



RULEMAKING & REGULATION SUBCOMMITTEE COMMITTEE MEETING

Wednesday, March 23, 2011

1:00 P.M. – 4:00 P.M.

306 House Office Building

ACTION PACKET

Dean Cannon
Speaker

Chris Dorworth
Chair

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

Summary:

Rulemaking & Regulation Subcommittee

Wednesday March 23, 2011 01:00 pm

CS/HB 353	Favorable With Committee Substitute	Yeas: 9	Nays: 6
HB 649	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 847	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 891	Favorable With Committee Substitute	Yeas: 15	Nays: 0
CS/HB 949	Favorable With Committee Substitute	Yeas: 15	Nays: 0
CS/HB 991	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 993	Favorable With Committee Substitute	Yeas: 9	Nays: 5
HB 1029	Favorable	Yeas: 14	Nays: 0
PCB RRS 11-01	Temporarily Deferred		
PCB RRS 11-03	Favorable	Yeas: 14	Nays: 0
PCB RRS 11-02--Administrative Procedure	Workshopped		

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Chris Dorworth (Chair)	X		
Janet Adkins	X		
Frank Artiles	X		
Jeffrey Brandes	X		
Douglas Broxson	X		
Richard Corcoran	X		
Matt Gaetz	X		
Joseph Gibbons	X		
Tom Goodson	X		
Jimmy Patronis	X		
Scott Randolph	X		
Lake Ray	X		
Hazelle Rogers	X		
James Waldman	X		
Barbara Watson	X		
Totals:	15	0	0

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

CS/HB 353 : Drug Screening of Potential and Existing Beneficiaries of Temporary Cash Assistance

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Janet Adkins	X				
Frank Artiles	X				
Jeffrey Brandes		X			
Douglas Broxson	X				
Richard Corcoran	X				
Matt Gaetz	X				
Joseph Gibbons		X			
Tom Goodson	X				
Jimmy Patronis	X				
Scott Randolph		X			
Lake Ray	X				
Hazelle Rogers		X			
James Waldman		X			
Barbara Watson		X			
Chris Dorworth (Chair)	X				
Total Yeas: 9		Total Nays: 6			

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

Amendment No.01

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee

3 Representative(s) Smith offered the following:

4
5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 414.145, Florida Statutes, is created to
8 read:

9 414.145 Drug-screening program.-

10 (1) The Department of Children and Family Services, shall
11 require a drug test consistent with s. 112.0455 to screen each
12 individual that applies for Temporary Assistance to Needy
13 Families (TANF). The cost of drug testing shall be the
14 responsibility of the individual.

15 (a) Individuals subject to the requirements of this section
16 include any parent or caretaker relative who is included in the
17 cash assistance group, including individuals who may be exempt
18 from work activity requirements due to the age of the youngest
19 child or who may be excepted from work activity requirements
20 under s. 414.065(4).

Amendment No.01

21 (b) Individuals who test positive for controlled substances
22 as a result of a drug test required under this law will be
23 ineligible to receive TANF benefits for one year.

24 (2) The Department of Children and Family Services shall:

25 (a) Provide notice of drug testing to each individual at
26 the time of application. The notice must advise the individual
27 that drug testing will be conducted as a condition for receiving
28 TANF benefits, and that the individual must bear the cost of
29 testing. The individual shall be advised that the required drug
30 testing may be avoided if the individual does not apply for TANF
31 benefits. Children under the age of 18 shall be exempt from the
32 drug-testing requirement.

33 (b) Require that for two-parent families, both parents must
34 comply with the drug testing requirement.

35 (c) Advise each person to be tested, before the test is
36 conducted, that he or she may, but is not required to, advise
37 the agent administering the test of any prescription or over-
38 the-counter medication he or she is taking.

39 (d) Require each person to be tested to sign a written
40 acknowledgment that he or she has received and understood the
41 notice and advice provided under paragraphs (a) and (c).

42 (e) Assure each person being tested a reasonable degree of
43 dignity while producing and submitting a sample for drug
44 testing, consistent with the state's need to ensure the
45 reliability of the sample.

46 (f) Specify circumstances under which a person who fails a
47 drug test has the right to take one or more additional tests.

