

Agriculture & Natural Resources Subcommittee

Wednesday, March 27, 2013

4:30 PM

Reed Hall (102 HOB)

**Will Weatherford
Speaker**

**Matthew H. "Matt" Caldwell
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Agriculture & Natural Resources Subcommittee

Start Date and Time: Wednesday, March 27, 2013 04:30 pm
End Date and Time: Wednesday, March 27, 2013 06:30 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 33 State Lands by Smith
HB 997 Animal Shelters and Animal Control Agencies by Cummings, Patronis
HB 999 Environmental Regulation by Patronis
HB 1193 Taxation Of Property by Beshears, Raburn

Presentation on Springs Protection by the Department of Environmental Protection

Presentation on the Florida State Owned Lands and Records Information System by the Department of Environmental Protection

NOTICE FINALIZED on 03/25/2013 16:10 by Sims-Davis.Linda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 33 State Lands
SPONSOR(S): Smith
TIED BILLS: None **IDEN./SIM. BILLS:** SB 466

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Kaiser <i>JK</i>	Blalock <i>A-F-B</i>
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The Florida Constitution, provides that the fee interest in real property held by an entity of the state and designated for natural resources conservation purposes must be managed for the benefit of the citizens of this state and may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of the governing board.

In addition, current law provides that all lands held in the name of the Board of Trustees of the Internal Improvement Trust Fund (board) are held in trust for the use and benefit of the people of the state. The board is comprised of the Governor and Cabinet and is responsible for the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by the state.

Current law also grants the board with the power to exchange lands vested or titled in the name of the board for other lands in the state owned by local governments, individuals, or private or public corporations. When exchanging conservation lands that were not acquired through gift or donation, the board must request an exchange of equal value, which means the conservation benefit of the lands being offered for exchange is equal to or greater than the conservation benefit of the state-owned lands. The Acquisition and Restoration Council (ARC) is required by law to make the determination of a net-positive conservation benefit, regardless of appraised value. The Division of State Lands (division) within the Department of Environmental Protection (DEP) performs the staff duties related to the board's authority over state lands. Requests for exchanges are handled by the division.

The bill provides that individuals or public or private corporations who own land contiguous to state-owned land can submit a request directly to the board to exchange state-owned land for conservation easements over the privately held land. The bill requires the board to consider the request for exchange within 60 days of receiving it if the privately held land is surrounded by state-owned land on at least 30 percent of its perimeter. The exchange cannot create an inholding. The bill also requires that special consideration be given to requests for exchanges that allow the state to retain a conservation easement in perpetuity.

Lastly, the bill encourages low-impact agricultural operations such as grazing, forest management, prescribed burning, and wildlife management practices on the state-owned lands acquired through the exchange.

The bill appears to have a negative fiscal impact on state and local governments (See Fiscal Comments).

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 253.001, F.S., provides that all lands held in the name of the Board of Trustees of the Internal Improvement Trust Fund (board) are held in trust for the use and benefit of the people of the state pursuant to Art. 11, s. 7 and Art. X, s. 11, of the Florida Constitution. The board is comprised of the Governor and Cabinet and is responsible for the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by the state. The Division of State Lands (division) within the Department of Environmental Protection (DEP) performs the staff duties related to the board's authority over state lands. Requests for exchanges are handled by the division in accordance with Rule 18-2, Florida Administrative Code (F.A.C.).

Article X, section 18 of the Florida Constitution, provides that the fee interest in real property held by an entity of the state and designated for natural resources conservation purposes must be managed for the benefit of the citizens of this state and may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a two-thirds vote of the governing board.

Section 253.42, F.S., grants the board with the power to exchange lands vested or titled in the name of the board for other lands in the state owned by local governments, individuals, or private or public corporations. Any nonconservation lands that were acquired by the state through gift, donation, or any other conveyance for which no consideration was paid must first be offered at no cost to a county or local government, unless otherwise provided in a deed restriction of record or other legal impediment, and so long as the use proposed by the county or local government is for a public purpose. For conservation lands acquired by the state through gift, donation, or any other conveyance for which no consideration was paid, the state may request land of equal conservation value from the county or local government but no other consideration.

When exchanging conservation lands that were not acquired through gift or donation, the board must request an exchange of equal value, which means the conservation benefit of the lands being offered for exchange is equal to or greater than the conservation benefit of the state-owned lands.¹ In exchanges of this type, the Acquisition and Restoration Council (ARC)² must make a determination of a net-positive conservation benefit, regardless of appraised value.

Effect of Proposed Changes

The bill amends s. 253.42, F.S., to provide that individuals or public or private corporations who own privately held land contiguous to state-owned land may submit a request directly to the board to exchange state-owned land for conservation easements over the privately held land.

The bill also provides that if the privately held land is surrounded by state-owned land on at least 30 percent of its perimeter, and the exchange does not create an inholding³, then the board must consider the request within 60 days after receiving it.

¹ Section 253.42(2), F.S.

² The Acquisition and Restoration Council (ARC) is a 10-member group with representatives from various agencies as well as appointees by the governor, the Florida Fish and Wildlife Conservation Commission, and the Commissioner of Agriculture. The ARC is responsible for the evaluation, selection and ranking of state land acquisition and capital improvement projects for the Florida Forever priority list, as well as the review of management plans and land use plans for all state-owned conservation lands.

³ An inholding denotes privately-owned land inside the boundary of a publicly-owned, protected area, such as a national/state park or national/state forest.

In addition, the bill provides that special consideration must be given to a request that allows the state to retain a conservation easement in perpetuity.

Lastly, the bill provides that low-impact operations such as grazing, forest management, prescribed burning, and wildlife management practices on the state-owned lands are strongly encouraged.

B. SECTION DIRECTORY:

Section 1: Amends s. 253.42, F.S., authorizing individuals to submit requests to the Board of Trustees of the Internal Improvement Trust Fund to exchange state-owned land for conservation easements; providing criteria for such requests; and, encouraging certain operations on such lands.

Section 2: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments section below.

2. Expenditures:

See Fiscal Comments section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may have a negative fiscal impact on local governments if the conservation easement resulting from the exchange reduces ad valorem property taxes. This may result in a loss of revenues from property taxes and fees generated from state-owned lands exchanged for conservation easements.

2. Expenditures:

See Fiscal Comments section below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill allows private land owners to receive title to state-owned lands that may not be available for exchange under current law. Also, by obtaining conservation easements on their property, private landowners could potentially reduce the amount of property tax owed.

Public access would be hindered to the extent that state-owned land that becomes the property of a private landowner would no longer be available for public uses, such as hunting, fishing, camping, hiking, etc. Additionally, conservation easements acquired by the state in exchange for state-owned land do not inherently contain a public right of access.

The silvicultural industry may be affected if acreage is taken out of production.

D. FISCAL COMMENTS:

The Department of Environmental Protection states that the bill could result in a negative fiscal impact, but the exact amount is indeterminate.

The Department of Agriculture and Consumer Services estimates that the bill could result in an annual net loss of approximately \$1.1 million: \$800,000 from timber sales and other forest products and \$300,000 from uses such as oil, gas, and mineral exploration, as well as seismic testing. Additionally, the state could incur annual expenditures of approximately \$250,000 associated with additional staff to process land negotiations as well as the costs associated with surveying, maps, brochures, and reestablishing fire breaks, roads, and fencing.

The Florida Fish and Wildlife Commission stated that the legislation could result in a reduction of revenues generated on state-owned lands from public use fees, timber harvests, grazing, and other allowable uses of state-owned lands that currently generate revenue for the state. However, the board would have the discretion as to whether to approve the exchange of any land that could result in a loss of revenue to a specific governmental entity. The bill could also potentially reduce the state's land management costs, since the cost to the state of compliance monitoring for conservation easements is less than the costs for management of full-fee state-owned lands.

Proponents of the bill state this legislation will alleviate land management costs for the state by transferring the land to private ownership. Additionally, the privately-held land will be returned to the tax rolls, thus providing revenue for local governments.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal government.

2. Other:

Pursuant to Article X Section 18 of the Florida Constitution, "real property held by the state and designated for natural resources conservation purposes may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of the governing board."

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The first line of the title of the bill contains the words "relating to" twice. This should be corrected through the amendatory process.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

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A bill to be entitled
An act relating to relating to state lands; amending
s. 253.42, F.S.; authorizing individuals and
corporations to submit requests to the Board of
Trustees of the Internal Improvement Trust Fund to
exchange state-owned land for conservation easements
over privately held land; providing criteria for
consideration of such requests; encouraging certain
operations on such lands; providing an effective date.

WHEREAS, the Legislature finds that significant economic
forces compel the state to be innovative in seeking new ways to
expand the protection and conservation of undeveloped lands
while reducing the overall fiscal impact to the state, and

WHEREAS, many of these undeveloped lands are held in
private ownership by individuals or by private or public
corporations and are contiguous to existing state-owned land,
and

WHEREAS, the Legislature recognizes that these individuals
or corporations may have additional management resources that
would assist in the conservation and protection of natural
resources on such lands and allow the state to increase the
amount of land under protective covenants, and

WHEREAS, it is the intent of the Legislature to encourage
the use of conservation easements over privately held land
through the exchange of state-owned land, to secure the future
of natural resource-based recreation areas, and to ensure the
survival of plant and animal species and the conservation of

29 finite and renewable natural resources, NOW, THEREFORE,

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

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33 Section 1. Subsection (4) is added to section 253.42,
34 Florida Statutes, to read:

35 253.42 Board of trustees may exchange lands.—The
36 provisions of this section apply to all lands owned by, vested
37 in, or titled in the name of the board whether the lands were
38 acquired by the state as a purchase, or through gift, donation,
39 or any other conveyance for which no consideration was paid.

40 (4) (a) An individual or a private or public corporation
41 with privately held land contiguous to state-owned land may
42 submit a request directly to the board to exchange state-owned
43 land for conservation easements over the privately held land.

44 (b) If the privately held land is surrounded by state-
45 owned land on at least 30 percent of its perimeter, and the
46 exchange does not create an inholding, the board shall consider
47 such request within 60 days after receipt of the request.

48 (c) Special consideration shall be given to a request
49 submitted pursuant to this subsection that allows the state to
50 retain a conservation easement in perpetuity. Furthermore, low-
51 impact operations such as grazing, forest management, prescribed
52 burning, and wildlife management practices are strongly
53 encouraged on such lands.

54 Section 2. This act shall take effect July 1, 2013.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Smith offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

8 Section 1. Subsection (4) is added to section 253.42, Florida
 9 Statutes, to read:

10 253.42 Board of trustees may exchange lands.—The
 11 provisions of this section apply to all lands owned by, vested
 12 in, or titled in the name of the board whether the lands were
 13 acquired by the state as a purchase, or through gift, donation,
 14 or any other conveyance for which no consideration was paid.

15 (4) (a) A private individual or a private or public
 16 corporation with privately held land contiguous to state-owned
 17 land may submit a request directly to the board to exchange
 18 state-owned land for a permanent conservation easement over
 19 privately held land. This subsection does not apply to any
 20 state-owned sovereign submerged lands.



Amendment No.

21 (b) The exchange may be in an amount of state-owned land
22 equal in size to the monetary equivalent of privately held land
23 that the individual or private or public corporation is willing
24 to put into a permanent conservation easement, not to exceed
25 1280 acres per exchange.

26 (c) The board shall maintain a permanent conservation
27 easement over the state-owned land being exchanged under this
28 subsection that is similar to the permanent conservation
29 easement that is being established over the privately owned
30 land.

31 (d) The board shall consider such request within 180 days
32 after receipt and may approve the request only if:

33 1. The privately held land is surrounded by state-owned
34 land on at least 30 percent of its perimeter, and the exchange
35 does not create an inholding.

36 2. The board makes an affirmative determination that the
37 property is no longer needed for conservation purposes pursuant
38 to Article X, Section 18 of the Florida Constitution.

39 3. The approval does not result in the board, department,
40 Department of Agriculture and Consumer Services, Fish and
41 Wildlife Conservation Commission, or any of the water management
42 districts violating the terms of a preexisting lease agreement.

43 4. The exchange of privately held land and state-owned
44 land pursuant to paragraph (a) will not result in a net loss of
45 conservation value.

46 5. Such request is approved by a two-thirds vote of the
47 board.



Amendment No.

48 (e) Low-impact operations such as grazing, forest
49 management, prescribed burning, and wildlife management
50 practices shall be allowed on such land. Special consideration
51 shall be given to a request submitted pursuant to this
52 subsection that maintains public access for any recreational
53 purposes allowed on the state-owned land at the time the request
54 is submitted to the board.

55 (f) If any land uses or activities occur on the state-owned
56 land being transferred to an individual or public or private
57 corporation that are not authorized under the permanent
58 conservation easement, then the land rights of the state and the
59 individual or private or public corporation shall revert back to
60 the condition prior to the initial exchange, unless the private
61 individual or public or private corporation ends the
62 unauthorized use or activity and corrects any adverse impacts to
63 the property resulting from such use or activity to the
64 satisfaction of the department within 60 days.

65 (g) Lands that are exchanged pursuant to this subsection
66 are subject to inspection by the department to ensure compliance
67 with the terms of all permanent conservation easements
68 constituting the exchange.

69 Section 2. This act shall take effect July 1, 2013.

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T I T L E A M E N D M E N T



Amendment No.

76 Remove everything before the enacting clause and insert:
77 An act relating to state lands; amending s. 253.42,
78 F.S.; authorizing individuals and corporations to
79 submit requests to the Board of Trustees of the
80 Internal Improvement Trust Fund to exchange state-
81 owned land for conservation easements over privately
82 held land; providing criteria for consideration of
83 such requests; authorizing certain operations on such
84 lands; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 997 Animal Shelters and Animal Control Agencies

SPONSOR(S): Cummings and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 674, HB 871

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Kaiser <i>JK</i>	Blalock <i>NFB</i>
2) Local & Federal Affairs Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

According to the Humane Society of the United States (HSUS), animal shelters across the nation take in and care for approximately 6-8 million dogs and cats every year, of whom approximately half are euthanized due to health issues, behavioral issues, or a lack of space.

Current law provides that to control the over-population of dogs and cats in the state, any public or private animal shelter or animal control agency operated by a humane society or a county, city, or other incorporated political subdivision must sterilize dogs and cats that are sold or released for adoption. Animal shelters may either provide sterilization by a licensed veterinarian before relinquishing custody of the animal or enter into an agreement with the adopter or purchaser guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity.

The bill provides that each public or private animal shelter¹ must prepare and maintain records and make them available for public inspection and dissemination for the 3 preceding years. The records must contain:

- The total number of dogs and cats taken in by the animal shelter, divided into species, in the following categories: surrendered by owner, stray, impounded, confiscated, and imported into the state. Feral cats must be recorded as a separate category from other cats. Species other than domestic dogs and cats must be recorded as "other."
- The disposition of all animals taken in by the animal shelter divided into species. The data must include dispositions by adoption, reclamation by owner, death in kennel, destruction at the owner's request, transfer to another animal shelter, and euthanasia.
- An animal shelter which routinely euthanizes dogs based on size or breed alone must provide a written statement of such policy. Dogs euthanized due to breed, temperament, or size must be recorded and included in the calculation of the total euthanasia percentage.

The records of the animal shelter must be made available to the public for a cost that does not exceed \$1 per one-sided copy.

The bill does not appear to have a fiscal impact on state government and has only an insignificant fiscal impact on local government.

¹ "Animal shelter" means any public or private animal shelter or animal control agency operated by a humane society that accepts taxpayer dollars, or a county, city, or other incorporated political subdivision.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

According to the Humane Society of the United States (HSUS), animal shelters across the nation take in and care for approximately 6-8 million dogs and cats every year, of whom approximately half are euthanized due to health issues, behavioral issues or a lack of space. One cat and her offspring can produce up to 370,000 kittens in seven years and one dog and her offspring can produce up to 67,000 puppies in seven years. With the increase of stray, abandoned, and feral cats and dogs on the rise, many communities are implementing programs and services to reduce birthrates, increase adoptions, and keep animals with responsible caretakers.

Section 823.15, F.S., currently provides that to control the over-population of dogs and cats in the state, any public or private animal shelter or animal control agency² operated by a humane society or a county, city, or other incorporated political subdivision must sterilize dogs and cats that are sold or released for adoption. Animal shelters may either provide sterilization by a licensed veterinarian before relinquishing custody of the animal or enter into an agreement with the adopter or purchaser guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity. The animal shelter must require a sufficient deposit from the adopter or purchaser, which will be refunded when written evidence by the veterinarian performing the sterilization that the animal has been sterilized is provided to the animal shelter. The animal shelter may use recommended guidelines established by the Florida Federation of Humane Societies to set the amount of the deposit or donation. Failure by either party to comply with these provisions is a noncriminal violation, punishable by a fine not to exceed \$500, forfeiture, or other civil penalty. In addition, the fine or donation shall be forfeited to the animal shelter. Any legal fees or court costs incurred in enforcement of these provisions are the responsibility of the adopter. At the request of a licensed veterinarian, and for a valid reason, the animal shelter can extend the time limit within which the animal must be sterilized.

All costs of sterilization must be paid by the prospective adopter unless otherwise provided for by ordinance of the local governing body, with respect to animal control agencies or shelters operated or subsidized by a unit of local government, or provided for by the humane society governing body, with respect to an animal control agency or shelter operated solely by the humane society and not subsidized by public funds.

Effect of Proposed Changes

The bill amends s. 823.15, F.S., to provide a legislative intent that the importation of dogs and cats into, and the uncontrolled breeding of dogs and cats in, the state pose a risk to the well-being of dogs and cats, the health of humans and animals, and the agricultural interests in the state. The bill further states that importation of dogs and cats from outside the United States may result in transmitting diseases that have already been eradicated in the country to dogs, cats, other animals, and humans living in the state. The bill states that determining which programs result in improved adoption rates and in reduced euthanasia rates for animals in shelters and animal control agencies is crucial to reducing uncontrolled breeding.

The bill provides that each public or private animal shelter, humane organization, or animal control agency operated by a humane organization that accepts taxpayer dollars, or by a county, municipality, or other incorporated political subdivision, must prepare and maintain records and make them available for public inspection and dissemination for the 3 preceding years. The records must contain:

² For ease of reading in this analysis, "animal shelter" means any public or private animal shelter or animal control agency operated by a humane society or a county, city, or other incorporated political subdivision.

- The total number of dogs and cats taken in by the animal shelter, humane organization, or animal control agency, divided into species, in the following categories: surrendered by owner, stray, impounded, confiscated, and imported into the state. Feral cats must be recorded as a separate category from other cats. Species other than domestic dogs and cats must be recorded as "other."
- The disposition of all animals taken in by a public or private animal shelter, humane organization, or animal control agency operated by a humane society that accepts taxpayer dollars, or by a county, municipality, or other incorporated political subdivision, divided into species. The data must include dispositions by adoption, reclamation by owner, death in kennel, destruction at the owner's request, transfer to another public or private animal shelter, humane organization, or animal control agency operated by a humane society that accepts taxpayer dollars, or by a county, municipality, or other incorporated political subdivision, and euthanasia.
- A public or private animal shelter, humane organization, or animal control agency operated by a humane society that accepts taxpayer dollars, or by a county, municipality, or other incorporated political subdivision which routinely euthanizes dogs based on size or breed alone must provide a written statement of such policy. Dogs euthanized due to breed, temperament, or size must be recorded and included in the calculation of the total euthanasia percentage.

The records of a public or private animal shelter, humane organization, or animal control agency operated by a humane society that accepts taxpayer dollars must be made available to the public for a cost that does not exceed \$1 per one-sided copy.

B. SECTION DIRECTORY:

Section 1: Amends s. 823.15, F.S.; providing legislative priorities relating to the importation and uncontrolled breeding of dogs and cats; requiring that each public or private animal shelter, humane organization, or animal control agency operated by a humane society or by a county, municipality, or other incorporated political subdivision prepare and maintain specified records; specifying the information that must be included in the records; and, providing a maximum fee for copies of such records.

Section 2: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments section

2. Expenditures:

See Fiscal Comments section

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private animal control facilities and shelters may have an increase in costs associated with complying with the reporting requirements of the bill if they are not already collecting that information.

D. FISCAL COMMENTS:

City and county animal shelters and animal control agencies may have an increase in costs associated with complying with the reporting requirements of the bill if they are not already collecting that information. The bill allows animal shelters and animal control agencies to charge the public a fee not to exceed \$1 per one-sided copy.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of article VII, section 18, of the Florida Constitution may apply because this bill requires municipalities or counties to expend funds to comply with the provisions of the bill; however, an exemption may apply because the bill has an insignificant fiscal impact.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

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A bill to be entitled
 An act relating to animal shelters and animal control agencies; amending s. 823.15, F.S.; declaring legislative priorities relating to the importation and uncontrolled breeding of dogs and cats; requiring that each public or private animal shelter, humane organization, or animal control agency operated by a humane society or by a county, municipality, or other incorporated political subdivision prepare and maintain specified records; specifying the information that must be included in the records; providing a maximum fee for copies of such records; providing an effective date.

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

Section 1. Subsection (1) of section 823.15, Florida Statutes, is amended, present subsections (2) and (3) are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

823.15 Dogs and cats released from animal shelters or animal control agencies; sterilization requirement.—

(1) The Legislature has determined that the importation of dogs and cats into, and the uncontrolled breeding of dogs and cats in, this state pose risks to the well-being of dogs and cats, the health of humans and animals, and the agricultural interests in this state. Importation of dogs and cats from outside the United States could result in the transmission of

29 | diseases that have been eradicated in the United States to dogs
 30 | and cats, other animals, and humans living in this state.
 31 | Uncontrolled breeding ~~The Legislature has determined that~~
 32 | ~~uncontrolled breeding of dogs and cats in the state~~ results in
 33 | the birth production of many more puppies and kittens than are
 34 | needed to provide pet animals to new owners or to replace pet
 35 | animals that ~~which~~ have died or become lost ~~or to provide pet~~
 36 | ~~animals for new owners.~~ This leads to many dogs, cats, puppies,
 37 | and kittens being unwanted, becoming strays and suffering
 38 | privation and death, being impounded and destroyed at great
 39 | expense to the community, and constituting a public nuisance and
 40 | public health hazard. It is therefore declared to be the public
 41 | policy of the state that every feasible means be used to reduce
 42 | the incidence of birth ~~of reducing the production~~ of unneeded
 43 | and unwanted puppies and kittens ~~be encouraged.~~ Determining
 44 | which programs result in improved adoption rates and in reduced
 45 | euthanasia rates for animals in shelters and animal control
 46 | agencies is crucial to this effort.

47 | (2) (a) Each public or private animal shelter, humane
 48 | organization, or animal control agency operated by a humane
 49 | organization that accepts taxpayer dollars, or by a county,
 50 | municipality, or other incorporated political subdivision, shall
 51 | prepare and maintain the following records and make them
 52 | available for public inspection and dissemination for the 3
 53 | preceding years:

54 | 1. The total number of dogs and cats taken in by the
 55 | animal shelter, humane organization, or animal control agency,
 56 | divided into species, in the following categories:

- 57 | a. Surrendered by owner;
- 58 | b. Stray;
- 59 | c. Impounded;
- 60 | d. Confiscated; and
- 61 | e. Imported into the state.

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63 | Feral cats shall be recorded as a separate category from other

64 | cats. Species other than domestic cats and domestic dogs should

65 | be recorded as "other."

66 | 2. The disposition of all animals taken in by a public or

67 | private animal shelter, humane organization, or animal control

68 | agency operated by a humane society that accepts taxpayer

69 | dollars, or by a county, municipality, or other incorporated

70 | political subdivision, divided into species. These data must

71 | include dispositions by:

- 72 | a. Adoption;
- 73 | b. Reclamation by owner;
- 74 | c. Death in kennel;
- 75 | d. Destruction at the owner's request;
- 76 | e. Transfer to another public or private animal shelter,
- 77 | humane organization, or animal control agency operated by a
- 78 | humane society that accepts taxpayer dollars or by a county,
- 79 | municipality, or other incorporated political subdivision; and
- 80 | f. Euthanasia.

81 | 3. A public or private animal shelter, humane

82 | organization, or animal control agency operated by a humane

83 | society that accepts taxpayer dollars, or by a county,

84 | municipality, or other incorporated political subdivision which

HB 997

2013

85 routinely euthanizes dogs based on size or breed alone must
86 provide a written statement of such policy. Dogs euthanized due
87 to breed, temperament, or size must be recorded and included in
88 the calculation of the total euthanasia percentage.

89 (b) Records of a public animal shelter, humane
90 organization, or animal control agency operated by a humane
91 society that accepts taxpayer dollars must be made available to
92 the public for a cost that does not exceed \$1 per one-sided
93 copy.

94 Section 2. This act shall take effect July 1, 2013.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
2 Resources Subcommittee
3 Representative Cummings offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 823.15, Florida Statutes, is amended, present subsections (2) and (3) are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

823.15 Dogs and cats released from animal shelters or animal control agencies; sterilization requirement.—

(1) The Legislature has determined that the importation of dogs and cats into, and the uncontrolled breeding of dogs and cats in, this state pose risks to the well-being of dogs and cats, the health of humans and animals, and the agricultural interests in this state. Importation of dogs and cats from outside the United States could result in the transmission of diseases that have been eradicated in the United States to dogs and cats, other animals, and humans living in this state.



Amendment No.

21 Uncontrolled breeding ~~The Legislature has determined that~~
22 ~~uncontrolled breeding of dogs and cats in the state~~ results in
23 the birth production of many more puppies and kittens than are
24 needed to provide pet animals to new owners or to replace pet
25 animals that which have died or become lost ~~or to provide pet~~
26 ~~animals for new owners~~. This leads to many dogs, cats, puppies,
27 and kittens being unwanted, becoming strays and suffering
28 privation and death, being impounded and destroyed at great
29 expense to the community, and constituting a public nuisance and
30 public health hazard. It is therefore declared to be the public
31 policy of the state that every feasible means be used to reduce
32 the incidence of birth of reducing the production of unneeded
33 and unwanted puppies and kittens ~~be encouraged~~. Determining
34 which programs result in improved adoption rates and in reduced
35 euthanasia rates for animals in shelters and animal control
36 agencies is crucial to this effort.

37 (2) (a) Each public or private animal shelter, humane
38 organization, or animal control agency operated by a humane
39 organization that accepts taxpayer dollars, or by a county,
40 municipality, or other incorporated political subdivision, shall
41 prepare and maintain the following records and make them
42 available for public inspection and dissemination for the 3
43 preceding years. The following data will be available on a
44 monthly basis commencing July 31, 2013:

45 1. The total number of dogs and cats taken in by the
46 animal shelter, humane organization, or animal control agency,
47 divided into species, in the following categories:

48 a. Inventory on the first business day of the month;



Amendment No.

