actual~~
609 ~~emissions rather than allowable emissions if the owner or~~
610 ~~operator documents the source's actual emissions by means of~~
611 ~~data from a department-approved certified continuous emissions~~
612 ~~monitor or from an emissions monitoring method which has been~~
613 ~~approved by the United States Environmental Protection Agency~~
614 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
615 ~~or from a method approved by the department for purposes of this~~
616 ~~section.~~

617 ~~2.6.~~ The amount of each regulated air pollutant in excess
618 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
619 group of sources belonging to the same Major Group as described
620 in the Standard Industrial Classification Manual, 1987, may not
621 be included in the calculation of the fee. Any source, or group
622 of sources, which does not emit any regulated air pollutant in
623 excess of 4,000 tons per year, is allowed a one-time credit not
624 to exceed 25 percent of the first annual licensing fee for the
625 prorated portion of existing air-operation permit application
626 fees remaining upon commencement of the annual licensing fees.

627 ~~3.7.~~ If the department has not received the fee by March 1
628 ~~February 15~~ of the calendar year, the permittee must be sent a
629 written warning of the consequences for failing to pay the fee
630 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1
631 of the calendar year, the department shall impose, in addition
632 to the fee, a penalty of 50 percent of the amount of the fee,
633 plus interest on such amount computed in accordance with s.
634 220.807. The department may not impose such penalty or interest
635 on any amount underpaid, provided that the permittee has timely
636 remitted payment of at least 90 percent of the amount determined
637 to be due and remits full payment within 60 days after receipt
638 of notice of the amount underpaid. The department may waive the
639 collection of underpayment and shall not be required to refund
640 overpayment of the fee, if the amount due is less than 1 percent
641 of the fee, up to \$50. The department may revoke any major air
642 pollution source operation permit if it finds that the
643 permitholder has failed to timely pay any required annual
644 operation license fee, penalty, or interest.

645 ~~4.8.~~ Notwithstanding the computational provisions of this
646 subsection, the annual operation license fee for any source
647 subject to this section shall not be less than \$250, except that
648 the annual operation license fee for sources permitted solely
649 through general permits issued under s. 403.814 shall not exceed
650 \$50 per year.

651 ~~5.9.~~ Notwithstanding the provisions of s.
652 403.087(6)(a)5.a., authorizing air pollution construction permit
653 fees, the department may not require such fees for changes or
654 additions to a major source of air pollution permitted pursuant
655 to this section, unless the activity triggers permitting
656 requirements under Title I, Part C or Part D, of the federal
657 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
658 administer such permits shall be considered direct and indirect
659 costs of the major stationary source air-operation permit
660 program under s. 403.0873. The department shall, however,
661 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
662 for the construction of a new major source of air pollution that
663 will be subject to the permitting requirements of this section
664 once constructed and for activities triggering permitting
665 requirements under Title I, Part C or Part D, of the federal
666 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

667 (b) Annual operation license fees collected by the
668 department must be sufficient to cover all reasonable direct and
669 indirect costs required to develop and administer the major
670 stationary source air-operation permit program, which shall
671 consist of the following elements to the extent that they are
672 reasonably related to the regulation of major stationary air

673 | pollution sources, in accordance with United States
 674 | Environmental Protection Agency regulations and guidelines:
 675 | 1. Reviewing and acting upon any application for such a
 676 | permit.
 677 | 2. Implementing and enforcing the terms and conditions of
 678 | any such permit, excluding court costs or other costs associated
 679 | with any enforcement action.
 680 | 3. Emissions and ambient monitoring.
 681 | 4. Preparing generally applicable regulations or guidance.
 682 | 5. Modeling, analyses, and demonstrations.
 683 | 6. Preparing inventories and tracking emissions.
 684 | 7. Implementing the Small Business Stationary Source
 685 | Technical and Environmental Compliance Assistance Program.
 686 | 8. Any audits conducted under paragraph (c).
 687 | (c) An audit of the major stationary source air-operation
 688 | permit program must be conducted 2 years after the United States
 689 | Environmental Protection Agency has given full approval of the
 690 | program to ascertain whether the annual operation license fees
 691 | collected by the department are used solely to support any
 692 | reasonable direct and indirect costs as listed in paragraph (b).
 693 | A program audit must be performed biennially after the first
 694 | audit.
 695 | Section 20. Paragraph (b) of subsection (2) of section
 696 | 403.088, Florida Statutes, is amended to read:
 697 | 403.088 Water pollution operation permits; conditions.—
 698 | (2)
 699 | (b)1. If the department finds that the proposed discharge
 700 | will reduce the quality of the receiving waters below the

701 classification established for them, it shall deny the
702 application and refuse to issue a permit. The department may not
703 use the results from a field procedure or laboratory method to
704 make such a finding or determine facility compliance unless the
705 field procedure or laboratory method has been adopted by rule or
706 noticed and approved by department order pursuant to department
707 rule. Field procedures and laboratory methods must satisfy the
708 quality assurance requirements of department rule and must
709 produce data of known and verifiable quality. The results of
710 field procedures and laboratory methods shall be evaluated for
711 sources of uncertainty to assure suitability for the intended
712 purposes as properly documented with each procedure or method.