48 (g) Inform individuals who test positive for controlled
49 substances and are deemed ineligible for TANF benefits that they

Amendment No.01

50 may re-apply for those benefits one year after the date of the
51 positive drug test. If the individual tests positive again, he
52 or she shall be ineligible to receive TANF benefits for three
53 years from the date of the second positive drug test.

54 (h) Provide any individual who tests positive with
55 information concerning substance abuse treatment programs that
56 may be available in the area in which he or she resides. Neither
57 the department nor the state is responsible for providing or
58 paying for substance abuse treatment as part of the screening
59 conducted under this section.

60 (3) Benefits relating to children:

61 (a) If a parent is deemed ineligible for TANF benefits due
62 to the failure of a drug test under this act, his or her
63 dependent child's eligibility for TANF benefits is not affected.

64 (b) If a parent is deemed ineligible for TANF benefits due
65 to the failure of a drug test, an appropriate protective payee
66 will be established for the benefit of the child.

67 (c) The parent may choose to designate another individual
68 to receive benefits for the parent's minor child. The designated
69 individual must be an immediate family member or, if an
70 immediate family member is not available or the family member
71 declines the option, another individual, approved by the
72 department, may be designated. The designated individual must
73 also undergo drug testing before being approved to receive
74 benefits on behalf of the child. If the designated individual
75 tests positive for controlled substances, he or she will be
76 deemed ineligible to receive benefits on behalf of the child.

77 (4) The Department of Children and Families shall adopt
78 rules as necessary to implement this law.

Amendment No.01

79 Section 2. This act shall take effect on July 1, 2011.
80

81

82

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

83 And the title is amended as follows:

84 Delete everything before the enacting clause

85 and insert:

86

A bill to be entitled

87

An act relating Temporary Assistance to Needy

88

Families; creates s. 414.145 F.S.; requiring the

89

Department of Children and Families to perform a drug

90

test on individuals who apply for Temporary Assistance

91

for Needy Families benefits; makes individuals

92

responsible for bearing the cost of drug testing;

93

requiring certain notice; providing procedures for

94

testing, and retesting; providing for notice of local

95

substance abuse programs; providing that, if a parent

96

is deemed ineligible due to a failure of a drug test,

97

the eligibility of the children will not be affected;

98

providing an effective date.

99

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

HB 649 : Water Management Districts

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Janet Adkins	X				
Frank Artiles	X				
Jeffrey Brandes	X				
Douglas Broxson	X				
Richard Corcoran	X				
Matt Gaetz			X		
Joseph Gibbons	X				
Tom Goodson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Hazelle Rogers	X				
James Waldman	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No.HB 649 (2011)

Amendment No. 01

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

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee

3 Representative(s) Pilon offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 140-190
7
8
9

10 -----
11 **T I T L E A M E N D M E N T**

12 Remove lines 17-21 and insert:
13 rulemaking requirements; amending s. 373.707, F.S.; authorizing
14 water

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

HB 847 : Mobile Home and Recreational Vehicle Parks

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Janet Adkins	X				
Frank Artiles	X				
Jeffrey Brandes	X				
Douglas Broxson	X				
Richard Corcoran			X		
Matt Gaetz	X				
Joseph Gibbons	X				
Tom Goodson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray			X		
Hazelle Rogers	X				
James Waldman	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Eastman, David (Lobbyist) - Waive In Support
 Florida Association of RV Parks and Campgrounds
 2155 Delta Blvd. Suite 210 B
 Tallahassee FL 32303
 Phone: 850-320-3520

Robert Cornwell, Executive Director - Waive In Support
 Florida Association of RV Parks and Campground
 1340 Vickers Road
 Tallahassee Florida 32303
 Phone: 850-562-7151

Tillman, Jim (Lobbyist) - Waive In Support
 Florida Association of RV Parks and Campgrounds
 Post Office Box 10097
 Tallahassee FL 32302
 Phone: (850)224-6611

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

Amendment No.1

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 ___

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee

3 Representative Broxson offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 80-229 and insert:

7
8 health of the people of the state, pursuant to and consistent
9 with the delegation of authority established in this section and
10 s. 381.006.