- 49 b. Surrendered by owner;
50 c. Stray;
51 d. Impounded;
52 e. Confiscated;
53 f. Transferred from within Florida;
54 g. Transferred into or imported from out of the state; and
55 h. Born in shelter.

56
57 Species other than domestic cats and domestic dogs should be
58 recorded as "other."

59 2. The disposition of all animals taken in by a public or
60 private animal shelter, humane organization, or animal control
61 agency operated by a humane society that accepts taxpayer
62 dollars, or by a county, municipality, or other incorporated
63 political subdivision, divided into species. These data must
64 include dispositions by:

- 65 a. Adoption;
66 b. Reclamation by owner;
67 c. Death in kennel;
68 d. Euthanasia at the owner's request;
69 e. Transfer to another public or private animal shelter,
70 humane organization, or animal control agency operated by a
71 humane society that accepts taxpayer dollars or by a county,
72 municipality, or other incorporated political subdivision;
73 f. Euthanasia;
74 g. Died in care for reason other than euthanasia;
75 h. Released in field/Trapped, Neutered, Released (TNR);
76 i. Lost in care/missing animals or records; and



Amendment No.

77 j. Ending inventory/shelter count at end of the last day
78 of the month.

79 3. A public or private animal shelter, humane
80 organization, or animal control agency operated by a humane
81 society that accepts taxpayer dollars, or by a county,
82 municipality, or other incorporated political subdivision which
83 routinely euthanizes dogs based on size or breed alone must
84 provide a written statement of such policy. Dogs euthanized due
85 to breed, temperament, or size must be recorded and included in
86 the calculation of the total euthanasia percentage.

87 (b) Records of a public animal shelter, humane
88 organization, or animal control agency operated by a humane
89 society that accepts taxpayer dollars must be made available to
90 the public pursuant to provisions in chapter 119. The entities
91 referenced in this section that have websites may post these
92 records online in addition to making available the required hard
93 copies. Records must be maintained onsite for not less than 3
94 years.

95 Section 2. This act shall take effect July 1, 2013.

96
97

98 -----

99 **T I T L E A M E N D M E N T**

100 Remove everything before the enacting clause and insert:
101 An act relating to animal shelters and animal control agencies;
102 amending s. 823.15, F.S.; declaring legislative priorities
103 relating to the importation and uncontrolled breeding of dogs
104 and cats; requiring that each public or private animal shelter,



Amendment No.

105 humane organization, or animal control agency operated by a
106 humane society or by a county, municipality, or other
107 incorporated political subdivision prepare and maintain
108 specified records; specifying the information that must be
109 included in the records; providing a maximum fee for copies of
110 such records; providing that records may be posted online;
111 providing how long records must be maintained onsite; providing
112 an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 999 Environmental Regulation
SPONSOR(S): Patronis
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1684

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Renner <i>JR</i>	Blalock <i>AFB</i>
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The bill creates, amends, and revises numerous provisions relating to environmental regulation and permitting, including:

- Providing that when reviewing an application for a development permit, local governments cannot request additional information from an applicant more than three times, unless the applicant waives the limitation in writing.
- Providing that the Board of Trustees of the Internal Improvement Trust Fund is authorized to issue leases or consents of use to special event promoters and boat show owners to allow the installation of temporary structures. The lease or consent must include an exemption from lease fees and must be for a period not to exceed 30 days and for a duration not to exceed 10 consecutive years.
- Defining “first-come, first-served basis” as it relates to marinas; providing requirements for the calculation of lease fees for certain marinas; and providing conditions for the discount and waiver of lease fees for certain marinas, boatyards, and marine retailers.
- Providing general permits for local governments to construct certain marinas and mooring fields.
- Providing that when there are competing consumptive use permit applications, a water management district (WMD) or the Department of Environmental Protection (DEP) must have also issued an affirmative proposed agency action for each application before the WMD or DEP has the right to approve or modify the application that best serves the public interest.
- Providing that the issuance of well permits is the sole responsibility of WMDs and prohibiting government entities from imposing requirements and fees associated with the installation and abandonment of a groundwater well.
- Providing that licensure of water well contractors by a WMD must be the only water well construction license required for the construction, repair, or abandonment of water wells in the state or any political subdivision.
- Defining the term “mean annual flood line” for the purpose of delineating wetlands and surface waters.
- Exempting certain ponds, ditches, and wetlands from regulatory requirements, and exempting certain water control districts from local wetlands or water quality regulations.
- Requiring WMDs to coordinate and cooperate with the Department of Agriculture and Consumer Services (DACS) in its regional water supply planning process.
- Providing that a person can bring a cause of action for damages resulting from a discharge of certain pollution if not regulated or authorized pursuant to chapter 403, F.S.
- Providing requirements and conditions for water quality testing, sampling, collection, and analysis by DEP.
- Extending the payment deadline of permit fees for major sources of air pollution.
- Providing that a permit is not required for the restoration of seawalls at their previous locations or upland of, or within 18 inches, instead of 12 inches, waterward of their previous locations.
- Authorizing DEP to establish general permits for special events relating to boat shows.

The bill appears to have a fiscal impact on state and local government. See Fiscal Comments Section.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Section 1 amends s. 125.022, F.S., and Section 2 amends s. 166.033, F.S., relating to development permit applications by local governments.

Current Situation

A development permit, as defined in s. 163.3164, F.S., is any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. Pursuant to ss. 125.022 and 166.033, F.S., when a county or municipality denies an application for a development permit, the county or municipality must give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit.

For any development permit application filed with a county or municipality after July 1, 2012, that county or municipality is prohibited from requiring as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county or municipality action on the local development permit. The issuance of a development permit by a county or municipality does not create any rights on the part of the county or municipality for issuance of the permit if the applicant fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county or municipality can attach such a disclaimer to the issuance of a development permit and can include a permit condition that all other applicable state or federal permits be obtained prior to commencement of the development. This does not prohibit a county or municipality from providing information to an applicant regarding what other state or federal permits may apply.

Effect of Proposed Changes

The bill amends ss. 125.022 and 163.033, F.S., to provide that when reviewing an application for a development permit, counties and municipalities cannot request additional information from an applicant more than three times, unless the applicant waives the limitation in writing. The first request must be reviewed and approved in writing by the permit processor's supervisor or department director or manager. The second request must be approved by a department or division director or manager. Subsequent requests must be approved in writing by the local government administrator or equivalent chief administrative officer. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county or municipality, at the applicant's request, must proceed to process the application.

Section 3 amends s. 253.0345, F.S., relating to special events on sovereign submerged lands.

Current Situation

Upon statehood, Florida gained title to all sovereign submerged lands¹ within its boundaries, to be held in trust for the public.² The Board of Trustees of the Internal Improvement Trust Fund (BOT) is responsible for the acquisition, administration, management, control, supervision, conservation,

¹ In Florida, "submerged lands" are "publicly owned lands below the ordinary high-water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state." Section 253.03(8)(b), F.S.

² *Broward v. Marbry*, 50 So. 826, 829-30 (Fla. 1909)

protection, and disposition of such lands.³ The Florida Constitution requires the sale of such lands to be authorized by law, but only when in the public interest, and private use of portions of such lands may be authorized by law, but only when not contrary to the public interest.⁴

Florida recognizes "riparian rights" for landowners with waterfront property bordering on navigable waters.⁵ Section 253.141(1), F.S., provides that these rights include ingress, egress, boating, bathing, fishing, and others as defined by law. Riparian landowners must obtain the board's authorization for installation and maintenance of docks, piers, and boat ramps on sovereign submerged land.⁶ Under the board's rules, "dock" generally means a fixed or floating structure, including moorings and access walkways, used for the purpose of mooring and accessing vessels.⁷ Authorization may be in the form of consent by rule, letter of consent, or lease.⁸ All leases authorizing activities on sovereign submerged lands must include provisions for lease fee adjustments and annual payments.⁹

Section 253.0345, F.S., provides that the BOT is authorized to issue consents of use or leases to riparian landowners and event promoters to allow the installation of temporary structures, including docks, moorings, pilings, and access walkways, on sovereign submerged lands solely for the purpose of facilitating boat shows and displays in, or adjacent to, established marinas or government owned upland property. Riparian owners of adjacent uplands who are not seeking a lease or consent of use must be notified by certified mail of any request for such a lease or consent of use prior to approval by the BOT. The BOT must balance the interests of any objecting riparian owners with the economic interests of the public and the state as a factor in determining whether a lease or consent of use should be executed over the objection of adjacent riparian owners. This does not apply to structures for viewing motorboat racing, high-speed motorboat contests or high-speed displays in waters that manatees are known to frequent.

Any special event must be for a period not to exceed 30 days. The lease or consent of use may also contain appropriate requirements for removal of the temporary structures, including the posting of sufficient surety to guarantee appropriate funds for removal of the structures should the promoter or riparian owner fail to do so within the time specified in the agreement.

Effect of Proposed Changes

The bill amends s. 253.0345, F.S., to provide that the BOT is authorized to issue leases or consents of use to special event promoters, and boat show owners to allow the installation of temporary structures, including docks, moorings, pilings, and access walkways, on sovereign submerged lands solely for the purpose of facilitating boat shows and displays in, or adjacent to, established marinas or government-owned upland property. A lease or consent of use for a special event under this section must include an exemption from lease fees and must be for a period not to exceed 30 days and for a duration not to exceed 10 consecutive years.

Section 4 creates s. 253.0346, F.S., relating to lease of sovereignty submerged lands for marinas, boatyards, and marine retailers.

Current Situation

As stated above, the BOT is responsible for the administration and disposition of the state's sovereign submerged lands, which gives it the authority to adopt regulations pertaining to anchoring, mooring, or

³ Section 253.03(1), F.S.

⁴ Article X, Section 11 of the Florida Constitution

⁵ Section 253.141(1), F.S. These rights are appurtenant to and inseparable from the riparian land; the rights inure to the property owner, but the rights are not proprietary in nature. *Id.*

⁶ Rule 18-21.005(1)(d), F.A.C.

⁷ See Rule 18-20.003(19), F.A.C.; 18-21.003(2), F.A.C.

⁸ Rule 18.21.005(1), F.A.C.

⁹ Rule 18-21.008(1)(b)(2), F.A.C.

otherwise attaching to the bottom and the establishment of anchorages. Waterfront landowners must receive the board's authorization to build docks and related structures on sovereign submerged lands. DEP is required by law to perform all staff functions on behalf of the board.

Specific management policies, standards, and criteria are used in determining whether to approve, approve with conditions, or deny requests for activities on sovereignty submerged lands. Rule 18-21.004, F.A.C., identifies such criteria under the following categories:

- General proprietary.
- Resource management.
- Riparian rights.
- Private residential multi-family docks and piers.
- Special events.
- Sovereign and state owned springs and spring runs.
- General conditions for authorization.

When determining whether to approve or deny uses for sovereignty submerged land leases, the BOT must consider whether such uses pass a "public interest" test. Public interest is defined as the demonstrable environmental, social, and economic benefit which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action. In determining the public interest in a request for use, sale, lease, or transfer of interest in sovereignty lands or severance of materials from sovereignty lands, the BOT must consider the ultimate project and purpose to be served by said use, sale, lease, or transfer of lands or materials.¹⁰ Using such policies, standards, and criteria established for each category, approved uses for sovereignty submerged lands are determined.

Rule 18-21.008, F.A.C., outlines the application process, categories, and terms for leases of sovereignty submerged land. There are currently three categories for leases identified in this rule. They are:

- Standard lease – Standard lease terms are for 5 years with the exception of leases for marinas, where at least 90 percent of the slips are maintained for rent to the public on a first-come, first-served basis, which are for 10 years.
- Extended term leases – Extended term leases are those with terms in excess of standard leases and are available for up to 25 years. Such leases are for activities that will have an expected life equal to or greater than the requested lease term. Those leases include:
 - Facilities or activities that provide public access.
 - Facilities constructed, operated, or maintained by government or funded by government secured bonds.
 - Facilities that have other unique operational characteristics as determined by the board.
- Oil and gas lease – Oil and gas leases are issued on a competitive bid basis for terms as determined by the board. However, no such leases have been issued as s. 377.242, F.S., prohibits the drilling for oil, gas, or other petroleum products on any sovereignty submerged land.

The Florida Clean Marina Program is a voluntary designation program with a proactive approach to environmental stewardship. Participants receive assistance in implementing best management practices through on-site and distance technical assistance, mentoring by other Clean Marinas and continuing education. To become designated as a Clean Marina, facilities must implement a set of environmental measures designed to protect Florida's waterways. These measures address critical environmental issues such as sensitive habitat, waste management, stormwater control, spill prevention, and emergency preparedness.¹¹

¹⁰ Rule 18-21.003, F.A.C.

¹¹ DEP website on Florida Clean Marina Programs. See <http://www.dep.state.fl.us/cleanmarina/about.htm>

The Florida Clean Boatyard Program is a voluntary designation program that encourages boatyards to implement environmentally conscious practices. Measures such as using dustless sanders, oil and solvent recycling, and re-circulating pressure wash systems to recycle wastewater help to preserve the state's natural resources for future generations.¹²

The Florida Clean Marine Retailer Program is a voluntary designation program that encourages marine retailers to educate boaters by providing information to those who purchase vessels on clean boating practices. A Clean Marine Retailer employs environmental best management practices in its boat and engine service operations and facilities.¹³

As of June 21, 2013, there are 263 designated Clean Marinas, 38 Clean Boatyards, and 17 Clean Marine Retailers throughout the state.¹⁴

Effect of Proposed Changes

The bill creates s. 253.0346, F.S., relating to the lease of sovereignty submerged lands for marinas, boatyards, and marine retailers. The bill defines "first-come, first-served basis" to mean the facility operates on state-owned submerged land for which:

- There is not a club membership, stock ownership, equity interest, or other qualifying requirement.
- Rental terms do not exceed 12 months and do not include automatic renewal rights or conditions.

For marinas that are open to the public on a first-come, first-served basis and for which at least 90% of the slips are open to the public, the following requirements apply:

- The annual lease fee for a standard-term lease must be 6% of the annual gross dockage income. DEP may not include pass-through charges in calculating gross dockage income.
- A discount of 30% on the annual lease fee must apply if dockage rate sheet publications and dockage advertising clearly state that slips are open to the public on a first-come, first-served basis.

For a facility designated by DEP as a Clean Marina, Clean Boatyard, or Clean Marine Retailer under the Clean Marina Program, the following requirements apply:

- A discount of 10% on the annual lease fee must apply if the facility:
 - Actively maintains designation under the program.
 - Complies with the terms of the lease.
 - Does not change use during the term of the lease.
- Extended-term lease surcharges must be waived if the facility:
 - Actively maintains designation under the program.
 - Complies with the terms of the lease.
 - Does not change use during the term of the lease.
 - Is available to the public on a first-come, first-served basis.

If the facility has unpaid lease fees or fails to comply with this section, the facility is not eligible for the discount or waiver under this section until the debts have been paid and compliance with the program has been met.

¹² *Id.*

¹³ *Id.*

¹⁴ DEP website on Florida Clean Marine Programs. See <http://www.dep.state.fl.us/cleanmarina/default.htm>

This section only applies to new leases or amendments to leases effective after July 1, 2013.

Section 5 amends s. 373.118, F.S., relating to general permits for local governments to construct certain marinas and mooring fields.

Current Situation

Section 373.118(4), F.S., directs DEP to adopt one or more general permits for local governments to construct, operate, and maintain public marina facilities, public mooring fields, public boat ramps, including associated courtesy docks, and associated parking facilities located in uplands. A facility authorized under these general permits is exempt from review as a development of regional impact if the facility complies with the comprehensive plan of the applicable local government. Such facilities must be consistent with the local government manatee protection plan required pursuant to chapter 379, F.S., and must obtain Clean Marina Program status prior to opening for operation and maintain that status for the life of the facility. Marinas and mooring fields authorized under any such general permit cannot exceed an area of 50,000 square feet over wetlands and other surface waters.

Effect of Proposed Changes

The bill amends s. 373.118(4), F.S., to provide that the expansion of any marina, whether private or government-owned, for which the services of at least 90% of the slips are open to the public on a first-come, first-served basis authorized under the general permit described above cannot exceed an additional area of 50,000 square feet over wetlands and other surface waters. The bill also provides that mooring fields authorized under a general permit cannot exceed 100 vessels.

Section 6 amends s. 373.233, F.S., relating to competing applications for the consumptive use of water permits.

Current Situation

A consumptive use permit (CUP) establishes the duration and type of water use as well as the maximum amount that may be used. Pursuant to s. 373.219, F.S., each CUP must be consistent with the objectives of the WMD and not harmful to the water resources of the area. To obtain a CUP, an applicant must establish that the proposed use of water satisfies the statutory test, commonly referred to as "the three-prong test." Specifically, the proposed water use: 1) must be a "reasonable-beneficial use" as defined in s. 373.019, F.S.; 2) must not interfere with any presently existing legal use of water; and 3) must be consistent with the public interest.

Section 373.233, F.S., provides that if two or more applications that otherwise comply with the provisions of Part II of chapter 373, F.S., are pending for a quantity of water that is inadequate for both or all applications, or that for any other reason are in conflict, the governing board of the WMD or DEP has the right to approve or modify the application which best serves the public interest.

Effect of Proposed Changes

The bill amends s. 373.233, F.S., to provide that where there are competing CUP applications as described above, the governing board of a WMD or DEP must have also issued an affirmative proposed agency action for each application, before the governing board of a WMD or DEP has the right to approve or modify the application which best serves the public interest.

Section 7 amends s. 373.308, F.S., relating to well permits issued by water management districts.

Current Situation

Section 373.308, F.S., directs DEP to authorize the governing board of a WMD to implement a program for the issuance of permits for the location, construction, repair, and abandonment of water wells. DEP may prescribe minimum standards for the location, construction, repair, and abandonment of water wells throughout all or parts of the state, as may be determined by DEP. Some local governments also have certain ordinances pertaining to water wells, which has resulted in duplicative regulation at the state and local level.

Effect of Proposed Changes

The bill amends s. 373.308, F.S., to provide that upon authorization from DEP, issuance of well permits is the sole responsibility of the WMDs, and other government entities may not impose additional or duplicate requirements or fees or establish a separate program for the permitting of the location, abandonment, boring, or other activities reasonably associated with the installation and abandonment of a groundwater well.

Section 8 amends s. 373.323, F.S., relating to licenses for water well contractors issued by WMDs.

Current Situation

Section 373.323, F.S., provides that any person that wishes to engage in business as a water well contractor must obtain a license from the WMD to conduct such business. Each person must apply to take the licensure examination and the application must be made to the WMD in which the applicant resides or in which his or her principal place of business is located. An applicant must:

- Be at least 18 years of age;
- Have 2 years of experience in constructing, repairing, or abandoning water wells; and
- Show certain proof of experience.

Effect of Proposed Changes

The bill amends s. 373.323(1), F.S., to provide that licensure under this section by a WMD must be the only water well construction license required for the construction, repair, or abandonment of water wells in the state or any political subdivision.

Section 9 amends s. 373.403, F.S., providing a definition for “mean annual flood line.”

Current Situation

Part IV of chapter 373, F.S., includes various statutes pertaining to the management and storage of surface waters. More specifically, s. 373.413, F.S., provides certain permitting requirements for the construction or alteration of any stormwater management system, dam, impoundment, reservoir, appurtenant work, or works. A person proposing to construct or alter a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works subject to such permit must apply to the governing board or DEP for a permit authorizing such construction or alteration. Section 373.421, F.S., provides for a unified statewide methodology for the delineation of the extent of wetlands and surface waters. Section 373.403, F.S., provides definitions to be used in Part IV of chapter 373, F.S.

Effect of Proposed Changes

The bill amends s. 373.403, F.S., providing that “mean annual flood line” has the same meaning as provided in s. 381.0065, F.S., (regarding regulation of onsite sewage treatment and disposal systems) for purposes of delineating the ordinary high water line for nontidal water bodies and other surface waters.

Section 381.0065, F.S., defines “mean annual flood line” as the elevation determined by calculating the arithmetic mean of the elevations of the highest yearly flood stage or discharge for the period of record, to include at least the most recent 10-year period. If at least 10 years of data is not available, the mean annual flood line must be determined based upon the data available and field verification conducted by a certified professional surveyor and mapper with experience in the determination of flood water elevation lines or, at the option of the applicant, by department personnel. Field verification of the mean annual flood line must be performed using a combination of certain indicators that are present on the site, and that reflect flooding that recurs on an annual basis. In those situations where any one or more of these indicators reflect a rare or aberrant event, such indicator or indicators must not be utilized in determining the mean annual flood line.

Section 10 amends s. 373.406, F.S., exempting certain ponds and ditches from surface water management and storage requirements.

Current Situation

As stated above, Part IV of chapter 373, F.S., provides for the management and storage of surface water. Part IV also establishes the Environmental Resource Permit (ERP) program, which is the primary tool used by DEP and the WMDs for preserving natural resources, fish and wildlife, minimizing degradation of water resources caused by stormwater discharges, and providing for the management of water and related land resources.

The activities regulated under the ERP program include the construction, alteration, operation, maintenance, abandonment, and removal of “stormwater management systems,” “dams,” “impoundments,” “reservoirs,” “appurtenant works,” and “works.” Individually and collectively these terms are referred to as “surface water management systems” or “systems.”

Certain activities have been exempted by statute from the need for obtaining an ERP under state law or by agency rule. Section 373.406, F.S., provides for several exemptions from the regulatory requirements in chapter 373, F.S. DEP’s rules also provide for certain exemptions and general permits for certain activities that cause only minimal individual and cumulative adverse impacts to wetlands and other surface waters. Examples of exempt activities include, but are not limited to:

- Construction, repair, and replacement of certain private docking facilities below certain size thresholds;
- Maintenance dredging of existing navigational channels and canals;
- Construction and alteration of boat ramps within certain size limits;
- Construction, repair, and replacement of seawalls and riprap in artificial waters;
- Repair and replacement of structures; and
- Construction of certain agricultural activities.

In addition, the state has issued a number of “noticed general permits” for activities that are slightly larger than those that qualify for the above exemptions and that otherwise have been determined to have the potential for no more than minimal individual direct and secondary impacts. These include, but are not limited to:

- Construction and modification of boat ramps of certain sizes;
- Installation and repair of riprap at the base of existing seawalls;

- Installation of culverts associated with stormwater discharge facilities; and
- Construction and modification of certain utility and public roadway construction activities.

Anything that does not specifically qualify for an exemption or noticed general permit typically requires an ERP permit.

Effect of Proposed Changes

The bill amends s. 373.406, F.S., to include the following exemptions:

- Construction, operation, or maintenance of any wholly owned, manmade ponds constructed entirely in uplands or drainage ditches constructed in uplands.
- Activities affecting wetlands created solely by the unreasonable and negligent flooding or interference with the natural flow or surface water caused by an adjoining landowner.
- Any water control district created and operating pursuant to chapter 298, F.S., for which a valid ERP or management and storage of surface waters permit has been issued pursuant to this part is exempt from further wetlands or water quality regulations imposed pursuant to chapters 125,¹⁵ 163,¹⁶ and 166, F.S.¹⁷

Section 11 and Section 18 amends ss. 373.709 and 570.085, F.S., related to agricultural water supply planning.

Current Situation

Section 373.701, F.S., provides that it is the policy of the Legislature to:

- Promote the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems;
- Provide that those waters be managed on a state and regional basis; and
- Provide that cooperative efforts between municipalities, counties, WMDs, and DEP are mandatory in order to meet the water needs.

Section 373.703, F.S., provides for certain powers and duties of the governing board of a WMD.

Section 373.709(1), F.S., provides that each WMD must conduct water supply planning for any water supply planning region within the district where it determines that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses¹⁸ and to sustain the water resources and related natural systems for the planning period. The planning must be conducted in an open public process and in coordination and cooperation with local governments, regional water supply authorities, government-owned and privately owned water and wastewater utilities, multijurisdictional water supply entities, self-suppliers, reuse utilities, DEP, and other affected and interested parties. A determination by the governing board that initiation of a regional water supply plan for a specific planning region is not needed must be reevaluated by the WMD governing board at least once every 5 years and must initiate a regional water supply plan, if needed.

¹⁵ Chapter 125, F.S., relates to county government.

¹⁶ Chapter 163, F.S., relates to intergovernmental programs.

¹⁷ Chapter 166, F.S., relates to municipalities.

¹⁸ Section 373.019(16), F.S., defines reasonable-beneficial use as "the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest."

Section 373.709(2), F.S., provides that each regional water supply plan must be based on at least a 20-year planning period, and must include:

- A water supply development component;
- A water resource development component;
- A recovery and prevention strategy;
- A funding strategy;
- The impacts on the public interest, costs, natural resources, etc.;
- Technical data and information;
- Any MFLs established for the planning area;
- Reservations of water adopted within each planning region;
- The water resources for which future MFLs must be developed; and
- An analysis of where variances may be used to create water supply development or water resource development projects.

Regional water supply plans include projected water supply needs for all users, including agriculture. The WMDs employ different methods in making such projections for agricultural users and use a combination of common and unique data sources. DACS participates in the regional water supply planning process and can provide input regarding agricultural water supply demand projection, but has no formal role in determining future water supply needs for agriculture.¹⁹

The regional water supply plans typically list water resource development and water supply development options that can meet the projected reasonable-beneficial use needs of the water supply region. The plans normally include a mix of traditional and alternative water supply options.²⁰ Traditional water supplies come from surface water sources, such as lakes and rivers, and from groundwater withdrawals. Alternative water supplies include activities such as treating wastewater for agricultural use, desalination of saltwater or brackish water to produce drinking water, and surface and rain water storage. Water consumers either purchase or self-supply water. Self-supplied water often comes from on-site wells or through surface water retention, among other methods.

Pursuant to s. 570.085, F.S., DACS must establish an agricultural water conservation program that includes:

- A cost-share program between the U.S. Dept. of Agriculture and other federal, state, regional, and local agencies for irrigation system retrofit and the application of mobile irrigation laboratory evaluations for water conservation.
- The development and implementation of voluntary interim measures or best management practices which provide for increased efficiencies in the use and management of water for agricultural production. In the process of developing and adopting rules for interim measures or best management practices, DACS must consult with DEP and the WMDs.
- Provide assistance to the WMDs in the development and implementation of a consistent methodology for the efficient allocation of water for agricultural irrigation.