713 2. If the department finds that the proposed discharge
714 will not reduce the quality of the receiving waters below the
715 classification established for them, it may issue an operation
716 permit if it finds that such degradation is necessary or
717 desirable under federal standards and under circumstances which
718 are clearly in the public interest.

719 Section 21. Section 403.0893, Florida Statutes, is amended
720 to read:

721 403.0893 Stormwater funding; dedicated funds for
722 stormwater management.—In addition to any other funding
723 mechanism legally available to local government to construct,
724 operate, or maintain stormwater systems, a county or
725 municipality may:

726 (1) Create one or more stormwater utilities and adopt
727 stormwater utility fees sufficient to plan, construct, operate,
728 and maintain stormwater management systems set out in the local

729 | program required pursuant to s. 403.0891(3). Stormwater utility
 730 | fees adopted pursuant to this subsection may be charged to the
 731 | beneficiaries of a stormwater utility. If stormwater utility
 732 | fees charged to a beneficiary of a stormwater utility are not
 733 | paid when due, the county or municipality may file suit in a
 734 | court of competent jurisdiction or use any lawful method to
 735 | collect delinquent fees.

736 | (2) Establish and set aside, as a continuing source of
 737 | revenue, other funds sufficient to plan, construct, operate, and
 738 | maintain stormwater management systems set out in the local
 739 | program required pursuant to s. 403.0891(3).~~† or~~

740 | (3) Create, alone or in cooperation with counties,
 741 | municipalities, and special districts pursuant to the Interlocal
 742 | Cooperation Act, s. 163.01, one or more stormwater management
 743 | system benefit areas. All property owners within said area may
 744 | be assessed a per acreage fee to fund the planning,
 745 | construction, operation, maintenance, and administration of a
 746 | public stormwater management system for the benefited area. Any
 747 | benefit area containing different land uses which receive
 748 | substantially different levels of stormwater benefits shall
 749 | include stormwater management system benefit subareas which
 750 | shall be assessed different per acreage fees from subarea to
 751 | subarea based upon a reasonable relationship to benefits
 752 | received. The fees shall be calculated to generate sufficient
 753 | funds to plan, construct, operate, and maintain stormwater
 754 | management systems called for in the local program required
 755 | pursuant to s. 403.0891(3). For fees assessed pursuant to this
 756 | section, counties or municipalities may use the non-ad valorem

757 | levy, collection, and enforcement method as provided for in
 758 | chapter 197.

759 | Section 22. Paragraph (b) of subsection (3) of section
 760 | 403.7046, Florida Statutes, is amended, and subsection (4) is
 761 | added to that section, to read:

762 | 403.7046 Regulation of recovered materials.—

763 | (3) Except as otherwise provided in this section or
 764 | pursuant to a special act in effect on or before January 1,
 765 | 1993, a local government may not require a commercial
 766 | establishment that generates source-separated recovered
 767 | materials to sell or otherwise convey its recovered materials to
 768 | the local government or to a facility designated by the local
 769 | government, nor may the local government restrict such a
 770 | generator's right to sell or otherwise convey such recovered
 771 | materials to any properly certified recovered materials dealer
 772 | who has satisfied the requirements of this section. A local
 773 | government may not enact any ordinance that prevents such a
 774 | dealer from entering into a contract with a commercial
 775 | establishment to purchase, collect, transport, process, or
 776 | receive source-separated recovered materials.

777 | (b) Before ~~Prior to~~ engaging in business within the
 778 | jurisdiction of the local government, a recovered materials
 779 | dealer must provide the local government with a copy of the
 780 | certification provided for in this section. In addition, the
 781 | local government may establish a registration process whereby a
 782 | recovered materials dealer must register with the local
 783 | government before ~~prior to~~ engaging in business within the
 784 | jurisdiction of the local government. Such registration process

785 is limited to requiring the dealer to register its name,
786 including the owner or operator of the dealer, and, if the
787 dealer is a business entity, its general or limited partners,
788 its corporate officers and directors, its permanent place of
789 business, evidence of its certification under this section, and
790 a certification that the recovered materials will be processed
791 at a recovered materials processing facility satisfying the
792 requirements of this section. The local government may not use
793 the information provided in the registration application to
794 compete unfairly with the recovered materials dealer until 90
795 days after receipt of the application. All counties, and
796 municipalities whose population exceeds 35,000 according to the
797 population estimates determined pursuant to s. 186.901, may
798 establish a reporting process which shall be limited to the
799 regulations, reporting format, and reporting frequency
800 established by the department pursuant to this section, which
801 shall, at a minimum, include requiring the dealer to identify
802 the types and approximate amount of recovered materials
803 collected, recycled, or reused during the reporting period; the
804 approximate percentage of recovered materials reused, stored, or
805 delivered to a recovered materials processing facility or
806 disposed of in a solid waste disposal facility; and the
807 locations where any recovered materials were disposed of as
808 solid waste. Information reported under this subsection which,
809 if disclosed, would reveal a trade secret, as defined in s.
810 812.081(1)(c), is confidential and exempt from the provisions of
811 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The
812 local government may charge the dealer a registration fee