11 (2) This chapter establishes uniform standards to be
12 administered and enforced by the department for the issuing of
13 permits for, and the operation of, mobile home parks, lodging
14 parks, recreational vehicle parks, and recreational camps, which
15 include:

16 (a) The design, location, and site sizes for sites in
17 parks and camps;

18 (b) Sanitary standards for the issuing of permits for, and
19 the operation of, parks and camps;

Amendment No.1

20 (c) The issuing of permits for parks and camps as required
21 by this chapter;

22 (d) The inspection of parks and camps to enforce
23 compliance with this chapter; and

24 (e) Permit requirements.

25 (3) This chapter establishes uniform standards for
26 recreational vehicle parks and camps which apply to:

27 (a) Occupancy standards for transient rentals in
28 recreational vehicle parks and camps;

29 (b) The liability for property of guests left on sites;

30 (c) Separation and setback distances established at the
31 time of initial approval;

32 (d) The maintenance of guest registers;

33 (e) Unclaimed property;

34 (f) Conduct of transient guests;

35 (g) Theft of personal property;

36 (h) Evictions of transient guests;

37 (i) Writs of distress; and

38 (j) The placement of recreational vehicles as described in
39 s. 320.01(1)(b) according to their sizes and types.

40 (4) Local governmental actions, ordinances, and
41 resolutions must be consistent with the uniform standards
42 established pursuant to this chapter and as implemented by rules
43 of the department. This chapter does not limit the authority of
44 a local government to adopt and enforce land use, building,
45 firesafety, and other regulations.

46 (5) However, nothing in this chapter qualifies a mobile
47 home park, a lodging park, a recreational vehicle park, or a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 847 (2011)

Amendment No.1

48 recreational camp for a liquor license issued under s.
49 561.20(2)(a)1. Mobile home parks, lodging parks, recreational
50 vehicle parks, and recreational camps regulated under this
51 chapter are exempt from regulation under the provisions of
52 chapter 509.

53 Section 3. Section 513.014, Florida Statutes, is amended
54 to read:

55 513.014 Applicability of recreational vehicle park
56 provisions to mobile home parks.-A mobile home park that has
57 five or more sites set aside for recreational vehicles shall,
58 for those sites set aside for recreational vehicles, comply with
59 the recreational vehicle park requirements included in this
60 chapter. This section does not require a mobile home park with
61 spaces set aside for recreational vehicles to obtain two
62 licenses. ~~However, a mobile home park that rents spaces to~~
63 ~~recreational vehicles on the basis of long-term leases is~~
64 ~~required to comply with the laws and rules relating to mobile~~
65 ~~home parks including but not limited to chapter 723, if~~
66 ~~applicable.~~

67 Section 4. Section 513.02, Florida Statutes, is amended to
68 read:

69 513.02 Permits ~~Permit~~.-

70 (1) A person may not establish or maintain a mobile home
71 park, lodging park, recreational vehicle park, or recreational
72 camp in this state without first obtaining an operating a permit
73 from the department. ~~Such permit is not transferable from one~~
74 ~~place or person to another. Each permit must be renewed~~
75 ~~annually.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 847 (2011)

Amendment No.1

76 (2) Before the commencement of construction of a new park
77 or camp or before any change to an existing park or camp which
78 requires construction of new sanitary facilities or additional
79 permitted sites, a person who operates or maintains such park or
80 camp must contact the department to receive a review and
81 approval. The items required to be submitted and the process for
82 issuing a review and approval shall be set by department rule.

83 (3) (a) An operating permit is not transferable from one
84 place or person to another. Each permit must be renewed
85 annually.

86 (b) ~~(2)~~ The department may refuse to issue an operating a
87 permit to, or refuse to renew the operating permit of, any park
88 or camp that is not constructed or maintained in accordance with
89 law and with the rules of the department.

90 (c) ~~(3)~~ The department may suspend or revoke an operating a
91 permit issued to any person that operates or maintains such a
92 park or camp if such person fails to comply with this chapter or
93 the rules adopted by the department under this chapter.

94 (d) ~~(4)~~ An operating A permit for the operation of a park
95 or camp may not be renewed or transferred if the permittee has
96 an outstanding fine assessed pursuant to this chapter which is
97 in final-order status and judicial reviews are exhausted, unless
98 the transferee agrees to assume the outstanding fine.