Effect of Proposed Changes

Section 11 of the bill amends s. 373.709, F.S., providing that a WMD must include DACS in its regional water supply planning process. The WMD must also include in the water supply development component of its regional water supply plan the agricultural demand projections used for determining the needs of agricultural self-suppliers based upon the best available data. In determining the best available data for agricultural self-supplied water needs, the WMD must use the data indicative of future

¹⁹ DACS 2013 analysis. On file with staff.

²⁰ DEP website on "Regional Water Supply Planning." See <http://www.dep.state.fl.us/water/waterpolicy/rwsp.htm>

water supply demands provided by DACS pursuant to s. 570.085, F.S., which establishes a water conservation program by DACS.

Section 18 of the bill amends s. 570.085, F.S., directing DACS to establish an agricultural water supply planning program that includes the following:

- The development of data indicative of future agricultural water supply demands which must be:
 - Based on at least a 20-year planning period.
 - Provided to each WMD.
 - Considered by each WMD when developing WMD water management plans.
- The data on future agricultural water supply demands, which are provided to each WMD, must include, but not be limited to:
 - Applicable agricultural crop types or categories.
 - Historic, current, and future estimates of irrigated acreage for each applicable crop type or category, spatially for each county, including the historic and current methods and assumptions used to generate the spatial acreage estimates and projections.
 - Crop type or category water use coefficients for a 1-in-10 year drought average used in calculating historic, current, and future water demands, including data, methods, and assumptions used to generate the coefficients. Estimates of historic and current water demands must take into account actual metered data as available. Projected future water demands must incorporate appropriate potential water conservation factors based upon data collected as part of DACS's agricultural water conservation program pursuant to s. 570.085(1), F.S.
 - An evaluation of significant uncertainties affecting agricultural production which may require a range of projections for future agricultural water supply demands.
- In developing the data of future agricultural water supply needs, DACS must consult with the agricultural industry, the University of Florida's Institute of Food and Agricultural Sciences, DEP, the WMDs, the National Agricultural Statistics Service, and the U.S. Geological Survey.
- DACS must coordinate with each WMD to establish a schedule for provision of data on agricultural water supply needs.

Section 12 amends s. 376.313, F.S., relating to nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.317, F.S.

Current Situation

Section 376.313, F.S., provides a cause of action for persons who allege damages resulting from a discharge or other pollution condition covered by ss. 376.30-376.317, F.S. Specifically, s. 376.313(3), F.S., provides that nothing contained in ss. 376.30-376.317, F.S. (relating to petroleum storage discharges, drycleaning facilities, or wholesale supply facilities) prohibits any person from bringing a cause of action in court for all damages resulting from a discharge or other condition of pollution covered by the referred sections.

Effect of Proposed Changes

The bill amends s. 376.313(3), F.S., to provide that a person can bring a cause of action in court for all damages resulting from a discharge or other condition of pollution covered by ss. 376.30-376.317, F.S., that is not regulated or authorized pursuant to chapter 403, F.S. (relating to environmental control policies that conserve state waters; protect and improve water quality for consumption; and maintain air quality to protect human health).

Section 13 amends s. 403.021, F.S., relating to requirements and conditions for water quality testing.

Current Situation

Section 403.021, F.S., provides that it is the intent of the Legislature that water quality standards be reasonably established and applied to take into account the variability occurring in nature. The statute provides that DEP must recognize the statistical variability inherent in sampling and testing procedures that are used to express water quality standards. DEP must also recognize that some deviations from water quality standards occur as the result of natural background conditions and must not consider deviations from water quality standards to be violations when the discharger can demonstrate that the deviations would occur in the absence of any human-induced discharges or alterations to the water body.

Effect of Proposed Changes

The bill amends s. 403.021(11), F.S., to provide that testing, sampling, collection, or analysis may not be conducted or required unless such testing, sampling, collection, or analysis has been subjected to and validated through inter- and intra-laboratory testing, quality control, and peer review and has been adopted by rule. The validation must be sufficient to ensure that variability inherent in such testing, sampling, collection, or analysis has been specified and reduced to the minimum for comparable testing, sampling, collection, or analysis.

Section 14 amends s. 403.0872, F.S., relating to operation permits for major sources of air pollution.

Current Situation

The Clean Air Act (CAA) was enacted in 1970 as the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes the Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants.²¹

In 1990, Congress amended Title V of the CAA to create the operating permit program. The program streamlines the way federal, state, tribal, and local authorities regulate air pollution by consolidating all air pollution control requirements into a single, comprehensive operating permit that covers all aspects of a source's year-to-year pollution activities.²² Under Title V, the EPA must establish minimum elements to be included in all state and local operating permit programs, and then assist the state and local governments in developing their programs.²³ All major stationary sources (power plants, pulp mills, and other facilities) emitting certain air pollutants are required to obtain operating permits.

Pursuant to s. 403.0872, F.S., and promulgated in Chapter 62-4, F.A.C., DEP is responsible for air permits regulating major and minor facilities. Section 403.0872(11), F.S., provides that each major source of air pollution permitted to operate in Florida must pay between January 15 and March 1 of each year, upon written notice from DEP, an annual operation license fee in an amount determined by DEP rule. The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent construction or operation permit, times the annual hours of operation allowed by permit condition; provided, however, that:

²¹ EPA website on the Clean Air Act. See <http://www.epa.gov/regulations/laws/caa.html>

²² See EPA website, "Air Pollution Operating Permit Program Update."

²³ *Id.*

1. The license fee factor is \$25 or another amount determined by DEP rule which ensures that the revenue provided by each year's operation license fees is sufficient to cover all reasonable direct and indirect costs of the major stationary source air-operation permit program established by this section. The license fee factor may be increased beyond \$25 only if the secretary of DEP affirmatively finds that a shortage of revenue for support of the major stationary source air-operation permit program will occur in the absence of a fee factor adjustment. The annual license fee factor may never exceed \$35.
2. For any source that operates for fewer hours during the calendar year than allowed under its permit, the annual fee calculation must be based upon actual hours of operation rather than allowable hours if the owner or operator of the source documents the source's actual hours of operation for the calendar year. For any source that has an emissions limit that is dependent upon the type of fuel burned, the annual fee calculation must be based on the emissions limit applicable during actual hours of operation.
3. For any source whose allowable emission limitation is specified by permit per units of material input or heat input or product output, the applicable input or production amount may be used to calculate the allowable emissions if the owner or operator of the source documents the actual input or production amount. If the input or production amount is not documented, the maximum allowable input or production amount specified in the permit must be used to calculate the allowable emissions.
4. For any new source that does not receive its first operation permit until after the beginning of a calendar year, the annual fee for the year must be reduced pro rata to reflect the period during which the source was not allowed to operate.
5. For any source that emits less of any regulated air pollutant than allowed by permit condition, the annual fee calculation for such pollutant must be based upon actual emissions rather than allowable emissions if the owner or operator documents the source's actual emissions by means of data from a department-approved certified continuous emissions monitor or from an emissions monitoring method which has been approved by the EPA under the regulations implementing 42 U.S.C. ss. 7651 et seq., or from a method approved by DEP.
6. The amount of each regulated air pollutant in excess of 4,000 tons per year allowed to be emitted by any source, or group of sources belonging to the same Major Group as described in the Standard Industrial Classification Manual, 1987, may not be included in the calculation of the fee. Any source, or group of sources, which does not emit any regulated air pollutant in excess of 4,000 tons per year, is allowed a one-time credit not to exceed 25 percent of the first annual licensing fee for the prorated portion of existing air-operation permit application fees remaining upon commencement of the annual licensing fees.
7. If DEP has not received the fee by February 15 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by March 1. If the fee is not postmarked by March 1 of the calendar year, DEP must impose, in addition to the fee, a penalty of 50% of the amount of the fee, plus interest on such amount computed in accordance with s. 220.807, F.S. DEP may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90% of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. DEP may waive the collection of underpayment and shall not be required to refund overpayment of the fee, if the amount due is less than 1% of the fee, up to \$50. DEP may revoke any major air pollution source operation permit if it finds that the permit holder has failed to timely pay any required annual operation license fee, penalty, or interest.
8. Notwithstanding the computational provisions of this section, the annual operation license fee for any source subject to this section must not be less than \$250, except that the annual operation license fee for sources permitted solely through general permits issued under s. 403.814, F.S., must not exceed \$50 per year.
9. Notwithstanding the provisions of s. 403.087(6)(a)5.a., F.S., authorizing air pollution construction permit fees, DEP may not require such fees for changes or additions to a major source of air pollution permitted pursuant to this section, unless the activity triggers permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-

7514a. Costs to issue and administer such permits must be considered direct and indirect costs of the major stationary source air-operation permit program under s. 403.0873, F.S. DEP must, however, require fees pursuant to the provisions of s. 403.087(6)(a)5.a, F.S. for the construction of a new major source of air pollution that will be subject to the permitting requirements of this section once constructed and for activities triggering permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

Effect of Proposed Changes

The bill amends s. 403.0872, F.S., to extend the annual payment deadline for air pollution permits from March 1 to April 1 each year. In addition, the bill provides that the annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant actually emitted, as calculated in accordance with DEP's emissions computation and reporting rules. The annual fee only applies to those regulated pollutants, except carbon monoxide and greenhouse gases, for which an allowable numeric emission limiting standard is specified in the source's most recent construction or operation permit.

The bill deletes subparagraphs 2-5, as described above.

The bill provides that if DEP has not received the fee by March 1, instead of February 15 in current law, of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by April 1. If the fee is not postmarked by April 1 of the calendar year, DEP will impose an additional fee.

Section 15 amends s. 403.813, F.S., revising conditions under which certain permits are not required for seawall restoration projects.

Current Situation

Section 403.813(1), F.S., provides that a permit is not required for the following activities:

- The installation of overhead transmission lines, with support structures which are not constructed in waters of the state and which do not create a navigational hazard.
- The installation and repair of certain mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat.
- The installation and maintenance to design specifications of boat ramps on artificial bodies of water where navigational access to the proposed ramp exists.
- The replacement or repair of existing docks and piers, except that fill material may not be used and the replacement or repaired dock or pier must be in the same location and of the same configuration and dimensions as the dock or pier being replaced or repaired.
- The restoration of seawalls at their previous locations or upland of, or within 1 foot waterward of, their previous locations.

Effect of Proposed Changes

The bill amends s. 403.813, F.S., to provide that a permit is not required for the restoration of seawalls at their previous locations or upland of, or within 18 inches, instead of 12 inches, waterward of their previous locations.

Section 16 amends s. 403.814, F.S., providing for DEP to establish general permits for special events.

Current Situation

Currently, DEP is authorized to adopt rules establishing and providing for a program of general permits for projects that have, either singly or cumulatively, a minimal adverse environmental effect. Such rules must specify design or performance criteria that, if applied, would result in compliance with appropriate standards. Any person complying with the requirements of a general permit may use the permit 30 days after giving notice to DEP without any agency action by DEP.²⁴ Projects include, but are not limited to:

- Construction and modification of boat ramps of certain sizes.
- Installation and repair of riprap at the base of existing seawalls.
- Installation of culverts associated with stormwater discharge facilities.
- Construction and modification of certain utility and public roadway construction activities.

Effect of Proposed Changes

The bill authorizes DEP to issue general permits for special events relating to boat shows. The permits must be for a period that runs concurrently with the consent of use or lease issued pursuant to s. 253.0345, F.S. No more than two seagrass studies may be required by a general permit, one conducted before issuance of the permit and the other conducted at the time the permit expires. General permits must also allow for the movement of temporary structures within the footprint of the lease area. A survey of the lease or consent area is required at the time of application for a 10-year standard lease or consent of use and general permit. An area of up to 25% of a previous lease or consent of use area must be issued as part of the general permit, lease, or consent of use to allow for economic expansion of the special event during the 10-year term. An annual survey of the distances of all structures from the boundaries of the lease or consent of use area must be conducted to ensure that the lease boundaries have not been violated.

Section 17 amends s. 570.076, F.S., to conform a cross-reference.

Section 19 provides an effective date of July 1, 2013.

B. SECTION DIRECTORY:

Section 1. Amends s. 125.022, F.S., relating to development permit applications by counties.

Section 2. Amends s. 166.033, F.S., relating to development permit applications by municipalities.

Section 3. Amends s. 253.0345, F.S., relating to the duration of leases for special events issued by the Board of Trustees of the Internal Improvement Trust Fund.

Section 4. Creates s. 253.0346, F.S., relating to lease of sovereignty submerged lands for marinas, boatyards, and marine retailers.

Section 5. Amends s. 373.118, F.S., relating to general permits for local governments to construct certain marinas and mooring fields.

Section 6. Amends s. 373.233, F.S., relating to competing applications for the consumptive use of water permits.

Section 7. Amends s. 373.308, F.S., relating to well permits issued by water management districts.

Section 8. Amends s. 373.323, F.S., relating to licenses for water well contractors issued by water management districts.

Section 9. Amends s. 373.403, F.S., providing the definition for "mean annual flood line."

Section 10. Amends s. 373.406, F.S., exempting certain ponds and ditches from surface water management and storage requirements.

Section 11. Amends s. 373.709, F.S., relating to agricultural water supply planning.

Section 12. Amends s. 376.313, F.S., relating to nonexclusiveness of remedies and individual cause of action for damages under ss.376.30-376.317, F.S.

Section 13. Amends s. 403.021, F.S., relating to requirements and conditions for water quality testing.

Section 14. Amends s. 403.0872, F.S., relating to annual operation license fees for operation permits for major sources of air pollution.

Section 15. Amends s. 403.813, F.S., revising conditions under which certain permits are not required for seawall restoration projects.

Section 16. Amends s. 403.814, F.S., providing for DEP to establish general permits for special events.

Section 17. Amends s. 570.076, F.S., conforming a cross-reference.

Section 18. Amends s. 570.085, F.S., relating to agricultural water supply planning.

Section 19. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Relating to agricultural water supply planning - The WMDs will have a reduced workload from having DACS provide demand projections for agricultural water use.

Relating to annual operation license fees for operation permits for major sources of air pollution- All permit fees received under DEP's federally approved Title V permitting program are deposited into the Air Pollution Control Trust Fund. For 2013, these costs are estimated to be \$5.3 million, and \$4.9 million by 2018. However, there is currently a surplus of \$4.1 in the trust fund and DEP estimates the surplus will increase to \$4.9 million by 2018.

2. Expenditures:

Relating to special events on sovereign submerged lands- According to DEP's analysis, an enhancement to the billing database would cost an estimated \$13,000. The fees for special event fees are calculated based on the number of event days x the annual rent, or 5% of any revenue generated from the special event, whichever is greater. The loss of revenue would be approximately \$187,000 annually, based on the average of the past 7 fiscal years. The lease term would exceed the standard term of 5 years.

Relating to lease of sovereignty submerged lands for marinas, boatyards, and marine retailers- According to DEP's analysis, the annual fee requirement will be 6% of self-reported revenue, less the 30% discount. There will be a minimum annual loss of approximately \$937,195. This amount is 12% of the known revenue received for submerged land leases. Of the 2,800 leases, 49% would potentially qualify to have their fees reduced or eliminated, resulting in an undetermined negative fiscal impact to the Internal Improvement Trust Fund.

Relating to general permits for the expansion of certain marinas- DEP estimates an expenditure of \$50,000 for rulemaking.

Relating to well water permitting- The three WMDs who currently delegate the water well permitting program to some or all of their local governments would require additional staff to absorb the workload as follows: an additional 14.3 FTEs for the South Florida WMD; an additional 9 FTE's for St. Johns River WMD, which results in an increased budget of approximately \$600,000 for salary/benefits (a portion of this could be recovered through the well construction permits); and an additional 1.5 FTE's for Southwest Florida WMD.

Relating to exemptions from ERP permits- According to DEP's analysis, the exemptions would apply to all of Part IV of chapter 373, F.S., which could result in a substantial negative fiscal impact on the Permit Fee Trust Fund.

Relating to agricultural water supply planning- DACS would incur a negative fiscal impact of \$1.5 million to establish this program.

Relating to general permits for special events- DEP estimates an expenditure of \$50,000 for rulemaking.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Relating to special events on sovereign submerged lands- DEP estimates a loss of \$1,120 to state taxes, which is based on a 7-year average. The loss in county discretionary tax is approximately \$93 annually based on .05%.

Relating to general permits for the expansion of certain marinas- According to DEP, based on the minimum loss of annual revenue, there will be an annual loss of approximately \$5,623 in state taxes and \$469 in county discretionary tax.

Relating to competing consumptive use applications- According to DEP, if a local government is a consumptive use permit applicant, the local government may see increased costs associated litigation for challenging a competing permit or being subject to such a challenge because the bill provides a WMD issuing proposed affirmative agency action for two applications.

Relating to well water permitting- Local governments who currently operate permitting programs for water well construction will see a negative fiscal impact due to the loss of permit fees.

Relating to licenses for water well contractors issued by WMDs- The bill could have a negative fiscal impact on local governments due to the loss of fees currently charged as part of a local government requirement to obtain a local water well contractor license.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Relating to special events on sovereign submerged lands- Special events promoters would benefit from the elimination of the special event fee; however, the public would not benefit from this reduction because the promoter charges the vendor to participate in the event.

Relating to competing consumptive use applications- According to DEP, if a private sector entity is a consumptive use permit applicant, the applicant could see increased costs associated with litigation for challenging a competing permit on being subject to such a challenge because the bill provides a WMD issuing proposed affirmative agency action for two applications.

Relating to water well permitting- The bill could have a potentially positive fiscal impact on the private sector by eliminating the requirement to obtain a separate local government water well construction permit, including any required fee.

Relating to licenses for water well contractors issued by WMDs- The bill could have a potentially positive fiscal impact on the private sector by eliminating the requirement to obtain any local government water well contractor license.

Relating to agricultural water supply planning - The bill has a potentially positive fiscal impact on those in the private sector who would contract with DACS to develop agricultural demand projections.

Relating to annual operation license fees for operation permits for major sources of air pollution- According to DEP, the bill could have a potentially positive fiscal impact of \$2 million per year on those in the manufacturing and industrial businesses. An additional \$1.4 million could be saved in permit fees because the permittees would be paying fees based on actual emissions instead of adjusted allowable emissions, which is in current law. Tying the permit fees and annual operating report requirements could save \$600,000 by eliminating the need to compute and submit different emission calculations.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenues in the aggregate, or reduce the percentage of state tax with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to environmental regulation; amending
 3 ss. 125.022 and 166.033, F.S.; providing requirements
 4 for the review of development permit applications by
 5 counties and municipalities; amending s. 253.0345,
 6 F.S.; revising provisions for the duration of leases
 7 and consents of use issued by the Board of Trustees of
 8 the Internal Improvement Trust Fund for special
 9 events; exempting such leases and consents of use from
 10 certain fees; creating s. 253.0346, F.S.; defining the
 11 term "first-come, first-served basis"; providing
 12 requirements for the calculation of lease fees for
 13 certain marinas; providing conditions for the discount
 14 and waiver of lease fees and surcharges for certain
 15 marinas, boatyards, and marine retailers; providing
 16 applicability; amending s. 373.118, F.S.; revising
 17 provisions for general permits to provide for the
 18 expansion of certain marinas and limit the number of
 19 mooring fields authorized under such permits; amending
 20 s. 373.233, F.S.; clarifying conditions for competing
 21 consumptive use of water applications; amending s.
 22 373.308, F.S.; providing that issuance of well permits
 23 is the sole responsibility of water management
 24 districts; prohibiting government entities from
 25 imposing requirements and fees and establishing
 26 programs for installation and abandonment of
 27 groundwater wells; amending s. 373.323, F.S.;
 28 providing that licenses issued by water management

29 districts are the only water well construction
 30 licenses required for construction, repair, or
 31 abandonment of water wells; authorizing licensed water
 32 well contractors to install equipment for all water
 33 systems; amending s. 373.403, F.S.; defining the term
 34 "mean annual flood line"; amending s. 373.406, F.S.;
 35 exempting specified ponds, ditches, and wetlands from
 36 surface water management and storage requirements;
 37 exempting certain water control districts from
 38 wetlands or water quality regulations; amending s.
 39 373.709, F.S.; requiring water management districts to
 40 coordinate and cooperate with the Department of
 41 Agriculture and Consumer Services for regional water
 42 supply planning; providing criteria and requirements
 43 for determining agricultural water supply demand
 44 projections; amending s. 376.313, F.S.; holding
 45 harmless a person who discharges pollution pursuant to
 46 ch. 403, F.S.; amending s. 403.021, F.S.; providing
 47 requirements and conditions for water quality testing,
 48 sampling, collection, and analysis by the department;
 49 amending s. 403.0872, F.S.; extending the payment
 50 deadline of permit fees for major sources of air
 51 pollution and conforming the date for related notice
 52 by the department; revising provisions for the
 53 calculation of such annual fees; amending s. 403.813,
 54 F.S.; revising conditions under which certain permits
 55 are not required for seawall restoration projects;
 56 amending s. 403.814, F.S.; requiring the Department of

57 Environmental Protection to establish general permits
 58 for special events; providing permit requirements;
 59 amending s. 570.076, F.S.; conforming a cross-
 60 reference; amending s. 570.085, F.S.; requiring the
 61 Department of Agriculture and Consumer Services to
 62 establish an agricultural water supply planning
 63 program; providing program requirements; providing an
 64 effective date.

65
 66 Be It Enacted by the Legislature of the State of Florida:

67
 68 Section 1. Section 125.022, Florida Statutes, is amended
 69 to read:

70 125.022 Development permits.—

71 (1) When reviewing an application for a development
 72 permit, a county may not request additional information from the
 73 applicant more than three times, unless the applicant waives the
 74 limitation in writing. The first request must be reviewed and
 75 approved in writing by the permit processor's supervisor or
 76 department director or manager. The second request must be
 77 approved by a department or division director or manager.
 78 Subsequent requests must be approved in writing by the county
 79 administrator. If the applicant believes the request for
 80 additional information is not authorized by ordinance, rule,
 81 statute, or other legal authority, the county, at the
 82 applicant's request, shall proceed to process the application.

83 (2) When a county denies an application for a development
 84 permit, the county shall give written notice to the applicant.

85 The notice must include a citation to the applicable portions of
 86 an ordinance, rule, statute, or other legal authority for the
 87 denial of the permit.

88 (3) As used in this section, the term "development permit"
 89 has the same meaning as in s. 163.3164.

90 (4) For any development permit application filed with the
 91 county after July 1, 2012, a county may not require as a
 92 condition of processing or issuing a development permit that an
 93 applicant obtain a permit or approval from any state or federal
 94 agency unless the agency has issued a final agency action that
 95 denies the federal or state permit before the county action on
 96 the local development permit.

97 (5) Issuance of a development permit by a county does not
 98 in any way create any rights on the part of the applicant to
 99 obtain a permit from a state or federal agency and does not
 100 create any liability on the part of the county for issuance of
 101 the permit if the applicant fails to obtain requisite approvals
 102 or fulfill the obligations imposed by a state or federal agency
 103 or undertakes actions that result in a violation of state or
 104 federal law. A county may attach such a disclaimer to the
 105 issuance of a development permit and may include a permit
 106 condition that all other applicable state or federal permits be
 107 obtained before commencement of the development.

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

111 Section 2. Section 166.033, Florida Statutes, is amended
 112 to read:

113 166.033 Development permits.—

114 (1) When reviewing an application for a development
 115 permit, a municipality may not request additional information
 116 from the applicant more than three times, unless the applicant
 117 waives the limitation in writing. The first request must be
 118 reviewed and approved in writing by the permit processor's
 119 supervisor or department director or manager. The second request
 120 must be approved by a department or division director or
 121 manager. Subsequent requests must be approved in writing by the
 122 municipal administrator or equivalent chief administrative
 123 officer. If the applicant believes the request for additional
 124 information is not authorized by ordinance, rule, statute, or
 125 other legal authority, the municipality, at the applicant's
 126 request, shall proceed to process the application.

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

132 (3) As used in this section, the term "development permit"
 133 has the same meaning as in s. 163.3164.

134 (4) For any development permit application filed with the
 135 municipality after July 1, 2012, a municipality may not require
 136 as a condition of processing or issuing a development permit
 137 that an applicant obtain a permit or approval from any state or
 138 federal agency unless the agency has issued a final agency
 139 action that denies the federal or state permit before the
 140 municipal action on the local development permit.

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

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

156 Section 3. Section 253.0345, Florida Statutes, is amended
 157 to read:

158 253.0345 Special events; submerged land leases.—

159 (1) The trustees may ~~are authorized to~~ issue leases or
 160 consents of use ~~or leases~~ to riparian landowners, special and
 161 event promoters, and boat show owners to allow the installation
 162 of temporary structures, including docks, moorings, pilings, and
 163 access walkways, on sovereign submerged lands solely for the
 164 purpose of facilitating boat shows and displays in, or adjacent
 165 to, established marinas or government-owned ~~government-owned~~
 166 upland property. Riparian owners of adjacent uplands who are not
 167 seeking a lease or consent of use shall be notified by certified
 168 mail of any request for such a lease or consent of use before

169 ~~prior to~~ approval by the trustees. The trustees shall balance
 170 the interests of any objecting riparian owners with the economic
 171 interests of the public and the state as a factor in determining
 172 whether ~~if~~ a lease or consent of use should be executed over the
 173 objection of adjacent riparian owners. This section does ~~shall~~
 174 not apply to structures for viewing motorboat racing, high-speed
 175 motorboat contests, or high-speed displays in waters where
 176 manatees are known to frequent.

177 (2) A lease or consent of use for a ~~Any~~ special event
 178 under provided for in subsection (1) shall include an exemption
 179 from lease fees and shall be for a period not to exceed 30 days
 180 and a duration not to exceed 10 consecutive years. The lease or
 181 consent of use may also contain appropriate requirements for
 182 removal of the temporary structures, including the posting of
 183 sufficient surety to guarantee appropriate funds for removal of
 184 the structures should the promoter or riparian owner fail to do
 185 so within the time specified in the agreement.

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

190 Section 4. Section 253.0346, Florida Statutes, is created
 191 to read:

192 253.0346 Lease of sovereignty submerged lands for marinas,
 193 boatyards, and marine retailers.-

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

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

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

201 (2) For marinas that are open to the public on a first-
 202 come, first-served basis and for which at least 90 percent of
 203 the slips are open to the public:

204 (a) The annual lease fee for a standard-term lease shall
 205 be 6 percent of the annual gross dockage income. In calculating
 206 gross dockage income, the department may not include pass-
 207 through charges.

208 (b) A discount of 30 percent on the annual lease fee shall
 209 apply if dockage rate sheet publications and dockage advertising
 210 clearly state that slips are open to the public on a first-come,
 211 first-served basis.