813 commensurate with and no greater than the cost incurred by the
814 local government in operating its registration program.
815 Registration program costs are limited to those costs associated
816 with the activities described in this paragraph. Any reporting
817 or registration process established by a local government with
818 regard to recovered materials shall be governed by the
819 provisions of this section and department rules adopted
820 ~~promulgated~~ pursuant thereto.

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

826 Section 23. Paragraph (e) of subsection (1) of section
827 403.813, Florida Statutes, is amended to read:

828 403.813 Permits issued at district centers; exceptions.—

829 (1) A permit is not required under this chapter, chapter
830 373, chapter 61-691, Laws of Florida, or chapter 25214 or
831 chapter 25270, 1949, Laws of Florida, for activities associated
832 with the following types of projects; however, except as
833 otherwise provided in this subsection, ~~nothing in this~~
834 subsection does not relieve ~~relieves~~ an applicant from any
835 requirement to obtain permission to use or occupy lands owned by
836 the Board of Trustees of the Internal Improvement Trust Fund or
837 a any water management district in its governmental or
838 proprietary capacity or from complying with applicable local
839 pollution control programs authorized under this chapter or
840 other requirements of county and municipal governments:

841 (e) The restoration of seawalls at their previous
842 locations or upland of, or within 18 inches ~~1-foot~~ waterward of,
843 their previous locations. However, this shall not affect the
844 permitting requirements of chapter 161, and department rules
845 shall clearly indicate that this exception does not constitute
846 an exception from the permitting requirements of chapter 161.

847 Section 24. Section 403.8141, Florida Statutes, is created
848 to read:

849 403.8141 Special event permits.—The department shall issue
850 permits for special events under s. 253.0345. The permits must
851 be for a period that runs concurrently with the lease or letter
852 of consent issued pursuant to s. 253.0345 and must allow for the
853 movement of temporary structures within the footprint of the
854 lease area.

855 Section 25. Paragraph (b) of subsection (14) and paragraph
856 (b) of subsection (19) of section 403.973, Florida Statutes, are
857 amended, and paragraph (g) is added to subsection (3) of that
858 section, to read:

859 403.973 Expedited permitting; amendments to comprehensive
860 plans.—

861 (3)

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

865 (14)

866 (b) Projects identified in paragraph (3)(f) or paragraph
867 (3)(g) or challenges to state agency action in the expedited
868 permitting process for establishment of a state-of-the-art

869 biomedical research institution and campus in this state by the
870 grantee under s. 288.955 are subject to the same requirements as
871 challenges brought under paragraph (a), except that,
872 notwithstanding s. 120.574, summary proceedings must be
873 conducted within 30 days after a party files the motion for
874 summary hearing, regardless of whether the parties agree to the
875 summary proceeding.

876 (19) The following projects are ineligible for review
877 under this part:

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

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

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

885 3. Extract natural resources.

886 4. Produce oil.

887 5. Construct, maintain, or operate an oil, petroleum,
888 ~~natural gas,~~ or sewage pipeline.

889 Section 26. The amendments made by this act to ss. 403.031
890 and 403.0893, Florida Statutes, apply only to stormwater utility
891 fees billed on or after July 1, 2013, to a beneficiary of a
892 stormwater utility for services provided on or after that date.

893 Section 27. (1) The Legislature ratifies and approves the
894 actions of the Board of Trustees of the Internal Improvement
895 Trust Fund regarding lease numbers 1447, 1971S, 3420, 3433, and
896 3543, and lease numbers 3422 and 1935/1935-S as approved on

897 January 23, 2013, subject to the terms and conditions
898 established by the Board of Trustees as approved on January 23,
899 2013.

900 (2) The Legislature finds that the decision to authorize
901 the use of board of trustees-owned uplands and the use of those
902 lands as set forth in the leases is not contrary to the public
903 interest; that it is in the public interest to waive the
904 competitive bid process; that the leases are not standard
905 agricultural leases; and that such leases should be amended on
906 the terms and conditions as approved by the Board of Trustees.

907 (3) Notwithstanding any other provision of law, the
908 Legislature finds that the lease amendments and extensions
909 approved by the Board of Trustees are necessary for Everglades
910 restoration purposes, are in the public interest, and provide
911 the greatest combination of benefits to the public.

912 Section 28. This act shall take effect July 1, 2013.