212 (3) For a facility designated by the department as a Clean
 213 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean
 214 Marina Program:

215 (a) A discount of 10 percent on the annual lease fee shall
 216 apply if the facility:

- 217 1. Actively maintains designation under the program.
- 218 2. Complies with the terms of the lease.
- 219 3. Does not change use during the term of the lease.

220 (b) Extended-term lease surcharges shall be waived if the
 221 facility:

- 222 1. Actively maintains designation under the program.
- 223 2. Complies with the terms of the lease.
- 224 3. Does not change use during the term of the lease.

225 4. Is available to the public on a first-come, first-
 226 served basis.

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

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

233 Section 5. Subsection (4) of section 373.118, Florida
 234 Statutes, is amended to read:

235 373.118 General permits; delegation.—

236 (4) The department shall adopt by rule one or more general
 237 permits for local governments to construct, operate, and
 238 maintain public marina facilities, public mooring fields, public
 239 boat ramps, including associated courtesy docks, and associated
 240 parking facilities located in uplands. Such general permits
 241 adopted by rule shall include provisions to ensure compliance
 242 with part IV of this chapter, subsection (1), and the criteria
 243 necessary to include the general permits in a state programmatic
 244 general permit issued by the United States Army Corps of
 245 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
 246 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
 247 authorized under such general permits is exempt from review as a
 248 development of regional impact if the facility complies with the
 249 comprehensive plan of the applicable local government. Such
 250 facilities shall be consistent with the local government manatee
 251 protection plan required pursuant to chapter 379 and shall
 252 obtain Clean Marina Program status prior to opening for

253 operation and maintain that status for the life of the facility.
 254 The expansion of any marina, whether private or government-
 255 owned, for which the services of at least 90 percent of the
 256 slips are open to the public on a first-come, first-served
 257 basis, ~~Marinas and mooring fields~~ authorized under any such
 258 general permit may ~~shall~~ not exceed an additional area of 50,000
 259 square feet over wetlands and other surface waters. Mooring
 260 fields authorized under such general permit may not exceed 100
 261 vessels. All facilities permitted under this section shall be
 262 constructed, maintained, and operated in perpetuity for the
 263 exclusive use of the general public. The department shall
 264 initiate the rulemaking process within 60 days after the
 265 effective date of this act.

266 Section 6. Subsection (1) of section 373.233, Florida
 267 Statutes, is amended to read:

268 373.233 Competing applications.—

269 (1) If two or more applications that ~~which~~ otherwise
 270 comply with the provisions of this part are pending for a
 271 quantity of water that is inadequate for both or all, or which
 272 for any other reason are in conflict, and the governing board or
 273 department has issued an affirmative proposed agency action for
 274 each application, the governing board or the department has
 275 ~~shall have~~ the right to approve or modify the application which
 276 best serves the public interest.

277 Section 7. Subsection (1) of section 373.308, Florida
 278 Statutes, is amended to read:

279 373.308 Implementation of programs for regulating water
 280 wells.—

281 (1) The department shall authorize the governing board of
 282 a water management district to implement a program for the
 283 issuance of permits for the location, construction, repair, and
 284 abandonment of water wells. Upon authorization from the
 285 department, issuance of well permits will be the sole
 286 responsibility of the water management district, and other
 287 government entities may not impose additional or duplicate
 288 requirements or fees or establish a separate program for the
 289 permitting of the location, abandonment, boring, or other
 290 activities reasonably associated with the installation and
 291 abandonment of a groundwater well.

292 Section 8. Subsections (1) and (10) of section 373.323,
 293 Florida Statutes, are amended to read:

294 373.323 Licensure of water well contractors; application,
 295 qualifications, and examinations; equipment identification.—

296 (1) Every person who wishes to engage in business as a
 297 water well contractor shall obtain from the water management
 298 district a license to conduct such business. Licensure under
 299 this part by a water management district shall be the only water
 300 well construction license required for the construction, repair,
 301 or abandonment of water wells in the state or any political
 302 subdivision thereof.

303 (10) Water well contractors licensed under this section
 304 may install, repair, and modify pumps and tanks in accordance
 305 with the Florida Building Code, Plumbing; Section 612—Wells
 306 pumps and tanks used for private potable water systems. In
 307 addition, licensed water well contractors may install pumps,
 308 tanks, and water conditioning equipment for all water well

309 systems.

310 Section 9. Subsection (23) is added to section 373.403,
 311 Florida Statutes, to read:

312 373.403 Definitions.—When appearing in this part or in any
 313 rule, regulation, or order adopted pursuant thereto, the
 314 following terms mean:

315 (23) "Mean annual flood line" for purposes of delineating
 316 the ordinary high water line for nontidal water bodies and other
 317 surface waters shall have the same meaning as provided in s.
 318 381.0065.

319 Section 10. Subsections (13) through (15) are added to
 320 section 373.406, Florida Statutes, to read:

321 373.406 Exemptions.—The following exemptions shall apply:

322 (13) Nothing in this part, or in any rule, regulation, or
 323 order adopted pursuant to this part, applies to construction,
 324 operation, or maintenance of any wholly owned, manmade ponds
 325 constructed entirely in uplands or drainage ditches constructed
 326 in uplands.

327 (14) Nothing in this part, or in any rule, regulation, or
 328 order adopted pursuant to this part, may require a permit for
 329 activities affecting wetlands created solely by the unreasonable
 330 and negligent flooding or interference with the natural flow of
 331 surface water caused by an adjoining landowner.

332 (15) Any water control district created and operating
 333 pursuant to chapter 298 for which a valid environmental resource
 334 permit or management and storage of surface waters permit has
 335 been issued pursuant to this part is exempt from further
 336 wetlands or water quality regulations imposed pursuant to

337 | chapters 125, 163, and 166.

338 | Section 11. Subsection (1) and paragraph (a) of subsection
339 | (2) of section 373.709, Florida Statutes, are amended to read:

340 | 373.709 Regional water supply planning.—

341 | (1) The governing board of each water management district
342 | shall conduct water supply planning for any water supply
343 | planning region within the district identified in the
344 | appropriate district water supply plan under s. 373.036, where
345 | it determines that existing sources of water are not adequate to
346 | supply water for all existing and future reasonable-beneficial
347 | uses and to sustain the water resources and related natural
348 | systems for the planning period. The planning must be conducted
349 | in an open public process, in coordination and cooperation with
350 | local governments, regional water supply authorities,
351 | government-owned and privately owned water and wastewater
352 | utilities, multijurisdictional water supply entities, self-
353 | suppliers, reuse utilities, the department, the Department of
354 | Agriculture and Consumer Services, and other affected and
355 | interested parties. The districts shall actively engage in
356 | public education and outreach to all affected local entities and
357 | their officials, as well as members of the public, in the
358 | planning process and in seeking input. During preparation, but
359 | prior to completion of the regional water supply plan, the
360 | district must conduct at least one public workshop to discuss
361 | the technical data and modeling tools anticipated to be used to
362 | support the regional water supply plan. The district shall also
363 | hold several public meetings to communicate the status, overall
364 | conceptual intent, and impacts of the plan on existing and

365 future reasonable-beneficial uses and related natural systems.
 366 During the planning process, a local government may choose to
 367 prepare its own water supply assessment to determine if existing
 368 water sources are adequate to meet existing and projected
 369 reasonable-beneficial needs of the local government while
 370 sustaining water resources and related natural systems. The
 371 local government shall submit such assessment, including the
 372 data and methodology used, to the district. The district shall
 373 consider the local government's assessment during the formation
 374 of the plan. A determination by the governing board that
 375 initiation of a regional water supply plan for a specific
 376 planning region is not needed pursuant to this section shall be
 377 subject to s. 120.569. The governing board shall reevaluate such
 378 a determination at least once every 5 years and shall initiate a
 379 regional water supply plan, if needed, pursuant to this
 380 subsection.

381 (2) Each regional water supply plan shall be based on at
 382 least a 20-year planning period and shall include, but need not
 383 be limited to:

384 (a) A water supply development component for each water
 385 supply planning region identified by the district which
 386 includes:

387 1. A quantification of the water supply needs for all
 388 existing and future reasonable-beneficial uses within the
 389 planning horizon. The level-of-certainty planning goal
 390 associated with identifying the water supply needs of existing
 391 and future reasonable-beneficial uses shall be based upon
 392 meeting those needs for a 1-in-10-year drought event.

393 a. Population projections used for determining public
 394 water supply needs must be based upon the best available data.
 395 In determining the best available data, the district shall
 396 consider the University of Florida's Bureau of Economic and
 397 Business Research (BEBR) medium population projections and any
 398 population projection data and analysis submitted by a local
 399 government pursuant to the public workshop described in
 400 subsection (1) if the data and analysis support the local
 401 government's comprehensive plan. Any adjustment of or deviation
 402 from the BEBR projections must be fully described, and the
 403 original BEBR data must be presented along with the adjusted
 404 data.

405 b. Agricultural demand projections used for determining
 406 the needs of agricultural self-suppliers must be based upon the
 407 best available data. In determining the best available data for
 408 agricultural self-supplied water needs, the district shall use
 409 the data indicative of future water supply demands provided by
 410 the Department of Agriculture and Consumer Services pursuant to
 411 s. 570.085.

412 2. A list of water supply development project options,
 413 including traditional and alternative water supply project
 414 options, from which local government, government-owned and
 415 privately owned utilities, regional water supply authorities,
 416 multijurisdictional water supply entities, self-suppliers, and
 417 others may choose for water supply development. In addition to
 418 projects listed by the district, such users may propose specific
 419 projects for inclusion in the list of alternative water supply
 420 projects. If such users propose a project to be listed as an

421 alternative water supply project, the district shall determine
 422 whether it meets the goals of the plan, and, if so, it shall be
 423 included in the list. The total capacity of the projects
 424 included in the plan shall exceed the needs identified in
 425 subparagraph 1. and shall take into account water conservation
 426 and other demand management measures, as well as water resources
 427 constraints, including adopted minimum flows and levels and
 428 water reservations. Where the district determines it is
 429 appropriate, the plan should specifically identify the need for
 430 multijurisdictional approaches to project options that, based on
 431 planning level analysis, are appropriate to supply the intended
 432 uses and that, based on such analysis, appear to be permissible
 433 and financially and technically feasible. The list of water
 434 supply development options must contain provisions that
 435 recognize that alternative water supply options for agricultural
 436 self-suppliers are limited.

437 3. For each project option identified in subparagraph 2.,
 438 the following shall be provided:

439 a. An estimate of the amount of water to become available
 440 through the project.

441 b. The timeframe in which the project option should be
 442 implemented and the estimated planning-level costs for capital
 443 investment and operating and maintaining the project.

444 c. An analysis of funding needs and sources of possible
 445 funding options. For alternative water supply projects the water
 446 management districts shall provide funding assistance in
 447 accordance with s. 373.707(8).

448 d. Identification of the entity that should implement each

449 project option and the current status of project implementation.

450 Section 12. Subsection (3) of section 376.313, Florida
 451 Statutes, is amended to read:

452 376.313 Nonexclusiveness of remedies and individual cause
 453 of action for damages under ss. 376.30-376.317.—

454 (3) Except as provided in s. 376.3078(3) and (11), nothing
 455 contained in ss. 376.30-376.317 prohibits any person from
 456 bringing a cause of action in a court of competent jurisdiction
 457 for all damages resulting from a discharge or other condition of
 458 pollution covered by ss. 376.30-376.317 not regulated or
 459 authorized pursuant to chapter 403. Nothing in this chapter
 460 shall prohibit or diminish a party's right to contribution from
 461 other parties jointly or severally liable for a prohibited
 462 discharge of pollutants or hazardous substances or other
 463 pollution conditions. Except as otherwise provided in subsection
 464 (4) or subsection (5), in any such suit, it is not necessary for
 465 such person to plead or prove negligence in any form or manner.
 466 Such person need only plead and prove the fact of the prohibited
 467 discharge or other pollutive condition and that it has occurred.
 468 The only defenses to such cause of action shall be those
 469 specified in s. 376.308.

470 Section 13. Subsection (11) of section 403.021, Florida
 471 Statutes, is amended to read:

472 403.021 Legislative declaration; public policy.—

473 (11) It is the intent of the Legislature that water
 474 quality standards be reasonably established and applied to take
 475 into account the variability occurring in nature. The department
 476 shall recognize the statistical variability inherent in sampling

477 and testing procedures that are used to express water quality
 478 standards. The department shall also recognize that some
 479 deviations from water quality standards occur as the result of
 480 natural background conditions. The department shall not consider
 481 deviations from water quality standards to be violations when
 482 the discharger can demonstrate that the deviations would occur
 483 in the absence of any human-induced discharges or alterations to
 484 the water body. Testing, sampling, collection, or analysis may
 485 not be conducted or required unless such testing, sampling,
 486 collection, or analysis has been subjected to and validated
 487 through inter- and intra-laboratory testing, quality control,
 488 peer review, and adopted by rule. The validation shall be
 489 sufficient to ensure that variability inherent in such testing
 490 sampling, collection, or analysis has been specified and reduced
 491 to the minimum for comparable testing, sampling, collection, or
 492 analysis.

493 Section 14. Subsection (11) of section 403.0872, Florida
 494 Statutes, is amended to read:

495 403.0872 Operation permits for major sources of air
 496 pollution; annual operation license fee.—Provided that program
 497 approval pursuant to 42 U.S.C. s. 7661a has been received from
 498 the United States Environmental Protection Agency, beginning
 499 January 2, 1995, each major source of air pollution, including
 500 electrical power plants certified under s. 403.511, must obtain
 501 from the department an operation permit for a major source of
 502 air pollution under this section. This operation permit is the
 503 only department operation permit for a major source of air
 504 pollution required for such source; provided, at the applicant's

505 request, the department shall issue a separate acid rain permit
 506 for a major source of air pollution that is an affected source
 507 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
 508 for major sources of air pollution, except general permits
 509 issued pursuant to s. 403.814, must be issued in accordance with
 510 the procedures contained in this section and in accordance with
 511 chapter 120; however, to the extent that chapter 120 is
 512 inconsistent with the provisions of this section, the procedures
 513 contained in this section prevail.

514 (11) Each major source of air pollution permitted to
 515 operate in this state must pay between January 15 and April
 516 ~~March~~ 1 of each year, upon written notice from the department,
 517 an annual operation license fee in an amount determined by
 518 department rule. The annual operation license fee shall be
 519 terminated immediately in the event the United States
 520 Environmental Protection Agency imposes annual fees solely to
 521 implement and administer the major source air-operation permit
 522 program in Florida under 40 C.F.R. s. 70.10(d).

523 (a) The annual fee must be assessed based upon the
 524 source's previous year's emissions and must be calculated by
 525 multiplying the applicable annual operation license fee factor
 526 times the tons of each regulated air pollutant actually emitted,
 527 as calculated in accordance with department's emissions
 528 computation and reporting rules. The annual fee shall only apply
 529 to those regulated pollutants, (except carbon monoxide) and
 530 greenhouse gases, for which an allowable numeric emission
 531 limiting standard is specified in allowed to be emitted per hour
 532 by specific condition of the source's most recent construction

533 or operation permit, ~~times the annual hours of operation allowed~~
 534 ~~by permit condition~~; provided, however, that:

535 1. The license fee factor is \$25 or another amount
 536 determined by department rule which ensures that the revenue
 537 provided by each year's operation license fees is sufficient to
 538 cover all reasonable direct and indirect costs of the major
 539 stationary source air-operation permit program established by
 540 this section. The license fee factor may be increased beyond \$25
 541 only if the secretary of the department affirmatively finds that
 542 a shortage of revenue for support of the major stationary source
 543 air-operation permit program will occur in the absence of a fee
 544 factor adjustment. The annual license fee factor may never
 545 exceed \$35.

546 ~~2. For any source that operates for fewer hours during the~~
 547 ~~calendar year than allowed under its permit, the annual fee~~
 548 ~~calculation must be based upon actual hours of operation rather~~
 549 ~~than allowable hours if the owner or operator of the source~~
 550 ~~documents the source's actual hours of operation for the~~
 551 ~~calendar year. For any source that has an emissions limit that~~
 552 ~~is dependent upon the type of fuel burned, the annual fee~~
 553 ~~calculation must be based on the emissions limit applicable~~
 554 ~~during actual hours of operation.~~

555 ~~3. For any source whose allowable emission limitation is~~
 556 ~~specified by permit per units of material input or heat input or~~
 557 ~~product output, the applicable input or production amount may be~~
 558 ~~used to calculate the allowable emissions if the owner or~~
 559 ~~operator of the source documents the actual input or production~~
 560 ~~amount. If the input or production amount is not documented, the~~

561 ~~maximum allowable input or production amount specified in the~~
 562 ~~permit must be used to calculate the allowable emissions.~~

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

567 ~~5. For any source that emits less of any regulated air~~
 568 ~~pollutant than allowed by permit condition, the annual fee~~
 569 ~~calculation for such pollutant must be based upon actual~~
 570 ~~emissions rather than allowable emissions if the owner or~~
 571 ~~operator documents the source's actual emissions by means of~~
 572 ~~data from a department approved certified continuous emissions~~
 573 ~~monitor or from an emissions monitoring method which has been~~
 574 ~~approved by the United States Environmental Protection Agency~~
 575 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
 576 ~~or from a method approved by the department for purposes of this~~
 577 ~~section.~~

578 ~~2.6.~~ The amount of each regulated air pollutant in excess
 579 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
 580 group of sources belonging to the same Major Group as described
 581 in the Standard Industrial Classification Manual, 1987, may not
 582 be included in the calculation of the fee. Any source, or group
 583 of sources, which does not emit any regulated air pollutant in
 584 excess of 4,000 tons per year, is allowed a one-time credit not
 585 to exceed 25 percent of the first annual licensing fee for the
 586 prorated portion of existing air-operation permit application
 587 fees remaining upon commencement of the annual licensing fees.

588 ~~3.7.~~ If the department has not received the fee by March 1

589 ~~February 15~~ of the calendar year, the permittee must be sent a
 590 written warning of the consequences for failing to pay the fee
 591 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1
 592 of the calendar year, the department shall impose, in addition
 593 to the fee, a penalty of 50 percent of the amount of the fee,
 594 plus interest on such amount computed in accordance with s.
 595 220.807. The department may not impose such penalty or interest
 596 on any amount underpaid, provided that the permittee has timely
 597 remitted payment of at least 90 percent of the amount determined
 598 to be due and remits full payment within 60 days after receipt
 599 of notice of the amount underpaid. The department may waive the
 600 collection of underpayment and shall not be required to refund
 601 overpayment of the fee, if the amount due is less than 1 percent
 602 of the fee, up to \$50. The department may revoke any major air
 603 pollution source operation permit if it finds that the
 604 permitholder has failed to timely pay any required annual
 605 operation license fee, penalty, or interest.

606 4.8. Notwithstanding the computational provisions of this
 607 subsection, the annual operation license fee for any source
 608 subject to this section shall not be less than \$250, except that
 609 the annual operation license fee for sources permitted solely
 610 through general permits issued under s. 403.814 shall not exceed
 611 \$50 per year.

612 5.9. Notwithstanding the provisions of s.
 613 403.087(6)(a)5.a., authorizing air pollution construction permit
 614 fees, the department may not require such fees for changes or
 615 additions to a major source of air pollution permitted pursuant
 616 to this section, unless the activity triggers permitting

617 requirements under Title I, Part C or Part D, of the federal
 618 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
 619 administer such permits shall be considered direct and indirect
 620 costs of the major stationary source air-operation permit
 621 program under s. 403.0873. The department shall, however,
 622 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
 623 for the construction of a new major source of air pollution that
 624 will be subject to the permitting requirements of this section
 625 once constructed and for activities triggering permitting
 626 requirements under Title I, Part C or Part D, of the federal
 627 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

628 (b) Annual operation license fees collected by the
 629 department must be sufficient to cover all reasonable direct and
 630 indirect costs required to develop and administer the major
 631 stationary source air-operation permit program, which shall
 632 consist of the following elements to the extent that they are
 633 reasonably related to the regulation of major stationary air
 634 pollution sources, in accordance with United States
 635 Environmental Protection Agency regulations and guidelines:

- 636 1. Reviewing and acting upon any application for such a
 637 permit.
- 638 2. Implementing and enforcing the terms and conditions of
 639 any such permit, excluding court costs or other costs associated
 640 with any enforcement action.
- 641 3. Emissions and ambient monitoring.
- 642 4. Preparing generally applicable regulations or guidance.
- 643 5. Modeling, analyses, and demonstrations.
- 644 6. Preparing inventories and tracking emissions.

645 7. Implementing the Small Business Stationary Source
 646 Technical and Environmental Compliance Assistance Program.

647 8. Any audits conducted under paragraph (c).

648 (c) An audit of the major stationary source air-operation
 649 permit program must be conducted 2 years after the United States
 650 Environmental Protection Agency has given full approval of the
 651 program to ascertain whether the annual operation license fees
 652 collected by the department are used solely to support any
 653 reasonable direct and indirect costs as listed in paragraph (b).
 654 A program audit must be performed biennially after the first
 655 audit.

656 Section 15. Paragraph (e) of subsection (1) of section
 657 403.813, Florida Statutes, is amended to read:

658 403.813 Permits issued at district centers; exceptions.—

659 (1) A permit is not required under this chapter, chapter
 660 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 661 chapter 25270, 1949, Laws of Florida, for activities associated
 662 with the following types of projects; however, except as
 663 otherwise provided in this subsection, nothing in this
 664 subsection relieves an applicant from any requirement to obtain
 665 permission to use or occupy lands owned by the Board of Trustees
 666 of the Internal Improvement Trust Fund or any water management
 667 district in its governmental or proprietary capacity or from
 668 complying with applicable local pollution control programs
 669 authorized under this chapter or other requirements of county
 670 and municipal governments:

671 (e) The restoration of seawalls at their previous
 672 locations or upland of, or within 18 inches ~~1-foot~~ waterward of,

673 their previous locations. However, this shall not affect the
 674 permitting requirements of chapter 161, and department rules
 675 shall clearly indicate that this exception does not constitute
 676 an exception from the permitting requirements of chapter 161.

677 Section 16. Subsection (13) is added to section 403.814,
 678 Florida Statutes, to read:

679 403.814 General permits; delegation.—

680 (13) The department shall issue general permits for
 681 special events as defined in s. 253.0345. The permits must be
 682 for a period that runs concurrently with the consent of use or
 683 lease issued pursuant to that section. No more than two seagrass
 684 studies may be required by a general permit, one conducted
 685 before issuance of the permit and the other conducted at the
 686 time the permit expires. General permits must also allow for the
 687 movement of temporary structures within the footprint of the
 688 lease area. A survey of the lease or consent area is required at
 689 the time of application for a 10-year standard lease or consent
 690 of use and general permit. An area of up to 25 percent of a
 691 previous lease or consent of use area must be issued as part of
 692 the general permit, lease, or consent of use to allow for
 693 economic expansion of the special event during the 10-year term.
 694 An annual survey of the distances of all structures from the
 695 boundaries of the lease or consent of use area must be conducted
 696 to ensure that the lease boundaries have not been violated.

697 Section 17. Subsection (2) of section 570.076, Florida
 698 Statutes, is amended to read:

699 570.076 Environmental Stewardship Certification Program.—

700 The department may, by rule, establish the Environmental

701 Stewardship Certification Program consistent with this section.
 702 A rule adopted under this section must be developed in
 703 consultation with state universities, agricultural
 704 organizations, and other interested parties.

705 (2) The department shall provide an agricultural
 706 certification under this program for implementation of one or
 707 more of the following criteria:

708 (a) A voluntary agreement between an agency and an
 709 agricultural producer for environmental improvement or water-
 710 resource protection.

711 (b) A conservation plan that meets or exceeds the
 712 requirements of the United States Department of Agriculture.

713 (c) Best management practices adopted by rule pursuant to
 714 s. 403.067(7)(c) or s. 570.085(1)(b) ~~570.085(2)~~.

715 Section 18. Section 570.085, Florida Statutes, is amended
 716 to read:

717 570.085 Department of Agriculture and Consumer Services;
 718 agricultural water conservation and water supply planning.-

719 (1) The department shall establish an agricultural water
 720 conservation program that includes the following:

721 (a) ~~(1)~~ A cost-share program, coordinated where appropriate
 722 with the United States Department of Agriculture and other
 723 federal, state, regional, and local agencies, for irrigation
 724 system retrofit and application of mobile irrigation laboratory
 725 evaluations for water conservation as provided in this section
 726 and, where applicable, for water quality improvement pursuant to
 727 s. 403.067(7)(c).

728 (b) ~~(2)~~ The development and implementation of voluntary

729 interim measures or best management practices, adopted by rule,
 730 which provide for increased efficiencies in the use and
 731 management of water for agricultural production. In the process
 732 of developing and adopting rules for interim measures or best
 733 management practices, the department shall consult with the
 734 Department of Environmental Protection and the water management
 735 districts. Such rules may also include a system to assure the
 736 implementation of the practices, including recordkeeping
 737 requirements. As new information regarding efficient
 738 agricultural water use and management becomes available, the
 739 department shall reevaluate and revise as needed, the interim
 740 measures or best management practices. The interim measures or
 741 best management practices may include irrigation retrofit,
 742 implementation of mobile irrigation laboratory evaluations and
 743 recommendations, water resource augmentation, and integrated
 744 water management systems for drought management and flood
 745 control and should, to the maximum extent practicable, be
 746 designed to qualify for regulatory incentives and other
 747 incentives, as determined by the agency having applicable
 748 statutory authority.

749 (c)~~(3)~~ Provision of assistance to the water management
 750 districts in the development and implementation of a consistent,
 751 to the extent practicable, methodology for the efficient
 752 allocation of water for agricultural irrigation.

753 (2) (a) The department shall establish an agricultural
 754 water supply planning program that includes the development of
 755 appropriate data indicative of future agricultural water needs.
 756 The data shall be based on at least a 20-year planning period

757 | and shall include, but is not limited to:

758 | 1. Applicable agricultural crop types or categories.

759 | 2. Historic estimates of irrigated acreage, current

760 | estimates of irrigated acreage, and future irrigated acreage

761 | projections for each applicable crop type or category spatially

762 | for each county, including the historic and current methods and

763 | assumptions used to generate the spatial acreage estimates and

764 | projections.

765 | 3. Crop type or category water use coefficients for both

766 | average year and 1-in-10 year drought years used in calculating

767 | historic and current water supply needs and projected future

768 | water supply needs, including data, methods, and assumptions

769 | used to generate the coefficients. Estimates of historic and

770 | current water supply needs shall take into account actual

771 | metered data where available.

772 | 4. An evaluation of significant uncertainties affecting

773 | agricultural production that may require a range of projections

774 | for future agricultural water supply needs.

775 | (b) In developing the future agricultural water supply

776 | needs data, the department shall consult with the agricultural

777 | industry, the University of Florida Institute of Food and

778 | Agricultural Sciences, the Department of Environmental

779 | Protection, the water management districts, the United States

780 | Department of Agriculture National Agricultural Statistics

781 | Service, and the United States Geological Survey.

782 | (c) The future agricultural water supply needs data shall

783 | be provided to each water management district for consideration

784 | pursuant to ss. 373.036(2) and 373.709(2)(a)1.b. The department

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785 shall coordinate with each water management district to
786 establish the schedule necessary for provision of agricultural
787 water supply needs data in order to comply with water supply
788 planning provisions of ss. 373.036(2) and 373.709(2)(a)1.b.
789 Section 19. This act shall take effect July 1, 2013.



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Patronis offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

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

9 20.255 Department of Environmental Protection.—There is
 10 created a Department of Environmental Protection.

11 (8) The department may adopt rules requiring or
 12 incentivizing electronic submission of forms, documents, fees,
 13 or reports required for permits issued under chapter 161,
 14 chapter 253, chapter 373, chapter 376, or chapter 403. The rules
 15 must reasonably accommodate technological or financial hardship
 16 and must provide procedures for obtaining an exemption due to a
 17 such hardship.

18 Section 2. Section 125.022, Florida Statutes, is amended
 19 to read:

20 125.022 Development permits.—



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21 (1) When reviewing an application for a development permit
22 from an applicant who has participated in a pre-application
23 meeting, a county may not request additional information from
24 the applicant more than three times, unless the applicant waives
25 the limitation in writing. The first request must be reviewed
26 and approved in writing by the permit processor's supervisor or
27 department director or manager. The second request must be
28 approved by a department or division director or manager.
29 Subsequent requests must be approved in writing by the county
30 administrator. If the applicant believes the request for
31 additional information is not authorized by ordinance, rule,
32 statute, or other legal authority, the county, at the
33 applicant's request, shall proceed to process the application
34 for approval or denial.

35 (2) When a county denies an application for a development
36 permit, the county shall give written notice to the applicant.
37 The notice must include a citation to the applicable portions of
38 an ordinance, rule, statute, or other legal authority for the
39 denial of the permit.

40 (3) As used in this section, the term "development permit"
41 has the same meaning as in s. 163.3164.

42 (4) For any development permit application filed with the
43 county after July 1, 2012, a county may not require as a
44 condition of processing or issuing a development permit that an
45 applicant obtain a permit or approval from any state or federal
46 agency unless the agency has issued a final agency action that
47 denies the federal or state permit before the county action on
48 the local development permit.



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49 (5) Issuance of a development permit by a county does not
50 in any way create any rights on the part of the applicant to
51 obtain a permit from a state or federal agency and does not
52 create any liability on the part of the county for issuance of
53 the permit if the applicant fails to obtain requisite approvals
54 or fulfill the obligations imposed by a state or federal agency
55 or undertakes actions that result in a violation of state or
56 federal law. A county may attach such a disclaimer to the
57 issuance of a development permit and may include a permit
58 condition that all other applicable state or federal permits be
59 obtained before commencement of the development.

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

63 Section 3. Section 166.033, Florida Statutes, is amended
64 to read:

65 166.033 Development permits.-

66 (1) When reviewing an application for a development permit
67 from an applicant who has participated in a pre-application
68 meeting, a municipality may not request additional information
69 from the applicant more than three times, unless the applicant
70 waives the limitation in writing. The first request must be
71 reviewed and approved in writing by the permit processor's
72 supervisor or department director or manager. The second request
73 must be approved by a department or division director or
74 manager. Subsequent requests must be approved in writing by the
75 municipal administrator or equivalent chief administrative
76 officer. If the applicant believes the request for additional



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77 information is not authorized by ordinance, rule, statute, or
78 other legal authority, the municipality, at the applicant's
79 request, shall proceed to process the application for approval
80 or denial.

81 (2) When a municipality denies an application for a
82 development permit, the municipality shall give written notice
83 to the applicant. The notice must include a citation to the
84 applicable portions of an ordinance, rule, statute, or other
85 legal authority for the denial of the permit.

86 (3) As used in this section, the term "development permit"
87 has the same meaning as in s. 163.3164.

88 (4) For any development permit application filed with the
89 municipality after July 1, 2012, a municipality may not require
90 as a condition of processing or issuing a development permit
91 that an applicant obtain a permit or approval from any state or
92 federal agency unless the agency has issued a final agency
93 action that denies the federal or state permit before the
94 municipal action on the local development permit.

95 (5) Issuance of a development permit by a municipality
96 does not in any way create any right on the part of an applicant
97 to obtain a permit from a state or federal agency and does not
98 create any liability on the part of the municipality for
99 issuance of the permit if the applicant fails to obtain
100 requisite approvals or fulfill the obligations imposed by a
101 state or federal agency or undertakes actions that result in a
102 violation of state or federal law. A municipality may attach
103 such a disclaimer to the issuance of development permits and may
104 include a permit condition that all other applicable state or



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105 federal permits be obtained before commencement of the
106 development.

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

110 Section 4. Paragraph (c) of subsection (6) of section
111 211.3103, Florida Statutes is amended to read:

112 211.3103 Levy of tax on severance of phosphate rock; rate,
113 basis, and distribution of tax.—

114 (6)

115 (c) For purposes of this section, "phosphate-related
116 expenses" means those expenses that provide for infrastructure
117 or services in support of the phosphate industry, including
118 environmental education, reclamation or restoration of phosphate
119 lands, maintenance and restoration of reclaimed lands and county
120 owned environmental lands which were formerly phosphate lands,
121 community infrastructure on such reclaimed lands and county
122 owned environmental lands which were formerly phosphate lands,
123 and similar expenses directly related to support of the
124 industry.

125 Section 5. Section 253.0345, Florida Statutes, is amended
126 to read:

127 253.0345 Special events; submerged land leases.—

128 (1) The trustees may ~~are authorized to issue leases or~~
129 ~~consents of use or leases~~ to riparian landowners, special and
130 event promoters, and boat show owners to allow the installation
131 of temporary structures, including docks, moorings, pilings, and
132 access walkways, on sovereign submerged lands solely for the



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133 purpose of facilitating boat shows and displays in, or adjacent
134 to, established marinas or government-owned ~~government-owned~~
135 upland property. Riparian owners of adjacent uplands who are not
136 seeking a lease or consent of use shall be notified by certified
137 mail of any request for such a lease or consent of use before
138 ~~prior to~~ approval by the trustees. The trustees shall balance
139 the interests of any objecting riparian owners with the economic
140 interests of the public and the state as a factor in determining
141 whether ~~if~~ a lease or consent of use should be executed over the
142 objection of adjacent riparian owners. This section does ~~shall~~
143 not apply to structures for viewing motorboat racing, high-speed
144 motorboat contests, or high-speed displays in waters where
145 manatees are known to frequent.

146 (2) A lease or consent of use for a ~~Any~~ special event
147 under ~~provided for in~~ subsection (1):

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

150 (b) Shall include a lease fee, if applicable, based solely
151 on the period and actual size of the preemption and conditions
152 to allow reconfiguration of temporary structures within the
153 lease area with notice to the department of the configuration
154 and size of preemption within the lease area.

155 (c) ~~The lease or consent of use~~ May also contain
156 appropriate requirements for removal of the temporary
157 structures, including the posting of sufficient surety to
158 guarantee appropriate funds for removal of the structures should
159 the promoter or riparian owner fail to do so within the time
160 specified in the agreement.



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

165 Section 6. Section 253.0346, Florida Statutes, is created
166 to read:

167 253.0346 Lease of sovereignty submerged lands for marinas,
168 boatyards, and marine retailers.-

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

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

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

176 (2) For marinas that are open to the public on a first-
177 come, first-served basis and for which at least 90 percent of
178 the slips are open to the public, a discount of 30 percent on
179 the annual lease fee shall apply if dockage rate sheet
180 publications and dockage advertising clearly state that slips
181 are open to the public on a first-come, first-served basis.

182 (3) For a facility designated by the department as a Clean
183 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean
184 Marina Program:

185 (a) A discount of 10 percent on the annual lease fee shall
186 apply if the facility:

- 187 1. Actively maintains designation under the program.
188 2. Complies with the terms of the lease.



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

190 (b) Extended-term lease surcharges shall be waived if the
191 facility:

192 1. Actively maintains designation under the program.

193 2. Complies with the terms of the lease.

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

195 4. Is available to the public on a first-come, first-
196 served basis.

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

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

203 Section 7. Subsection (4) of section 373.118, Florida
204 Statutes, is amended to read:

205 373.118 General permits; delegation.—

206 (4) The department shall adopt by rule one or more general
207 permits for local governments to construct, operate, and
208 maintain public marina facilities, public mooring fields, public
209 boat ramps, including associated courtesy docks, and associated
210 parking facilities located in uplands. Such general permits
211 adopted by rule shall include provisions to ensure compliance
212 with part IV of this chapter, subsection (1), and the criteria
213 necessary to include the general permits in a state programmatic
214 general permit issued by the United States Army Corps of
215 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
216 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility



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217 authorized under such general permits is exempt from review as a
218 development of regional impact if the facility complies with the
219 comprehensive plan of the applicable local government. Such
220 facilities shall be consistent with the local government manatee
221 protection plan required pursuant to chapter 379 ~~and shall~~
222 ~~obtain Clean Marina Program status prior to opening for~~
223 ~~operation and maintain that status for the life of the facility.~~
224 ~~Marinas and mooring fields authorized under any such general~~
225 ~~permit shall not exceed an area of 50,000 square feet over~~
226 ~~wetlands and other surface waters. Mooring fields authorized~~
227 ~~under such general permit may not exceed 100 vessels.~~ All
228 facilities permitted under this section shall be constructed,
229 maintained, and operated in perpetuity for the exclusive use of
230 the general public. The department may issue leases for mooring
231 fields that meet the requirements of the general permit. The
232 department shall initiate the rulemaking process within 60 days
233 after the effective date of this act.

234 Section 8. Subsection (1) of section 373.233, Florida
235 Statutes, is amended to read:

236 373.233 Competing applications.—

237 (1) If two or more applications that ~~which~~ otherwise
238 comply with the provisions of this part are pending for a
239 quantity of water that is inadequate for both or all, or which
240 for any other reason are in conflict, and the governing board or
241 department has deemed the application complete, the governing
242 board or the department has ~~shall have~~ the right to approve or
243 modify the application which best serves the public interest.

244 Section 9. Subsection (4) of section 373.236, Florida



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245 Statutes, is amended to read:

246 373.236 Duration of permits; compliance reports.-

247 (4) Where necessary to maintain reasonable assurance that
248 the conditions for issuance of a 20-year permit can continue to
249 be met, the governing board or department, in addition to any
250 conditions required pursuant to s. 373.219, may require a
251 compliance report by the permittee every 10 years during the
252 term of a permit. The Suwannee River Water Management District
253 may require a compliance report by the permittee every 5 years
254 through July 1, 2015, and thereafter every 10 years during the
255 term of the permit. This report shall contain sufficient data to
256 maintain reasonable assurance that the initial conditions for
257 permit issuance are met. Following review of this report, the
258 governing board or the department may modify the permit to
259 ensure that the use meets the conditions for issuance. Permit
260 modifications pursuant to this subsection shall not be subject
261 to competing applications, provided there is no increase in the
262 permitted allocation or permit duration, and no change in
263 source, except for changes in source requested by the district.
264 In order to promote the sustainability of natural systems
265 through the diversification of water supplies to include sources
266 that are resistant to drought, a water management district may
267 not reduce an existing permitted allocation of water during the
268 permit term as a result of planned future construction of, or
269 additional water becoming available from, a seawater
270 desalination plant, unless such reductions are conditions of a
271 permit or funding agreement with the water management district.
272 Except as otherwise provided in this subsection, this subsection



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273 ~~does shall not be construed to~~ limit the existing authority of
274 the department or the governing board to modify or revoke a
275 consumptive use permit.

276 Section 10. Subsection (1) of section 373.308, Florida
277 Statutes, is amended to read:

278 373.308 Implementation of programs for regulating water
279 wells.-

280 (1) The department shall authorize the governing board of
281 a water management district to implement a program for the
282 issuance of permits for the location, construction, repair, and
283 abandonment of water wells. Upon authorization from the
284 department, issuance of well permits will be the sole
285 responsibility of the water management district. Counties with
286 delegated permitting authority and other government entities may
287 not impose additional or duplicate requirements or fees or
288 establish a separate program for the permitting of the location,
289 abandonment, boring, or other activities reasonably associated
290 with the installation and abandonment of a groundwater well.

291 Section 11. Subsections (1) and (10) of section 373.323,
292 Florida Statutes, are amended to read:

293 373.323 Licensure of water well contractors; application,
294 qualifications, and examinations; equipment identification.-

295 (1) Every person who wishes to engage in business as a
296 water well contractor shall obtain from the water management
297 district a license to conduct such business. Licensure under
298 this part by a water management district shall be the only water
299 well construction license required for the construction, repair,
300 or abandonment of water wells in the state or any political



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301 subdivision thereof.

302 (10) Water well contractors licensed under this section
303 may install, repair, and modify pumps and tanks in accordance
304 with the Florida Building Code, Plumbing; Section 612-Wells
305 pumps and tanks used for private potable water systems. In
306 addition, licensed water well contractors may install pumps,
307 tanks, and water conditioning equipment for all water well
308 systems.

309 Section 12. Subsection (23) is added to section 373.403,
310 Florida Statutes, to read:

311 373.403 Definitions.—When appearing in this part or in any
312 rule, regulation, or order adopted pursuant thereto, the
313 following terms mean:

314 (23) "Mean annual flood line" for the limited purposes of
315 delineating the environmental resource permit regulatory limits
316 of other surface waters means the water surface boundary
317 produced by the discharge determined by calculating the
318 arithmetic mean of the maximum yearly discharges for the period
319 of record, to include at least the most recent 10-year period.
320 If at least 10 years of data is not available, the mean annual
321 flood line may be determined through consideration of data
322 available and field verification conducted by a certified
323 professional surveyor and mapper with experience in the
324 determination of floodwater elevations and subsequently verified
325 by department personnel. Field verification of the mean annual
326 flood line shall be performed using the provisions of chapter
327 62-340, Florida Administrative Code, and the Florida Wetlands
328 Delineation Manual. Generally accepted hydrological standards



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329 and procedures shall be used to qualify hydrologic field
330 indicators as rare or aberrant prior to exclusion from mean
331 annual flood determinations.

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

334 373.406 Exemptions.—The following exemptions shall apply:

335 (13) Nothing in this part, or in any rule, regulation, or
336 order adopted pursuant to this part, applies to construction,
337 operation, or maintenance of any wholly owned, manmade farm
338 ponds, as defined in s. 403.927, constructed entirely in
339 uplands.

340 (14) Nothing in this part, or in any rule, regulation, or
341 order adopted pursuant to this part, may require a permit for
342 activities affecting wetlands created solely by the unauthorized
343 flooding or interference with the natural flow of surface water
344 caused by an adjoining landowner. This exemption does not apply
345 to activities that discharge dredged or fill material into
346 waters of the United States, including wetlands, subject to
347 federal jurisdiction under section 404 of the Clean Water Act,
348 33 U.S.C. s. 1344.

349 (15) Any water control district created and operating
350 pursuant to chapter 298 for which a valid environmental resource
351 permit or management and storage of surface waters permit has
352 been issued pursuant to this part is exempt from further
353 wetlands or water quality regulations imposed pursuant to
354 chapters 125, 163, and 166.

355 Section 14. Subsection (3) of section 373.701, Florida
356 Statutes, is amended to read:



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357 373.701 Declaration of policy.—It is declared to be the
358 policy of the Legislature:

359 (3) Cooperative efforts between municipalities, counties,
360 utility companies, private landowners, water consumers, water
361 management districts, and the Department of Environmental
362 Protection, and the Department of Agriculture and Consumer
363 Services are necessary ~~mandatory~~ in order to meet the water
364 needs of rural and rapidly urbanizing areas in a manner that
365 will supply adequate and dependable supplies of water where
366 needed without resulting in adverse effects upon the areas from
367 which ~~such~~ water is withdrawn. Such efforts should employ ~~use~~
368 all practical means of obtaining water, including, but not
369 limited to, withdrawals of surface water and groundwater, reuse,
370 and desalination, and will require ~~necessitate not only~~
371 cooperation and ~~but also~~ well-coordinated activities.

372 Municipalities, counties, and special districts are encouraged
373 to create multijurisdictional water supply entities or regional
374 water supply authorities as authorized in s. 373.713 ~~or~~
375 ~~multijurisdictional water supply entities.~~

376 Section 15. Subsections (1), (2), and (9) of section
377 373.703, Florida Statutes, are amended to read:

378 373.703 Water production; general powers and duties.—In
379 the performance of, and in conjunction with, its other powers
380 and duties, the governing board of a water management district
381 existing pursuant to this chapter:

382 (1) Shall engage in planning to assist counties,
383 municipalities, special districts, publicly owned and privately
384 owned water utilities, multijurisdictional water supply



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385 entities, or regional water supply authorities, or self-
386 suppliers in meeting water supply needs in such manner as will
387 give priority to encouraging conservation and reducing adverse
388 environmental effects of improper or excessive withdrawals of
389 water from concentrated areas. As used in this section and s.
390 373.707, regional water supply authorities are regional water
391 authorities created under s. 373.713 or other laws of this
392 state. As used in part VII of this chapter, self-suppliers are
393 persons who obtain surface or groundwater from a source other
394 than a public water supply.

395 (2) Shall assist counties, municipalities, special
396 districts, publicly owned or privately owned water utilities,
397 multijurisdictional water supply entities, or regional water
398 supply authorities, or self-suppliers in meeting water supply
399 needs in such manner as will give priority to encouraging
400 conservation and reducing adverse environmental effects of
401 improper or excessive withdrawals of water from concentrated
402 areas.

403 (9) May join with one or more other water management
404 districts, counties, municipalities, special districts, publicly
405 owned or privately owned water utilities, multijurisdictional
406 water supply entities, or regional water supply authorities, or
407 self-suppliers for the purpose of carrying out any of its
408 powers, and may contract with such other entities to finance
409 acquisitions, construction, operation, and maintenance, provided
410 such contracts are consistent with the public interest. The
411 contract may provide for contributions to be made by each party
412 to the contract thereto, for the division and apportionment of



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413 the expenses of acquisitions, construction, operation, and
414 maintenance, and for the division and apportionment of resulting
415 the benefits, services, and products ~~therefrom~~. The contracts
416 may contain other covenants and agreements necessary and
417 appropriate to accomplish their purposes.

418 Section 16. Subsection (1), paragraph (a) of subsection
419 (2), and subsection (3) of section 373.709, Florida Statutes,
420 are amended to read:

421 373.709 Regional water supply planning.—

422 (1) The governing board of each water management district
423 shall conduct water supply planning for a ~~any~~ water supply
424 planning region within the district identified in the
425 appropriate district water supply plan under s. 373.036, where
426 it determines that existing sources of water are not adequate to
427 supply water for all existing and future reasonable-beneficial
428 uses and to sustain the water resources and related natural
429 systems for the planning period. The planning must be conducted
430 in an open public process, in coordination and cooperation with
431 local governments, regional water supply authorities,
432 government-owned and privately owned water and wastewater
433 utilities, multijurisdictional water supply entities, self-
434 suppliers, reuse utilities, the Department of Environmental
435 Protection, the Department of Agriculture and Consumer Services,
436 and other affected and interested parties. The districts shall
437 actively engage in public education and outreach to all affected
438 local entities and their officials, as well as members of the
439 public, in the planning process and in seeking input. During
440 preparation, but before ~~prior to~~ completion of the regional



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441 water supply plan, the district shall ~~must~~ conduct at least one
442 public workshop to discuss the technical data and modeling tools
443 anticipated to be used to support the regional water supply
444 plan. The district shall also hold several public meetings to
445 communicate the status, overall conceptual intent, and impacts
446 of the plan on existing and future reasonable-beneficial uses
447 and related natural systems. During the planning process, a
448 local government may choose to prepare its own water supply
449 assessment to determine if existing water sources are adequate
450 to meet existing and projected reasonable-beneficial needs of
451 the local government while sustaining water resources and
452 related natural systems. The local government shall submit such
453 assessment, including the data and methodology used, to the
454 district. The district shall consider the local government's
455 assessment during the formation of the plan. A determination by
456 the governing board that initiation of a regional water supply
457 plan for a specific planning region is not needed pursuant to
458 this section is ~~shall be~~ subject to s. 120.569. The governing
459 board shall reevaluate the ~~such a~~ determination at least once
460 every 5 years and shall initiate a regional water supply plan,
461 if needed, pursuant to this subsection.

462 (2) Each regional water supply plan must ~~shall~~ be based on
463 at least a 20-year planning period and must ~~shall~~ include, but
464 need not be limited to:

465 (a) A water supply development component for each water
466 supply planning region identified by the district which
467 includes:

468 1. A quantification of the water supply needs for all



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469 existing and future reasonable-beneficial uses within the
470 planning horizon. The level-of-certainty planning goal
471 associated with identifying the water supply needs of existing
472 and future reasonable-beneficial uses must ~~shall~~ be based upon
473 meeting those needs for a 1-in-10-year drought event.

474 a. Population projections used for determining public
475 water supply needs must be based upon the best available data.
476 In determining the best available data, the district shall
477 consider the University of Florida's Bureau of Economic and
478 Business Research (BEBR) medium population projections and any
479 population projection data and analysis submitted by a local
480 government pursuant to the public workshop described in
481 subsection (1) if the data and analysis support the local
482 government's comprehensive plan. Any adjustment of or deviation
483 from the BEBR projections must be fully described, and the
484 original BEBR data must be presented along with the adjusted
485 data.

486 b. Agricultural demand projections used for determining
487 the needs of agricultural self-suppliers must be based upon the
488 best available data. In determining the best available data for
489 agricultural self-supplied water needs, the district shall
490 consider the data indicative of future water supply demands
491 provided by the Department of Agriculture and Consumer Services
492 pursuant to s. 570.085. Any adjustment of or deviation from the
493 data provided by the Department of Agriculture and Consumer
494 Services must be fully described, and the original data must be
495 presented along with the adjusted data.

496 2. A list of water supply development project options,



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497 including traditional and alternative water supply project
498 options, from which local government, government-owned and
499 privately owned utilities, regional water supply authorities,
500 multijurisdictional water supply entities, self-suppliers, and
501 others may choose for water supply development. In addition to
502 projects listed by the district, such users may propose specific
503 projects for inclusion in the list of ~~alternative~~ water supply
504 development project options ~~projects~~. If such users propose a
505 project to be listed as a an ~~an alternative~~ water supply project,
506 the district shall determine whether it meets the goals of the
507 plan, and, if so, it shall be included in the list. The total
508 capacity of the projects included in the plan must ~~shall~~ exceed
509 the needs identified in subparagraph 1. and shall take into
510 account water conservation and other demand management measures,
511 as well as water resources constraints, including adopted
512 minimum flows and levels and water reservations. Where the
513 district determines it is appropriate, the plan should
514 specifically identify the need for multijurisdictional
515 approaches to project options that, based on planning level
516 analysis, are appropriate to supply the intended uses and that,
517 based on such analysis, appear to be permittable and financially
518 and technically feasible. The list of water supply development
519 options must contain provisions that recognize that alternative
520 water supply options for agricultural self-suppliers are
521 limited.

522 3. For each project option identified in subparagraph 2.,
523 the following must ~~shall~~ be provided:

524 a. An estimate of the amount of water to become available



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525 through the project.

526 b. The timeframe in which the project option should be
527 implemented and the estimated planning-level costs for capital
528 investment and operating and maintaining the project.

529 c. An analysis of funding needs and sources of possible
530 funding options. For alternative water supply projects the water
531 management districts shall provide funding assistance in
532 accordance with s. 373.707(8).

533 d. Identification of the entity that should implement each
534 project option and the current status of project implementation.

535 (3) The water supply development component of a regional
536 water supply plan which deals with or affects public utilities
537 and public water supply for those areas served by a regional
538 water supply authority and its member governments within the
539 boundary of the Southwest Florida Water Management District
540 shall be developed jointly by the authority and the district. In
541 areas not served by regional water supply authorities, or other
542 multijurisdictional water supply entities, and where
543 opportunities exist to meet water supply needs more efficiently
544 through multijurisdictional projects identified pursuant to
545 paragraph (2)(a), water management districts are directed to
546 assist in developing multijurisdictional approaches to water
547 supply project development jointly with affected water
548 utilities, special districts, self-suppliers, and local
549 governments.

550 Section 17. Subsection (3) of section 376.313, Florida
551 Statutes, is amended to read:

552 376.313 Nonexclusiveness of remedies and individual cause



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553 of action for damages under ss. 376.30-376.317.—

554 (3) Except as provided in s. 376.3078(3) and (11), nothing
555 contained in ss. 376.30-376.317 prohibits any person from
556 bringing a cause of action in a court of competent jurisdiction
557 for all damages resulting from a discharge or other condition of
558 pollution covered by ss. 376.30-376.317 which was not authorized
559 pursuant to chapter 403. Nothing in this chapter shall prohibit
560 or diminish a party's right to contribution from other parties
561 jointly or severally liable for a prohibited discharge of
562 pollutants or hazardous substances or other pollution
563 conditions. Except as otherwise provided in subsection (4) or
564 subsection (5), in any such suit, it is not necessary for such
565 person to plead or prove negligence in any form or manner. Such
566 person need only plead and prove the fact of the prohibited
567 discharge or other pollutive condition and that it has occurred.
568 The only defenses to such cause of action shall be those
569 specified in s. 376.308.

570 Section 18. Subsection (11) of section 403.021, Florida
571 Statutes, is amended to read:

572 403.021 Legislative declaration; public policy.—

573 (11) It is the intent of the Legislature that water
574 quality standards be reasonably established and applied to take
575 into account the variability occurring in nature. The department
576 shall recognize the statistical variability inherent in sampling
577 and testing procedures that are used to express water quality
578 standards. The department shall also recognize that some
579 deviations from water quality standards occur as the result of
580 natural background conditions. The department shall not consider



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581 deviations from water quality standards to be violations when
582 the discharger can demonstrate that the deviations would occur
583 in the absence of any human-induced discharges or alterations to
584 the water body. Testing, sampling, collection, or analysis may
585 not be conducted or required unless such testing, sampling,
586 collection, or analysis has been subjected to and validated
587 through inter- and intra-laboratory testing, quality control,
588 peer review, and adopted by rule. The validation shall be
589 sufficient to ensure that variability inherent in such testing
590 sampling, collection, or analysis has been specified and reduced
591 to the minimum for comparable testing, sampling, collection, or
592 analysis.

593 Section 19. Subsection (22) is added to section 403.031,
594 Florida
595 Statutes, to read:

596 403.031 Definitions.—In construing this chapter, or rules
597 and regulations adopted pursuant hereto, the following words,
598 phrases, or terms, unless the context otherwise indicates, have
599 the following meanings:

600 (22) "Beneficiaries" means any person, partnership,
601 corporation, business entity, charitable organization, not-for-
602 profit corporation, state, county, district, authority, or
603 municipal unit of government or any other separate unit of
604 government created or established by law.

605 Section 20. Subsection (43) is added to section 403.061,
606 Florida Statutes, to read:

607 403.061 Department; powers and duties.—The department
608 shall have the power and the duty to control and prohibit



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609 pollution of air and water in accordance with the law and rules
610 adopted and promulgated by it and, for this purpose, to:

611 (43) Adopt rules requiring or incentivizing the electronic
612 submission of forms, documents, fees, or reports required for
613 permits issued under chapter 161, chapter 253, chapter 373,
614 chapter 376, or this chapter. The rules must reasonably
615 accommodate technological or financial hardship and provide
616 procedures for obtaining an exemption due to such hardship.

617

618 The department shall implement such programs in conjunction with
619 its other powers and duties and shall place special emphasis on
620 reducing and eliminating contamination that presents a threat to
621 humans, animals or plants, or to the environment.

622 Section 21. Subsection (11) of section 403.0872, Florida
623 Statutes, is amended to read:

624 403.0872 Operation permits for major sources of air
625 pollution; annual operation license fee.—Provided that program
626 approval pursuant to 42 U.S.C. s. 7661a has been received from
627 the United States Environmental Protection Agency, beginning
628 January 2, 1995, each major source of air pollution, including
629 electrical power plants certified under s. 403.511, must obtain
630 from the department an operation permit for a major source of
631 air pollution under this section. This operation permit is the
632 only department operation permit for a major source of air
633 pollution required for such source; provided, at the applicant's
634 request, the department shall issue a separate acid rain permit
635 for a major source of air pollution that is an affected source
636 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits



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637 for major sources of air pollution, except general permits
638 issued pursuant to s. 403.814, must be issued in accordance with
639 the procedures contained in this section and in accordance with
640 chapter 120; however, to the extent that chapter 120 is
641 inconsistent with the provisions of this section, the procedures
642 contained in this section prevail.

643 (11) Each major source of air pollution permitted to
644 operate in this state must pay between January 15 and April
645 ~~March~~ 1 of each year, upon written notice from the department,
646 an annual operation license fee in an amount determined by
647 department rule. The annual operation license fee shall be
648 terminated immediately in the event the United States
649 Environmental Protection Agency imposes annual fees solely to
650 implement and administer the major source air-operation permit
651 program in Florida under 40 C.F.R. s. 70.10(d).

652 (a) The annual fee must be assessed based upon the
653 source's previous year's emissions and must be calculated by
654 multiplying the applicable annual operation license fee factor
655 times the tons of each regulated air pollutant actually emitted,
656 as calculated in accordance with department's emissions
657 computation and reporting rules. The annual fee shall only apply
658 to those regulated pollutants, (except carbon monoxide) and
659 greenhouse gases, for which an allowable numeric emission
660 limiting standard is specified in allowed to be emitted per hour
661 by specific condition of the source's most recent construction
662 or operation permit, times the annual hours of operation allowed
663 by permit condition; provided, however, that:

664 1. The license fee factor is \$25 or another amount



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665 determined by department rule which ensures that the revenue
666 provided by each year's operation license fees is sufficient to
667 cover all reasonable direct and indirect costs of the major
668 stationary source air-operation permit program established by
669 this section. The license fee factor may be increased beyond \$25
670 only if the secretary of the department affirmatively finds that
671 a shortage of revenue for support of the major stationary source
672 air-operation permit program will occur in the absence of a fee
673 factor adjustment. The annual license fee factor may never
674 exceed \$35.

675 ~~2. For any source that operates for fewer hours during the~~
676 ~~calendar year than allowed under its permit, the annual fee~~
677 ~~calculation must be based upon actual hours of operation rather~~
678 ~~than allowable hours if the owner or operator of the source~~
679 ~~documents the source's actual hours of operation for the~~
680 ~~calendar year. For any source that has an emissions limit that~~
681 ~~is dependent upon the type of fuel burned, the annual fee~~
682 ~~calculation must be based on the emissions limit applicable~~
683 ~~during actual hours of operation.~~

684 ~~3. For any source whose allowable emission limitation is~~
685 ~~specified by permit per units of material input or heat input or~~
686 ~~product output, the applicable input or production amount may be~~
687 ~~used to calculate the allowable emissions if the owner or~~
688 ~~operator of the source documents the actual input or production~~
689 ~~amount. If the input or production amount is not documented, the~~
690 ~~maximum allowable input or production amount specified in the~~
691 ~~permit must be used to calculate the allowable emissions.~~

692 ~~4. For any new source that does not receive its first~~



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693 ~~operation permit until after the beginning of a calendar year,~~
694 ~~the annual fee for the year must be reduced pro rata to reflect~~
695 ~~the period during which the source was not allowed to operate.~~

696 ~~5. For any source that emits less of any regulated air~~
697 ~~pollutant than allowed by permit condition, the annual fee~~
698 ~~calculation for such pollutant must be based upon actual~~
699 ~~emissions rather than allowable emissions if the owner or~~
700 ~~operator documents the source's actual emissions by means of~~
701 ~~data from a department approved certified continuous emissions~~
702 ~~monitor or from an emissions monitoring method which has been~~
703 ~~approved by the United States Environmental Protection Agency~~
704 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
705 ~~or from a method approved by the department for purposes of this~~
706 ~~section.~~

707 ~~2.6.~~ The amount of each regulated air pollutant in excess
708 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
709 group of sources belonging to the same Major Group as described
710 in the Standard Industrial Classification Manual, 1987, may not
711 be included in the calculation of the fee. Any source, or group
712 of sources, which does not emit any regulated air pollutant in
713 excess of 4,000 tons per year, is allowed a one-time credit not
714 to exceed 25 percent of the first annual licensing fee for the
715 prorated portion of existing air-operation permit application
716 fees remaining upon commencement of the annual licensing fees.

717 ~~3.7.~~ If the department has not received the fee by March 1
718 ~~February 15~~ of the calendar year, the permittee must be sent a
719 written warning of the consequences for failing to pay the fee
720 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1



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721 of the calendar year, the department shall impose, in addition
722 to the fee, a penalty of 50 percent of the amount of the fee,
723 plus interest on such amount computed in accordance with s.
724 220.807. The department may not impose such penalty or interest
725 on any amount underpaid, provided that the permittee has timely
726 remitted payment of at least 90 percent of the amount determined
727 to be due and remits full payment within 60 days after receipt
728 of notice of the amount underpaid. The department may waive the
729 collection of underpayment and shall not be required to refund
730 overpayment of the fee, if the amount due is less than 1 percent
731 of the fee, up to \$50. The department may revoke any major air
732 pollution source operation permit if it finds that the
733 permitholder has failed to timely pay any required annual
734 operation license fee, penalty, or interest.

735 ~~4.8.~~ Notwithstanding the computational provisions of this
736 subsection, the annual operation license fee for any source
737 subject to this section shall not be less than \$250, except that
738 the annual operation license fee for sources permitted solely
739 through general permits issued under s. 403.814 shall not exceed
740 \$50 per year.

741 ~~5.9.~~ Notwithstanding the provisions of s.
742 403.087(6)(a)5.a., authorizing air pollution construction permit
743 fees, the department may not require such fees for changes or
744 additions to a major source of air pollution permitted pursuant
745 to this section, unless the activity triggers permitting
746 requirements under Title I, Part C or Part D, of the federal
747 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
748 administer such permits shall be considered direct and indirect



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749 costs of the major stationary source air-operation permit
750 program under s. 403.0873. The department shall, however,
751 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
752 for the construction of a new major source of air pollution that
753 will be subject to the permitting requirements of this section
754 once constructed and for activities triggering permitting
755 requirements under Title I, Part C or Part D, of the federal
756 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

757 (b) Annual operation license fees collected by the
758 department must be sufficient to cover all reasonable direct and
759 indirect costs required to develop and administer the major
760 stationary source air-operation permit program, which shall
761 consist of the following elements to the extent that they are
762 reasonably related to the regulation of major stationary air
763 pollution sources, in accordance with United States
764 Environmental Protection Agency regulations and guidelines:

- 765 1. Reviewing and acting upon any application for such a
766 permit.
- 767 2. Implementing and enforcing the terms and conditions of
768 any such permit, excluding court costs or other costs associated
769 with any enforcement action.
- 770 3. Emissions and ambient monitoring.
- 771 4. Preparing generally applicable regulations or guidance.
- 772 5. Modeling, analyses, and demonstrations.
- 773 6. Preparing inventories and tracking emissions.
- 774 7. Implementing the Small Business Stationary Source
775 Technical and Environmental Compliance Assistance Program.
- 776 8. Any audits conducted under paragraph (c).



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777 (c) An audit of the major stationary source air-operation
778 permit program must be conducted 2 years after the United States
779 Environmental Protection Agency has given full approval of the
780 program to ascertain whether the annual operation license fees
781 collected by the department are used solely to support any
782 reasonable direct and indirect costs as listed in paragraph (b).
783 A program audit must be performed biennially after the first
784 audit.

785 Section 22. Paragraph (e) of subsection (1) of section
786 403.813, Florida Statutes, is amended to read:

787 403.813 Permits issued at district centers; exceptions.—

788 (1) A permit is not required under this chapter, chapter
789 373, chapter 61-691, Laws of Florida, or chapter 25214 or
790 chapter 25270, 1949, Laws of Florida, for activities associated
791 with the following types of projects; however, except as
792 otherwise provided in this subsection, nothing in this
793 subsection relieves an applicant from any requirement to obtain
794 permission to use or occupy lands owned by the Board of Trustees
795 of the Internal Improvement Trust Fund or any water management
796 district in its governmental or proprietary capacity or from
797 complying with applicable local pollution control programs
798 authorized under this chapter or other requirements of county
799 and municipal governments:

800 (e) The restoration of seawalls at their previous
801 locations or upland of, or within 18 inches ~~1-foot~~ waterward of,
802 their previous locations. However, this shall not affect the
803 permitting requirements of chapter 161, and department rules
804 shall clearly indicate that this exception does not constitute



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805 an exception from the permitting requirements of chapter 161.

806 Section 23. Section 403.70605, Florida Statutes, is
807 amended to read:

808 403.70605 Solid waste and commercial recovered material
809 collection services in competition with private companies.—

810 (1) SOLID WASTE COLLECTION SERVICES IN COMPETITION WITH
811 PRIVATE COMPANIES.—

812 (a) A local government that provides specific solid waste
813 collection services in direct competition with a private
814 company:

815 1. Shall comply with the provisions of local
816 environmental, health, and safety standards that also are
817 applicable to a private company providing such collection
818 services in competition with the local government.

819 2. Shall not enact or enforce any license, permit,
820 registration procedure, or associated fee that:

821 a. Does not apply to the local government and for which
822 there is not a substantially similar requirement that applies to
823 the local government; and

824 b. Provides the local government with a material advantage
825 in its ability to compete with a private company in terms of
826 cost or ability to promptly or efficiently provide such
827 collection services. Nothing in this sub-subparagraph shall
828 apply to any zoning, land use, or comprehensive plan
829 requirement.

830 (b)1. A private company with which a local government is
831 in competition may bring an action to enjoin a violation of
832 paragraph (a) against any local government. No injunctive relief



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833 shall be granted if the official action which forms the basis
834 for the suit bears a reasonable relationship to the health,
835 safety, or welfare of the citizens of the local government
836 unless the court finds that the actual or potential
837 anticompetitive effects outweigh the public benefits of the
838 challenged action.

839 2. As a condition precedent to the institution of an
840 action pursuant to this paragraph, the complaining party shall
841 first file with the local government a notice referencing this
842 paragraph and setting forth the specific facts upon which the
843 complaint is based and the manner in which the complaining party
844 is affected. The complaining party may provide evidence to
845 substantiate the claims made in the complaint. Within 30 days
846 after receipt of such a complaint, the local government shall
847 respond in writing to the complaining party explaining the
848 corrective action taken, if any. If no response is received
849 within 30 days or if appropriate corrective action is not taken
850 within a reasonable time, the complaining party may institute
851 the judicial proceedings authorized in this paragraph. However,
852 failure to comply with this subparagraph shall not bar an action
853 for a temporary restraining order to prevent immediate and
854 irreparable harm from the conduct or activity complained of.

855 3. The court may, in its discretion, award to the
856 prevailing party or parties costs and reasonable attorneys'
857 fees.

858 (c) This subsection does not apply when the local
859 government is exclusively providing the specific solid waste



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860 collection services itself or pursuant to an exclusive
861 franchise.

862 (2) SOLID WASTE COLLECTION SERVICES OUTSIDE
863 JURISDICTION.—

864 (a) Notwithstanding s. 542.235, or any other provision of
865 law, a local government that provides solid waste collection
866 services outside its jurisdiction in direct competition with
867 private companies is subject to the same prohibitions against
868 predatory pricing applicable to private companies under ss.
869 542.18 and 542.19.

870 (b) Any person injured by reason of violation of this
871 subsection may sue therefor in the circuit courts of this state
872 and shall be entitled to injunctive relief and to recover the
873 damages and the costs of suit. The court may, in its discretion,
874 award to the prevailing party or parties reasonable attorneys'
875 fees. An action for damages under this subsection must be
876 commenced within 4 years. No person may obtain injunctive relief
877 or recover damages under this subsection for any injury that
878 results from actions taken by a local government in direct
879 response to a natural disaster or similar occurrence for which
880 an emergency is declared by executive order or proclamation of
881 the Governor pursuant to s. 252.36 or for which such a
882 declaration might be reasonably anticipated within the area
883 covered by such executive order or proclamation.

884 (c) As a condition precedent to the institution of an
885 action pursuant to this subsection, the complaining party shall
886 first file with the local government a notice referencing this
887 subsection and setting forth the specific facts upon which the



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888 complaint is based and the manner in which the complaining party
889 is affected. Within 30 days after receipt of such complaint, the
890 local government shall respond in writing to the complaining
891 party explaining the corrective action taken, if any. If the
892 local government denies that it has engaged in conduct that is
893 prohibited by this subsection, its response shall include an
894 explanation showing why the conduct complained of does not
895 constitute predatory pricing.

896 (d) For the purposes of this subsection, the jurisdiction
897 of a county, special district, or solid waste authority shall
898 include all incorporated and unincorporated areas within the
899 county, special district, or solid waste authority.

900 (3) COMMERCIAL RECOVERED MATERIAL COLLECTION SERVICES IN
901 COMPETITION WITH PRIVATE COMPANIES.-

902 (a) A local government that provides commercial recovered
903 material collection services in direct competition with a
904 private company or provides commercial recovered material
905 collection service through contract or a franchise provider:

906 1. Must comply with the provisions of local environmental,
907 health, and safety standards that also are applicable to a
908 private company providing such collection services in
909 competition with the local government.

910 2. May not subsidize the collection of commercial
911 recovered materials or enact or enforce any license, permit,
912 registration procedure, or associated fee that:

913 a. Does not apply to the local government and for which
914 there is not a substantially similar requirement that applies to
915 the local government.



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916 b. Provides the local government or its franchisee with a
917 material advantage in its ability to compete with a private
918 company in terms of cost or ability to promptly or efficiently
919 provide such commercial recovered material collection services.
920 This sub-subparagraph does not apply to any zoning, land use, or
921 comprehensive plan requirement.

922 c. Allows the local government to require a payment of
923 franchise fees for the collection of recovered materials from a
924 commercial establishment.

925 d. Requires a private company to provide the recovered
926 material service to a commercial establishment and deliver the
927 recovered material collected from commercial establishments to a
928 facility designated by the local government by contract or
929 otherwise.

930 (b)1. A private company with which a local government is
931 in competition may bring an action to enjoin a violation of
932 paragraph (a) against any local government. Injunctive relief
933 may not be granted if the official action which forms the basis
934 for the suit bears a reasonable relationship to the health,
935 safety, or welfare of the citizens of the local government
936 unless the court finds that the actual or potential
937 anticompetitive effects outweigh the public benefits of the
938 challenged action.

939 2. As a condition precedent to the institution of an
940 action pursuant to this paragraph, the complaining party shall
941 first file with the local government a notice referencing this
942 paragraph and setting forth the specific facts upon which the
943 complaint is based and the manner in which the complaining party



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944 is affected. The complaining party may provide evidence to
945 substantiate the claims made in the complaint. Within 30 days
946 after receipt of such a complaint, the local government shall
947 respond in writing to the complaining party explaining the
948 corrective action taken, if any. If a response is not received
949 within 30 days or if appropriate corrective action is not taken
950 within a reasonable time, the complaining party may institute
951 the judicial proceedings authorized in this paragraph. However,
952 failure to comply with this subparagraph does not bar an action
953 for a temporary restraining order to prevent immediate and
954 irreparable harm from the conduct or activity complained of.

955 3. The court may, in its discretion, award to the
956 prevailing party or parties costs and reasonable attorneys'
957 fees.

958 (c) This subsection also applies when the local government
959 is exclusively providing the specific solid waste collection
960 services itself or pursuant to an exclusive franchise and is
961 attempting to collect franchise fees on collection of recovered
962 materials from a commercial establishment.

963 (4)-(3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.-

964 (a) As used in this subsection, the term "displacement"
965 means a local government's provision of a collection service
966 which prohibits a private company from continuing to provide the
967 same service that it was providing when the decision to displace
968 was made. The term does not include:

969 1. Competition between the public sector and private
970 companies for individual contracts;



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971 2. Actions by which a local government, at the end of a
972 contract with a private company, refuses to renew the contract
973 and either awards the contract to another private company or
974 decides for any reason to provide the collection service itself;

975 3. Actions taken against a private company because the
976 company has acted in a manner threatening to the public health
977 or safety or resulting in a substantial public nuisance;

978 4. Actions taken against a private company because the
979 company has materially breached its contract with the local
980 government;

981 5. Refusal by a private company to continue operations
982 under the terms and conditions of its existing agreement during
983 the 3-year notice period;

984 6. Entering into a contract with a private company to
985 provide garbage, trash, or refuse collection which contract is
986 not entered into under an ordinance that displaces or authorizes
987 the displacement of another private company providing garbage,
988 trash, or refuse collection;

989 7. Situations in which a majority of the property owners
990 in the displacement area petition the governing body to take
991 over the collection service;

992 8. Situations in which the private companies are licensed
993 or permitted to do business within the local government for a
994 limited time and such license or permit expires and is not
995 renewed by the local government. This subparagraph does not
996 apply to licensing or permitting processes enacted after May 1,
997 1999, or to occupational licenses; or



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998 9. Annexations, but only to the extent that the provisions
999 of s. 171.062(4) apply.

1000 (b) A local government or combination of local governments
1001 may not displace a private company that provides garbage, trash,
1002 or refuse collection service without first:

1003 1. Holding at least one public hearing seeking comment on
1004 the advisability of the local government or combination of local
1005 governments providing the service.

1006 2. Providing at least 45 days' written notice of the
1007 hearing, delivered by first-class mail to all private companies
1008 that provide the service within the jurisdiction.

1009 3. Providing public notice of the hearing.

1010 (c) Following the final public hearing held under
1011 paragraph (b), but not later than 1 year after the hearing, the
1012 local government may proceed to take those measures necessary to
1013 provide the service. A local government shall provide 3 years'
1014 notice to a private company before it engages in the actual
1015 provision of the service that displaces the company. As an
1016 alternative to delaying displacement 3 years, a local government
1017 may pay a displaced company an amount equal to the company's
1018 preceding 15 months' gross receipts for the displaced service in
1019 the displacement area. The 3-year notice period shall lapse as
1020 to any private company being displaced when the company ceases
1021 to provide service within the displacement area. Nothing in this
1022 paragraph prohibits the local government and the company from
1023 voluntarily negotiating a different notice period or amount of
1024 compensation.

1025 (5)~~(4)~~ DEFINITIONS.—As used in this section:



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1026 (a) "In competition" or "in direct competition" means the
1027 vying between a local government and a private company to
1028 provide substantially similar solid waste collection services to
1029 the same customer or recovered materials collection services to
1030 a commercial establishment customer.

1031 (b) "Private company" means any entity other than a local
1032 government or other unit of government that provides solid waste
1033 collection or recovered material collection services.

1034 Section 24. Section 403.8141, Florida Statutes, is created
1035 to read:

1036 403.8141 Special event permits.—The department shall issue
1037 permits for special events under s. 253.0345. The permits must
1038 be for a period that runs concurrently with the consent of use
1039 or lease issued pursuant to that section and must allow for the
1040 movement of temporary structures within the footprint of the
1041 lease area.

1042 Section 25. Paragraph (b) of subsection (14) and paragraph
1043 (b) of subsection (19) of section 403.973, Florida Statutes, are
1044 amended, and paragraph (g) is added to subsection (3) of that
1045 section, to read:

1046 403.973 Expedited permitting; amendments to comprehensive
1047 plans.—

1048 (3)

1049 (g) Projects to construct interstate natural gas pipelines
1050 subject to certification by the Federal Energy Regulatory
1051 Commission.

1052 (14)

1053 (b) Projects identified in paragraph (3)(f) or paragraph



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1054 | (3)(g) or challenges to state agency action in the expedited
1055 | permitting process for establishment of a state-of-the-art
1056 | biomedical research institution and campus in this state by the
1057 | grantee under s. 288.955 are subject to the same requirements as
1058 | challenges brought under paragraph (a), except that,
1059 | notwithstanding s. 120.574, summary proceedings must be
1060 | conducted within 30 days after a party files the motion for
1061 | summary hearing, regardless of whether the parties agree to the
1062 | summary proceeding.

1063 | (19) The following projects are ineligible for review
1064 | under this part:

1065 | (b) A project, the primary purpose of which is to:

1066 | 1. Effect the final disposal of solid waste, biomedical
1067 | waste, or hazardous waste in this state.

1068 | 2. Produce electrical power, unless the production of
1069 | electricity is incidental and not the primary function of the
1070 | project or the electrical power is derived from a fuel source
1071 | for renewable energy as defined in s. 366.91(2)(d).

1072 | 3. Extract natural resources.

1073 | 4. Produce oil.

1074 | 5. Construct, maintain, or operate an oil, petroleum,
1075 | ~~natural gas~~, or sewage pipeline.

1076 | Section 26. Subsection (2) of section 570.076, Florida
1077 | Statutes, is amended to read:

1078 | 570.076 Environmental Stewardship Certification Program.—

1079 | The department may, by rule, establish the Environmental
1080 | Stewardship Certification Program consistent with this section.

1081 | A rule adopted under this section must be developed in



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1082 consultation with state universities, agricultural
1083 organizations, and other interested parties.

1084 (2) The department shall provide an agricultural
1085 certification under this program for implementation of one or
1086 more of the following criteria:

1087 (a) A voluntary agreement between an agency and an
1088 agricultural producer for environmental improvement or water-
1089 resource protection.

1090 (b) A conservation plan that meets or exceeds the
1091 requirements of the United States Department of Agriculture.

1092 (c) Best management practices adopted by rule pursuant to
1093 s. 403.067(7)(c) or s. 570.085(1)(b) ~~570.085(2)~~.

1094 Section 27. Section 570.085, Florida Statutes, is amended
1095 to read:

1096 570.085 Department of Agriculture and Consumer Services;
1097 agricultural water conservation and water supply planning.-

1098 (1) The department shall establish an agricultural water
1099 conservation program that includes the following:

1100 (a) ~~(1)~~ A cost-share program, coordinated where appropriate
1101 with the United States Department of Agriculture and other
1102 federal, state, regional, and local agencies, for irrigation
1103 system retrofit and application of mobile irrigation laboratory
1104 evaluations for water conservation as provided in this section
1105 and, where applicable, for water quality improvement pursuant to
1106 s. 403.067(7)(c).

1107 (b) ~~(2)~~ The development and implementation of voluntary
1108 interim measures or best management practices, adopted by rule,
1109 which provide for increased efficiencies in the use and



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1110 management of water for agricultural production. In the process
1111 of developing and adopting rules for interim measures or best
1112 management practices, the department shall consult with the
1113 Department of Environmental Protection and the water management
1114 districts. Such rules may also include a system to assure the
1115 implementation of the practices, including recordkeeping
1116 requirements. As new information regarding efficient
1117 agricultural water use and management becomes available, the
1118 department shall reevaluate and revise as needed, the interim
1119 measures or best management practices. The interim measures or
1120 best management practices may include irrigation retrofit,
1121 implementation of mobile irrigation laboratory evaluations and
1122 recommendations, water resource augmentation, and integrated
1123 water management systems for drought management and flood
1124 control and should, to the maximum extent practicable, be
1125 designed to qualify for regulatory incentives and other
1126 incentives, as determined by the agency having applicable
1127 statutory authority.

1128 (c)(3) Provision of assistance to the water management
1129 districts in the development and implementation of a consistent,
1130 to the extent practicable, methodology for the efficient
1131 allocation of water for agricultural irrigation.

1132 (2)(a) The department shall establish an agricultural
1133 water supply planning program that includes the development of
1134 appropriate data indicative of future agricultural water needs,
1135 which must be:

- 1136 1. Based on at least a 20-year planning period.
1137 2. Provided to each water management district.



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1138 3. Considered by each water management district in
1139 accordance with ss. 373.036(2) and 373.709(2)(a)1.b.

1140 (b) The data on future agricultural water supply demands
1141 which are provided to each district must include, but need not
1142 be limited to:

1143 1. Applicable agricultural crop types or categories.

1144 2. Historic estimates of irrigated acreage, current
1145 estimates of irrigated acreage, and future projections of
1146 irrigated acreage for each applicable crop type or category
1147 spatially for each county, including the historic and current
1148 methods and assumptions used to generate the spatial acreage
1149 estimates and projections.

1150 3. Crop type or category water use coefficients for an
1151 average year and a 1-in-10 year drought used in calculating
1152 historic and current water supply needs and projected future
1153 water demands, including data, methods, and assumptions used to
1154 generate the coefficients. Estimates of historic and current
1155 water demands shall take into account actual metered data as
1156 available. Projected future water demands shall incorporate
1157 appropriate potential water conservation factors based upon data
1158 collected as part of the department's agricultural water
1159 conservation program pursuant to s. 570.085(1).

1160 4. An evaluation of significant uncertainties affecting
1161 agricultural production that may require a range of projections
1162 for future agricultural water supply needs.

1163 (c) In developing the future agricultural water supply
1164 needs described in paragraph (a), the department shall consult
1165 with the agricultural industry, the University of Florida



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1166 Institute of Food and Agricultural Sciences, the Department of
1167 Environmental Protection, the water management districts, the
1168 United States Department of Agriculture National Agricultural
1169 Statistics Service, and the United States Geological Survey.

1170 (d) The department shall coordinate with each water
1171 management district to establish a schedule for provision of
1172 data on agricultural water supply needs in order to comply with
1173 water supply planning provisions of ss. 373.036(2) and
1174 373.709(2)(a)1.b.

1175 Section 28. This act shall take effect July 1, 2013.

1176

1177

1178

1179

T I T L E A M E N D M E N T

1180

Remove everything before the enacting clause and insert:

1181

A bill to be entitled

1182

An act relating to environmental regulation; amending

1183

s. 20.255, F.S.; authorizing the Department of

1184

Environmental Protection to adopt rules requiring or

1185

incentivizing the electronic submission of forms,

1186

documents, fees, and reports required for certain

1187

permits; amending ss. 125.022 and 166.033, F.S.;

1188

providing requirements for the review of development

1189

permit applications by counties and municipalities;

1190

amending s. 211.3103, F.S.; revising the definition of

1191

"phosphate-related expenses" to include maintenance

1192

and restoration of certain lands; amending s.

1193

253.0345, F.S.; revising provisions for the duration



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1194 of leases and consents of use issued by the Board of
1195 Trustees of the Internal Improvement Trust Fund for
1196 special events; providing conditions for fees relating
1197 to such leases and consents of use; creating s.
1198 253.0346, F.S.; defining the term "first-come, first-
1199 served basis"; providing conditions for the discount
1200 and waiver of lease fees and surcharges for certain
1201 marinas, boatyards, and marine retailers; providing
1202 applicability; amending s. 373.118, F.S.; deleting
1203 provisions requiring the department to adopt general
1204 permits for public marina facilities; deleting certain
1205 requirements under general permits for public marina
1206 facilities and mooring fields; limiting the number of
1207 vessels for mooring fields authorized under such
1208 permits; amending s. 373.233, F.S.; clarifying
1209 conditions for competing consumptive use of water
1210 applications; amending s. 373.236, F.S.; prohibiting
1211 water management districts from reducing certain
1212 allocations as a result of seawater desalination plant
1213 activities; providing an exception; amending s.
1214 373.308, F.S.; providing that issuance of well permits
1215 is the sole responsibility of water management
1216 districts; prohibiting certain counties and other
1217 government entities from imposing requirements and
1218 fees and establishing programs for installation and
1219 abandonment of groundwater wells; amending s. 373.323,
1220 F.S.; providing that licenses issued by water
1221 management districts are the only water well



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1222 construction licenses required for construction,
1223 repair, or abandonment of water wells; authorizing
1224 licensed water well contractors to install equipment
1225 for all water systems; amending s. 373.403, F.S.;
1226 defining the term "mean annual flood line"; amending
1227 s. 373.406, F.S.; exempting specified ponds, ditches,
1228 and wetlands from surface water management and storage
1229 requirements; exempting certain water control
1230 districts from wetlands or water quality regulations;
1231 amending s. 373.701, F.S.; providing a legislative
1232 declaration that efforts to adequately and dependably
1233 meet water needs; requiring the cooperation of utility
1234 companies, private landowners, water consumers, and
1235 the Department of Agriculture and Consumer Services;
1236 amending s. 373.703, F.S.; requiring the governing
1237 boards of water management districts to assist self-
1238 suppliers, among others, in meeting water supply
1239 demands; authorizing the governing boards to contract
1240 with self-suppliers for the purpose of carrying out
1241 its powers; amending s. 373.709, F.S.; requiring water
1242 management districts to coordinate and cooperate with
1243 the Department of Agriculture and Consumer Services
1244 for regional water supply planning; providing criteria
1245 and requirements for determining agricultural water
1246 supply demand projections; amending s. 376.313, F.S.;
1247 holding harmless a person who discharges pollution
1248 pursuant to ch. 403, F.S.; amending s. 403.021, F.S.;
1249 providing requirements and conditions for water



Amendment No.

1250 quality testing, sampling, collection, and analysis by
1251 the department; amending s. 403.031, F.S.; defining
1252 the term "beneficiaries"; amending s. 403.061, F.S.;
1253 authorizing the department to adopt rules requiring or
1254 incentivizing the electronic submission of forms,
1255 documents, fees, and reports required for certain
1256 permits; amending s. 403.0872, F.S.; extending the
1257 payment deadline of permit fees for major sources of
1258 air pollution and conforming the date for related
1259 notice by the department; revising provisions for the
1260 calculation of such annual fees; amending s. 403.813,
1261 F.S.; revising conditions under which certain permits
1262 are not required for seawall restoration projects;
1263 amending s. 403.70605, F.S.; revising provisions
1264 governing solid waste collection services in
1265 competition with private companies to include
1266 commercial collection of recovered materials; creating
1267 s. 403.8141, F.S.; requiring the Department of
1268 Environmental Protection to establish general permits
1269 for special events; providing permit requirements;
1270 amending s. 403.973, F.S.; authorizing expedited
1271 permitting for natural gas pipelines, subject to
1272 specified certification; providing that natural gas
1273 pipelines are subject to certain requirements;
1274 providing that natural gas pipelines are eligible for
1275 certain review; amending s. 570.076, F.S.; conforming
1276 a cross-reference; amending s. 570.085, F.S.;

1277 requiring the Department of Agriculture and Consumer



Amendment No.

1278 Services to establish an agricultural water supply
1279 planning program; providing program requirements;
1280 providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1193 Taxation Of Property
SPONSOR(S): Beshears and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 1200

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Finance & Tax Subcommittee	17 Y, 0 N	Aldridge	Langston
2) Agriculture & Natural Resources Subcommittee		Kaiser <i>K</i>	Blalock <i>AB</i>
3) State Affairs Committee			

SUMMARY ANALYSIS

Pursuant to section 4, Art. VII, of the State Constitution, agricultural land may be assessed solely on the basis of its character or use. For property to be classified as agricultural land, it must be used "primarily for bona fide agricultural purposes"

The bill eliminates the following three specific statutory guidelines under which agricultural land can be reclassified as nonagricultural for property taxation purposes:

- Land has been zoned to a nonagricultural use at the request of the owner,
- When there is contiguous urban or metropolitan development the board of county commissioners finds that the continued use of such lands for agricultural purposes will act as a deterrent to the timely and orderly expansion of the community,
- Sale of land for a purchase price which is three or more times the agricultural assessment placed on the land creates a presumption that such land is not used primarily for bona fide agricultural purposes (this presumption may be rebutted upon a showing of special circumstances by the landowner demonstrating that the land is to be continued in bona fide agriculture).

The bill also amends several statutory provisions to remove the authority of the value adjustment board to review all property classified by the property appraiser upon its own motion.

The Revenue Estimating Conference (REC) estimated that the provisions of the bill related to value adjustment boards would have an impact on local government revenues of either zero or negative indeterminate beginning in FY 2013-14. The REC estimated that the provisions of the bill related to reclassification of lands as nonagricultural to have a recurring negative revenue impact on local governments of \$0.5 million beginning in FY 2013-14.

The bill is effective upon becoming a law and applies retroactively to January 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Agricultural Classification for Property Tax Assessments

Pursuant to section 4, Art. VII, of the State Constitution, agricultural land may be assessed solely on the basis of its character or use. For property to be classified as agricultural land, it must be used "primarily for bona fide agricultural purposes"¹

In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration by the property appraiser²:

- The length of time the land has been so used.
- Whether the use has been continuous.
- The purchase price paid.
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- Such other factors as may become applicable.

Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale³.

Once property is qualified to receive agricultural classification, the property appraiser must assess the land based solely on its agricultural use, considering the following use factors only:

- The quantity and size of the property;
- The condition of the property;
- The present market value of the property as agricultural land;
- The income produced by the property;
- The productivity of land in its present use;
- The economic merchantability of the agricultural product; and
- Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.⁴

Reclassification of Lands as Nonagricultural

Section 193.461(4), F.S., provides the following statutory direction for when lands should be reclassified as nonagricultural:

¹ Section 193.461(3)(b), F.S.

² Section 193.461(3)(b)1., F.S.

³ Section 193.461(3)(b)2., F.S.

⁴ Section 193.461(6), F.S.

- The property appraiser must reclassify the following lands as nonagricultural:
 - Land diverted from an agricultural to a nonagricultural use.
 - Land no longer being utilized for agricultural purposes.
 - Land that has been zoned to a nonagricultural use at the request of the owner.
- The board of county commissioners may also reclassify lands classified as agricultural to nonagricultural when there is contiguous urban or metropolitan development and the board of county commissioners finds that the continued use of such lands for agricultural purposes will act as a deterrent to the timely and orderly expansion of the community.
- Sale of land for a purchase price which is three or more times the agricultural assessment placed on the land shall create a presumption that such land is not used primarily for bona fide agricultural purposes. Upon a showing of special circumstances by the landowner demonstrating that the land is to be continued in bona fide agriculture, this presumption may be rebutted.

Value Adjustment Board Authority to Review all Property Classified by the Property Appraiser

Each county in Florida has a value adjustment board (VAB). Section 194.032, F.S., directs the VAB to meet for the following purposes:

- Hearing petitions relating to property tax assessments.
- Hearing complaints relating to homestead exemptions.
- Hearing appeals from exemptions denied, or disputes arising from exemptions granted, upon the filing of exemption applications.
- Hearing appeals concerning ad valorem tax deferrals and classifications.

VABs are made up of five members: two from the county's board of commissioners; one from the county's school board; and two citizens. Many counties use special magistrates to conduct hearings and recommend decisions to the VAB. Special magistrates are qualified to review property valuation and denials of exemptions, classifications and deferrals. The VAB makes all final decisions. There are also several statutory provisions that provide the value adjustment board the authority to review all property classified by the property appraiser upon its own motion.⁵

Proposed Changes

Reclassification of Lands as Nonagricultural

The bill amends s. 193.461(4), F.S., to eliminate the following three specific statutory guidelines, described above, under which agricultural land can be reclassified as nonagricultural for property taxation purposes:

- Land has been zoned to a nonagricultural use at the request of the owner,
- When there is contiguous urban or metropolitan development the board of county commissioners finds that the continued use of such lands for agricultural purposes will act as a deterrent to the timely and orderly expansion of the community,
- Sale of land for a purchase price which is three or more times the agricultural assessment placed on the land creates a presumption that such land is not used primarily for bona fide agricultural purposes (this presumption may be rebutted upon a showing of special circumstances by the landowner demonstrating that the land is to be continued in bona fide agriculture).

⁵ See s. 193.461(2), F.S., s. 193.503(7), F.S., s. 193.625(2), F.S., s. 196.194(1), F.S.

Under the bill, only the property appraiser has the power to reclassify agricultural lands as nonagricultural for property taxation purposes and is still required to reclassify the following lands as nonagricultural:

- Land diverted from an agricultural to a nonagricultural use.
- Land no longer being utilized for agricultural purposes.

Value Adjustment Board Authority to Review all Property Classified by the Property Appraiser

The bill amends the cited statutory provisions to remove the authority of the value adjustment board to review all property classified by the property appraiser upon its own motion.

B. SECTION DIRECTORY:

Section 1: Amends s. 193.461, F.S., removing authority of the value adjustment board to review all property classified by the property appraiser upon its own motion, and amending provisions related to reclassification of lands as nonagricultural.

Section 2: Amends s. 193.503(7), F.S., removing authority of the value adjustment board to review all property classified by the property appraiser upon its own motion.

Section 3: Amends s. 193.625(2), F.S., removing authority of the value adjustment board to review all property classified by the property appraiser upon its own motion.

Section 4: Amends s. 196.194(1), F.S., removing authority of the value adjustment board to review all property classified by the property appraiser upon its own motion.

Section 5: Provides an effective date of upon becoming law and applies retroactive to January 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Revenue Estimating Conference (REC) estimated that the provisions of the bill related to value adjustment boards would have an impact on local government revenues of either zero or negative indeterminate beginning in FY 2013-14. The REC estimated that the provisions of the bill related to reclassification of lands as nonagricultural to have a recurring negative revenue impact on local governments of \$0.5 million beginning in FY 2013-14.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Unknown

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill may reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989; however, an exemption may apply because the bill has an insignificant fiscal impact.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

29 appraiser and deleting certain notice requirements
 30 relating to the review of such exemptions; providing
 31 for retroactive application; providing an effective
 32 date.

33

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

35

36 Section 1. Subsections (2) and (4) of section 193.461,
 37 Florida Statutes, are amended to read:

38 193.461 Agricultural lands; classification and assessment;
 39 mandated eradication or quarantine program.-

40 (2) Any landowner whose land is denied agricultural
 41 classification by the property appraiser may appeal to the value
 42 adjustment board. The property appraiser shall notify the
 43 landowner in writing of the denial of agricultural
 44 classification on or before July 1 of the year for which the
 45 application was filed. The notification shall advise the
 46 landowner of his or her right to appeal to the value adjustment
 47 board and of the filing deadline. ~~The board may also review all~~
 48 ~~lands classified by the property appraiser upon its own motion.~~
 49 The property appraiser shall have available at his or her office
 50 a list by ownership of all applications received showing the
 51 acreage, the full valuation under s. 193.011, the valuation of
 52 the land under the provisions of this section, and whether or
 53 not the classification requested was granted.

54 (4)~~(a)~~ The property appraiser shall reclassify the
 55 following lands as nonagricultural:

56 (a)~~1.~~ Land diverted from an agricultural to a

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57 | nonagricultural use.

58 | **(b)2.** Land no longer being utilized for agricultural
59 | purposes.

60 | ~~3. Land that has been zoned to a nonagricultural use at~~
61 | ~~the request of the owner subsequent to the enactment of this~~
62 | ~~law.~~

63 | ~~(b) The board of county commissioners may also reclassify~~
64 | ~~lands classified as agricultural to nonagricultural when there~~
65 | ~~is contiguous urban or metropolitan development and the board of~~
66 | ~~county commissioners finds that the continued use of such lands~~
67 | ~~for agricultural purposes will act as a deterrent to the timely~~
68 | ~~and orderly expansion of the community.~~

69 | ~~(c) Sale of land for a purchase price which is three or~~
70 | ~~more times the agricultural assessment placed on the land shall~~
71 | ~~create a presumption that such land is not used primarily for~~
72 | ~~bona fide agricultural purposes. Upon a showing of special~~
73 | ~~circumstances by the landowner demonstrating that the land is to~~
74 | ~~be continued in bona fide agriculture, this presumption may be~~
75 | ~~rebutted.~~

76 | Section 2. Subsection (7) of section 193.503, Florida
77 | Statutes, is amended to read:

78 | 193.503 Classification and assessment of historic property
79 | used for commercial or certain nonprofit purposes.—

80 | (7) Any property owner who is denied classification under
81 | this section may appeal to the value adjustment board. The
82 | property appraiser shall notify the property owner in writing of
83 | the denial of such classification on or before July 1 of the
84 | year for which the application was filed. The notification shall

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85 advise the property owner of his or her right to appeal to the
 86 value adjustment board and of the filing deadline. ~~The board may~~
 87 ~~also review all property classified by the property appraiser~~
 88 ~~upon its own motion.~~ The property appraiser shall have available
 89 at his or her office a list by ownership of all applications
 90 received showing the full valuation under s. 193.011, the
 91 valuation of the property under the provisions of this section,
 92 and whether or not the classification requested was granted.

93 Section 3. Subsection (2) of section 193.625, Florida
 94 Statutes, is amended to read:

95 193.625 High-water recharge lands; classification and
 96 assessment.—

97 (2) Any landowner whose land is within a county that has a
 98 high-water recharge protection tax assessment program and whose
 99 land is denied high-water recharge classification by the
 100 property appraiser may appeal to the value adjustment board. The
 101 property appraiser shall notify the landowner in writing of the
 102 denial of high-water recharge classification on or before July 1
 103 of the year for which the application was filed. The
 104 notification must advise the landowner of a right to appeal to
 105 the value adjustment board and of the filing deadline. ~~The board~~
 106 ~~may also review all lands classified by the property appraiser~~
 107 ~~upon its own motion.~~ The property appraiser shall have available
 108 at her or his office a list by ownership of all applications
 109 received showing the acreage, the full valuation under s.
 110 193.011, the valuation of the land under the provisions of this
 111 section, and whether or not the classification requested was
 112 granted.

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113 Section 4. Subsection (1) of section 196.194, Florida
 114 Statutes, is amended to read:

115 196.194 Value adjustment board; notice; hearings;
 116 appearance before the board.—

117 (1) The value adjustment board shall hear disputed or
 118 appealed applications for exemption and shall grant such
 119 exemptions in whole or in part in accordance with criteria set
 120 forth in this chapter. ~~It may review exemptions on its own~~
 121 ~~motion or upon motion of the property appraiser. Review of an~~
 122 ~~exemption application upon motion of the board shall not be held~~
 123 ~~until the applicant has had at least 5 calendar days' notice of~~
 124 ~~the intent of the board to review the application.~~

125 Section 5. This act shall take effect upon becoming a law
 126 and applies retroactively to January 1, 2012.

Florida Department of Environmental Protection



Springs Protection

House Agriculture & Natural Resources Subcommittee

Representative Caldwell, Chair

March 27, 2013

Greg Munson, Deputy Secretary
Water Policy & Ecosystem Restoration

Drew Bartlett, Director
Division of Environmental Assessment & Restoration





Springs Protection Overview

❖ The 3' Rs to Healthy Springs

❖ Water Quality

❖ Water Quantity

❖ Recommendations for moving forward

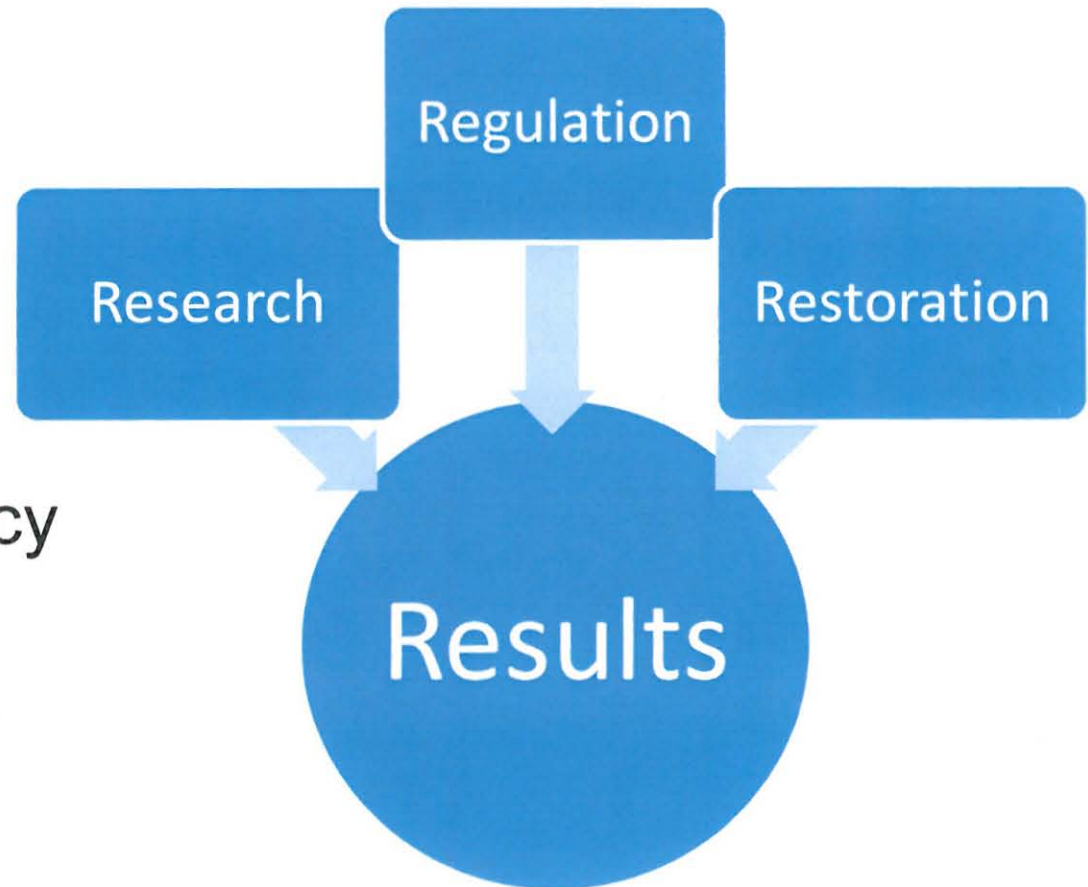


Springs are among Florida's most treasured natural resources and influenced by climate and rainfall as well as human activities that affect water quality and quantity



DEP/WMDs Role in Springs Protection

- ❖ Division of Environmental Assessment & Restoration
(Water Quality)
- ❖ Office of Water Policy and the Water Management Districts (WMDs)
(Water Quantity)





Springs Protection

❖ Research

- Data collection and analysis

❖ Regulation

- Establishment of Total Maximum Daily Loads (TMDLs)
- Establishment of Minimum Flows and Levels (MFLs)
- Consumptive Use Permitting (CUPs)

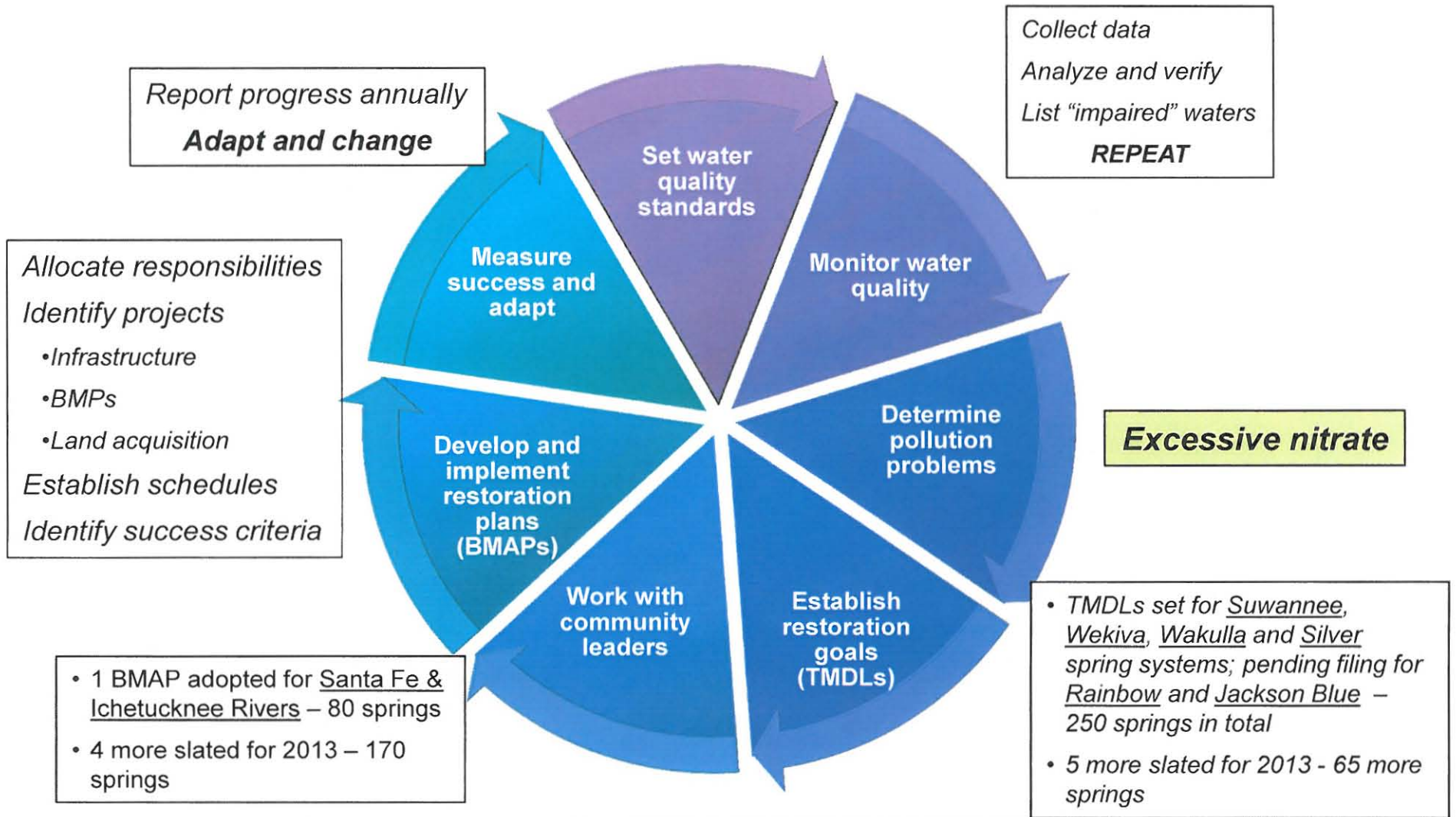
❖ Restoration

- Basin Management Action Plans (BMAPs)
- MFL Recovery and Prevention Plans
- Project Implementation



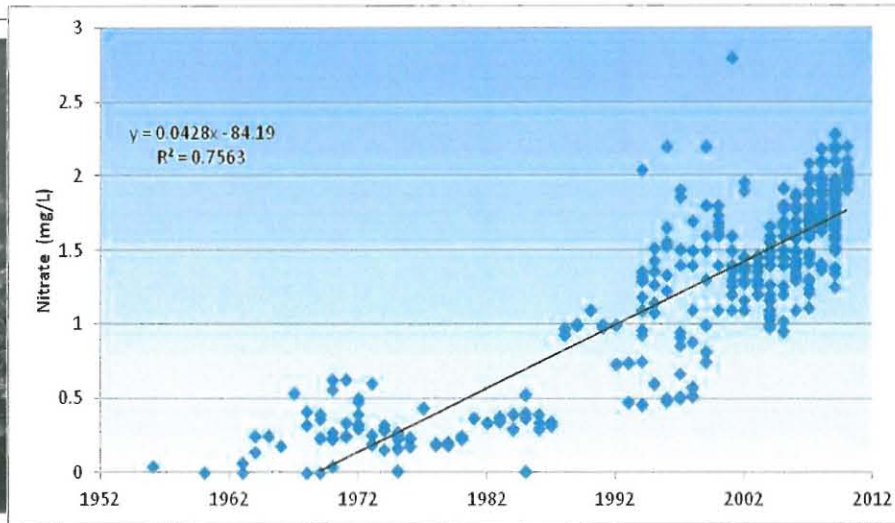
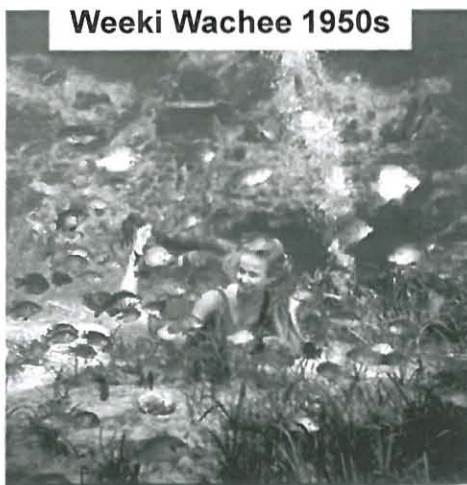
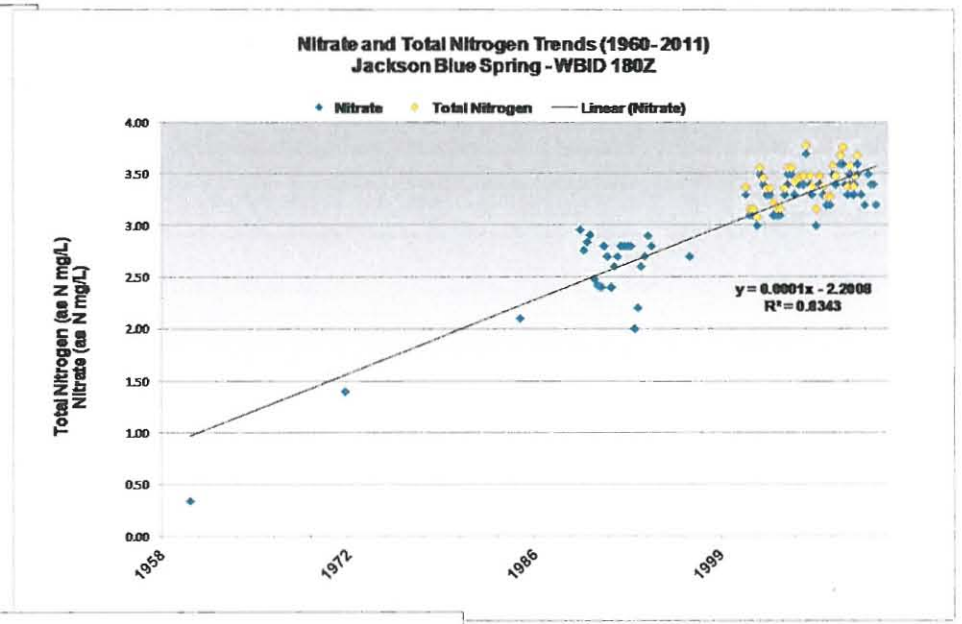
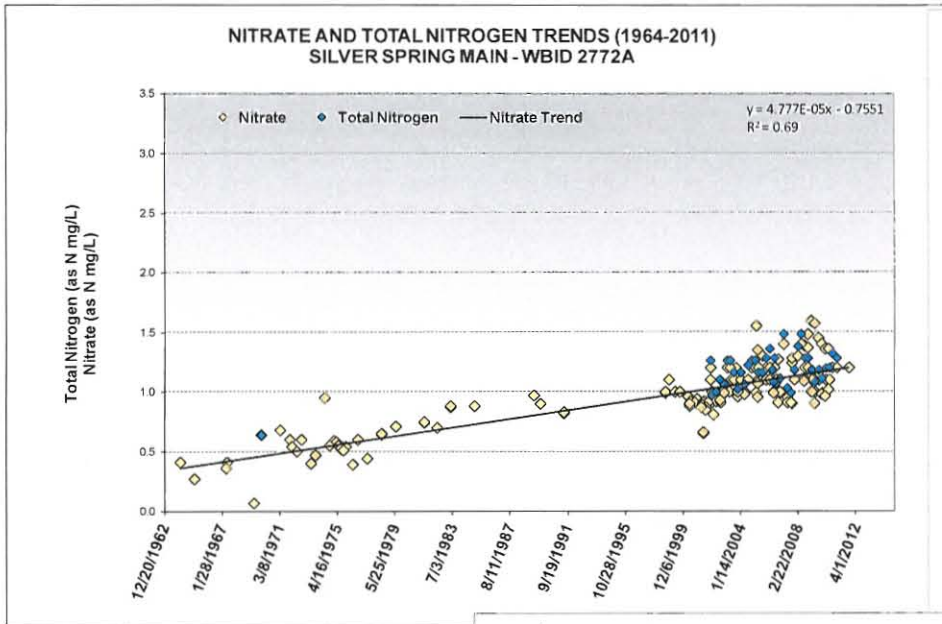


Environmental Restoration Framework





Water Quality Trends





Santa Fe & Suwannee Rivers – Rural Setting





Springs Protection - Water Supply

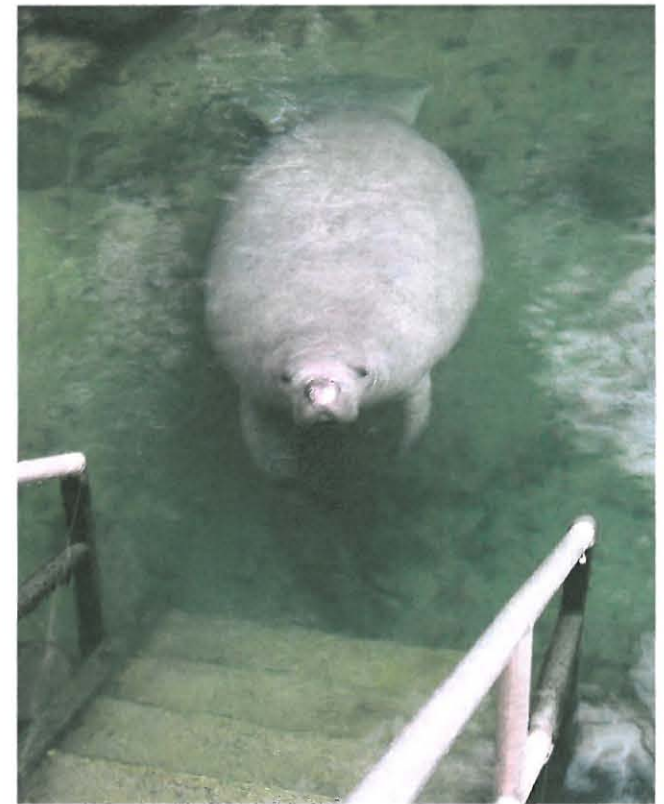
Reduced spring flows

❖ Decreased rainfall

- Prolonged drought conditions

❖ Withdrawals for consumptive use

- Effects range from an average of 5%-10% where data has been analyzed
- Some springs have greater reductions from withdrawals that began prior to CUP (1980s)





Planning and Regulatory Tools – Water Supply

❖ Regional Water Supply Plans

- Used as the blueprints for development of sustainable water sources to ensure future needs are met while protecting natural resources

❖ Consumptive Use Permits (CUP)

- Required for withdrawal and use of water

❖ Minimum Flow and Levels (MFL)

- Used in planning and permitting to prevent significant harm to water resources from water withdrawals

❖ Recovery and Prevention Strategies

- Developed where springs are not meeting MFLs or will not meet them within 20 years; includes the development of alternative water supplies and other measures to meet demands for human use while achieving the MFL



MFL Progress to Date

❖ WMDs submit an annual MFL priority list to DEP

(Priority List must include all 1st and many 2nd magnitude springs)

- 22 springs have adopted MFLs
- 26 springs are scheduled to have MFLs set in 2013
- 23 springs are scheduled to have MFLs set in 2014



Planned efforts over the next 2 years will more than double the efforts of the last decade of springs protection



Commitment to Springs Restoration

Recommendations for moving forward

- ❖ DEP & WMDs will continue to
 - Support monitoring and data analysis of spring flows and water quality
 - Establish and implement TMDLs and BMAPs
 - Establish and implement MFLs and Recovery and Prevention strategies
 - Support wastewater and stormwater improvement projects and restoration projects
 - Promote local education and awareness activities



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Florida Department of Environmental Protection Florida Department of Management Services

Florida State-Owned Land and Records Information System

House Agriculture and Natural Resources Subcommittee
March 27, 2013





FL-SOLARIS Timeline



1990 **Florida Statute 253.0325**

- Required DSL to develop a computerized system for state lands records (Board of Trustees Land Document System BTLDS)

2008 **S.B 542 amended Section 253.0325**

- Required DSL to maintain an inventory of land owned by all agencies including land purchased under the Florida Preservation 2000 Act pursuant to s. 259.101 or the Florida Forever Act pursuant to s. 259.10520

2010 **Senate Bill 1516**

- Expanded the scope of the original Senate Bill to include **FACILITIES** that are owned, leased, rented or otherwise occupied by any agency, judicial branch, or water management district and expanded **LAND** inventory to include all land that is owned, disposed, leased, or otherwise occupied or managed by agency, judicial branch, or water management district.



FL-SOLARIS Timeline



- Apr 2012** Facilities Inventory Tracking System (FITS) went live.
- Jun 2012** FITS data input complete. 20,368 State-owned facilities successfully integrated into FL-SOLARIS.
- Oct 2012** DEP / DMS submitted first annual Disposition Report utilizing FL-SOLARIS provided data.
- Jan 2013** Land Inventory Tracking System (LITS) goes live thus satisfying legislative intent and completes the initial program development of FL-SOLARIS covering 114,232 parcels.



FL-SOLARIS High-Level Project Objectives



1. Land Inventory:

- A populated and reconciled current state land inventory that enables DSL to produce reports and maps on all state lands that are owned.

2. Facilities Inventory:

- A populated current facility inventory on all state facilities that are owned, rented, leased, or otherwise occupied or maintained.

3. Public Land Inventory:

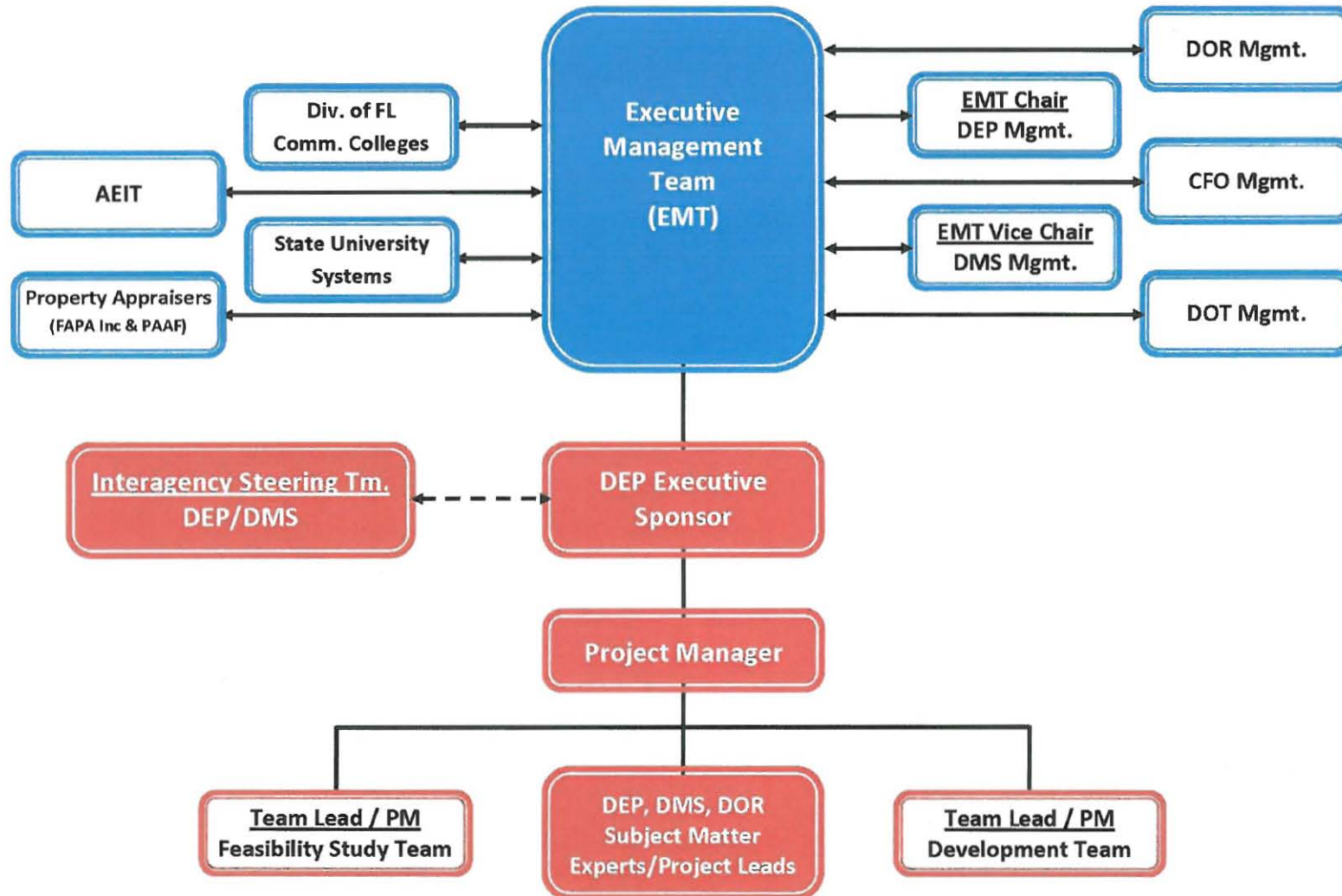
- A populated current public land inventory that can be used to reconcile the land inventory.

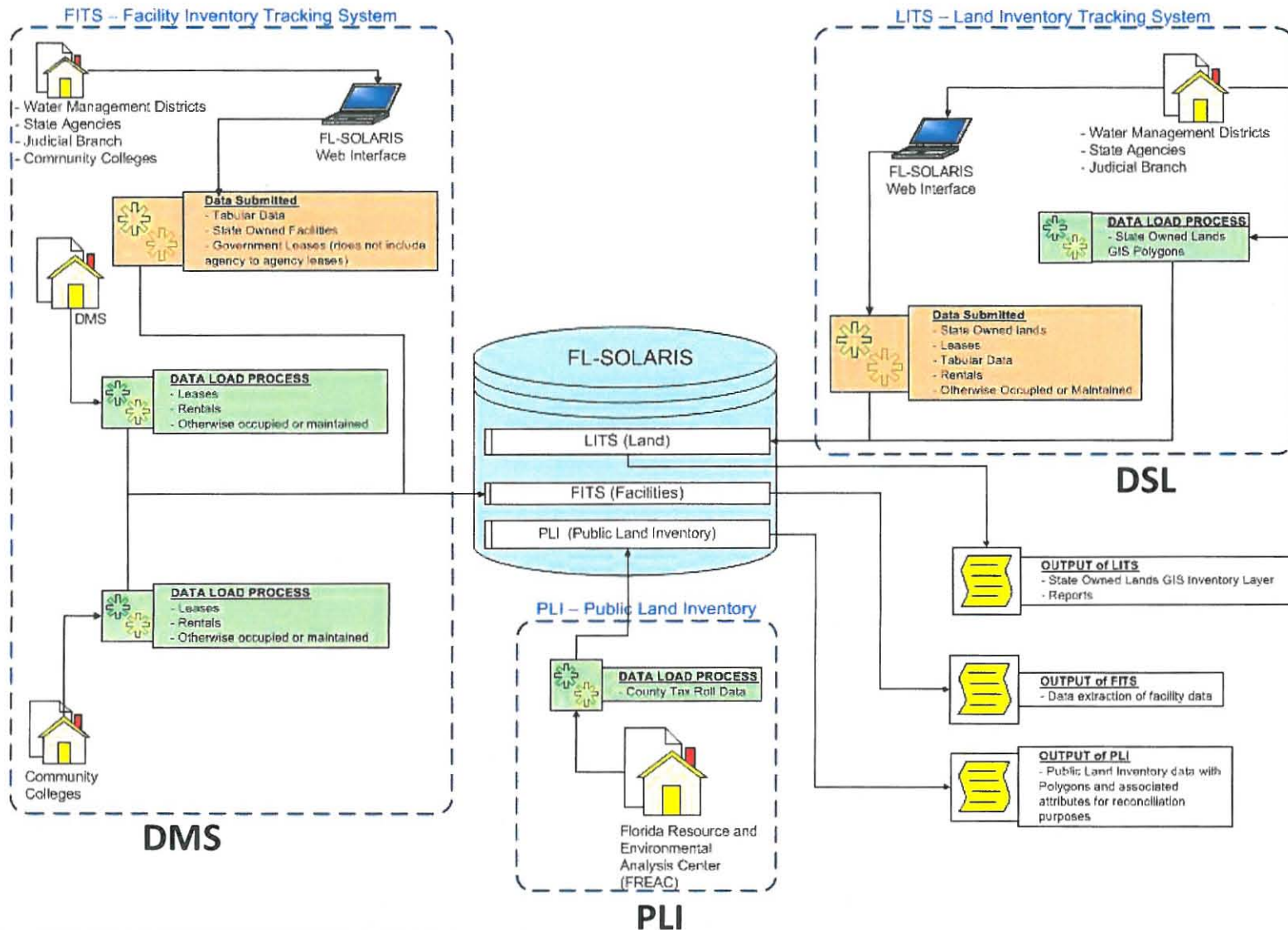
4. Data Warehouse:

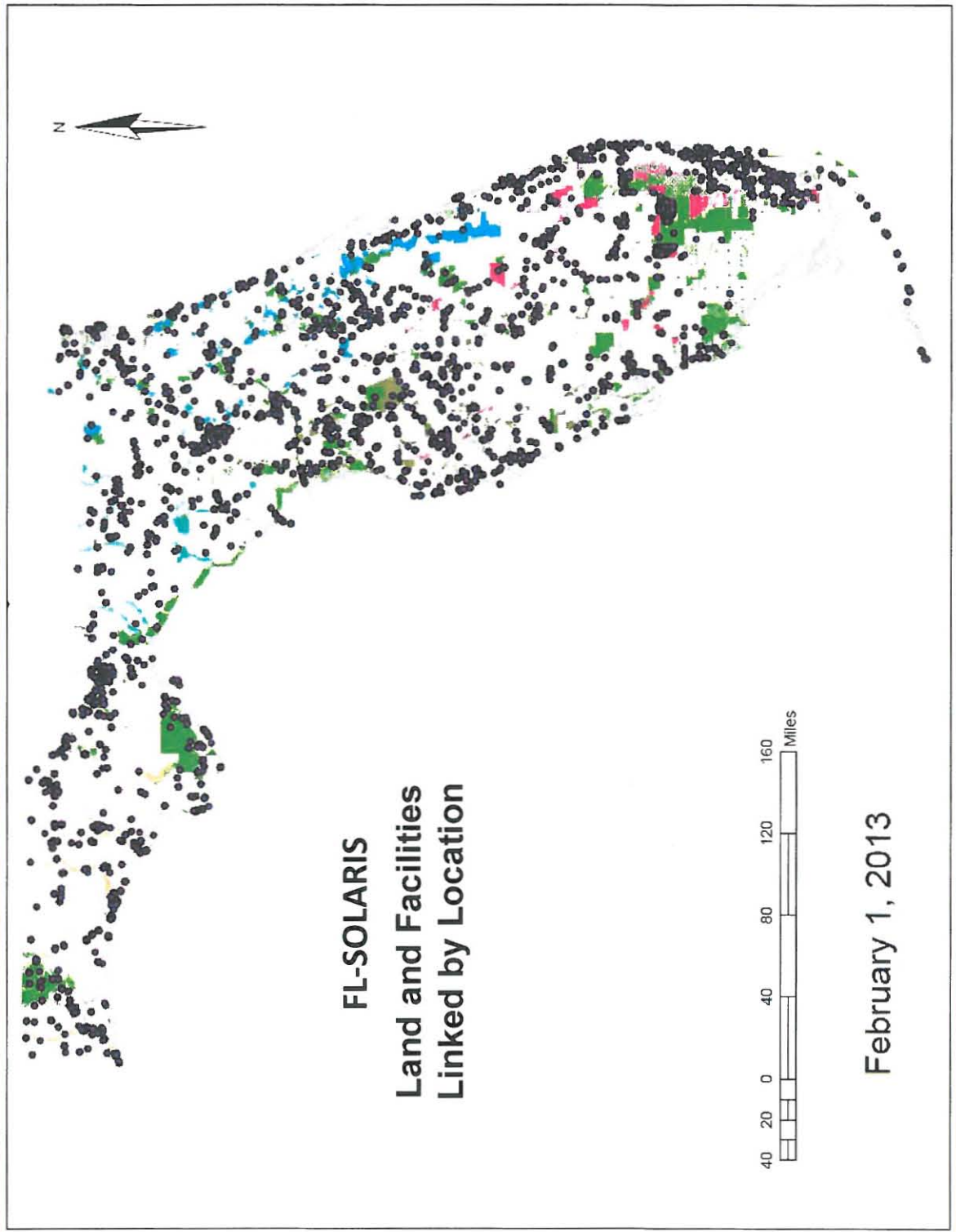
- Agencies need to have a complete inventory of what the state owns, leases, or rents to improve efficiency in occupancy and use and to avoid building or buying in areas where there may be space or land available.

5. Access / Data Extraction:

- Each agency should be able to log into the FL-SOLARIS system and extract land / facility information only pertaining to them.









FL-SOLARIS Benefits



- For the first time, an inventory of all state-owned lands and facilities is available in one place.
- State owned land records are compared and reconciled with DOR and tax assessor records information.
- GIS mapping showing the location of all facilities and lands is available to users.
- Allows agencies to identify lands and facilities that are candidates for disposition.
- Provides users the ability to download reports based on selected criteria.

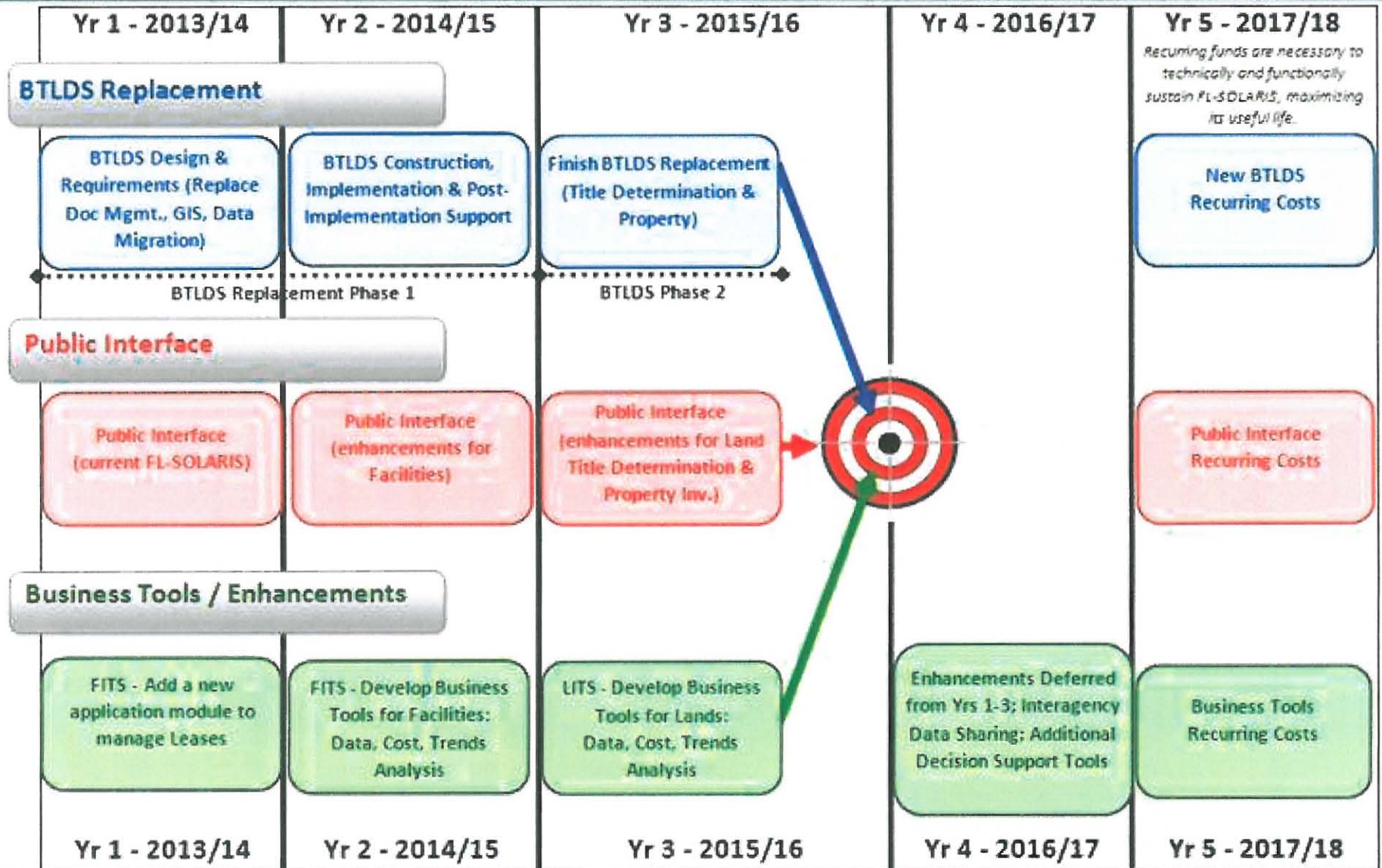


FL-SOLARIS: Next Phase



A 3-Pronged Approach to the Next Phase of FL-SOLARIS

- 1. Replace Board of Trustees Land Data System (BTLDS)**
 - Incorporating BTLDS will allow us to retire several proprietary components of this system along with their long-term operating obligations.
- 2. Web-Based Public Access / Graphical Interface**
 - A simplified map-based graphical “point and click” and searchable interface.
- 3. Business Tool Improvements / Enhancements**
 - Facilities lease management capabilities.
 - Enhanced business management tools.





Questions?



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