99 (e) ~~(5)~~ When a park or camp regulated under this chapter is
100 sold or its ownership transferred, the purchaser who continues
101 operation of the park or camp transferee must apply to the
102 department for an operating a permit within 30 days after to the
103 department before the date of sale transfer. The applicant must

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 847 (2011)

Amendment No.1

104 provide the department with a copy of the recorded deed or lease
105 agreement before the department may issue an operating a permit
106 to the applicant.

107 (4) Each person seeking department review of plans for a
108 proposed park or camp may submit such plans to the department
109 for an assessment of whether such plans meet the requirements of
110 this chapter and the rules adopted under this chapter.

111 (5) Each person constructing a new park or camp or adding
112 spaces to an existing park or camp must, before the
113 construction, renovation, or addition, submit plans to the
114 department for department review and approval.

115 Section 5. Section 513.03, Florida Statutes, is amended to
116 read:

117 513.03 Application for and issuance of permit.-

118 (1) An application for an operating a permit must be made
119 in writing to the department, on a form prescribed by the
120 department. The application must state the location of the
121 existing or proposed park or camp; the type of park or camp;
122 the number of mobile homes or recreational vehicles to be
123 accommodated; ~~or~~ the number of recreational campsites,
124 buildings, and sites set aside for group camping, including
125 barracks, cabins, cottages, and tent spaces; the type of water
126 supply; the method of sewage disposal; and any other
127 information the department requires.

128 (2) If the department is satisfied, after reviewing the
129 application of the proposed or existing park or camp and causing
130 an inspection to be made, that the park or camp complies with
131 this chapter and is so located, constructed, and equipped as not

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 847 (2011)

Amendment No.1

132 to be a source of danger to the health of the general public,
133 the department shall issue the necessary approval or operating
134 permit, in writing, on a form prescribed by the department.

135 Section 6. Subsection (1) of section 513.045, Florida
136 Statutes, is amended to read:

137 513.045 Permit fees.—

138 (1) (a) Each person seeking a permit to establish, operate,
139 or maintain a mobile home park, lodging park, recreational
140 vehicle park, or recreational camp must pay to the department a
141 fee, the amount of which shall be set by rule of the department.

142 (b) Fees established pursuant to this subsection must be
143 based on the actual costs incurred by the department in carrying
144 out its responsibilities under this chapter.

145 (c) The fee for an annual operating a permit may not be
146 set at a rate that is more than \$6.50 per space or less than
147 \$3.50 per space. ~~Until rules setting these fees are adopted by~~
148 ~~the department, the permit fee per space is \$3.50.~~ The annual
149 operating permit fee for a nonexempt recreational camp shall be
150 based on an equivalency rate for which two camp occupants equal
151 one space. The total fee assessed to an applicant for an annual
152 operating permit may not be more than \$600 or less than \$50,
153 except that a fee may be prorated on a quarterly basis.

154 (d)-(e) A recreational camp operated by a civic, fraternal,
155 educational, or religious organization that does not rent to the
156 public is exempt from the fee requirements of this subsection.

157 Section 7. Section 513.05, Florida Statutes, is amended to
158 read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 847 (2011)

Amendment No.1

159 513.05 Rules.—The department may adopt rules pertaining to
160 the location, construction, modification, equipment, and
161 operation of mobile home parks, lodging parks, recreational
162 vehicle parks, and recreational camps, except as provided in s.
163 633.022, as necessary to administer and enforce this chapter,
164 pursuant to and consistent with the delegation of authority
165 established in this section and s. 381.006. Such rules may
166

167
168 **T I T L E A M E N D M E N T**

169 Remove lines 11-18 and insert:

170 A bill to be entitled
171 camps; requiring the department to adopt rules; requiring
172 certain construction and renovation plans to be submitted to the
173 department for review and approval; amending s. 513.03, F.S.;
174 revising requirements for permit applications; amending s.
175 513.045, F.S.; revising fees charged to operators of certain
176 parks or camps; authorizing persons to request from the
177 department a review of plans for a proposed park or camp;
178 amending s.

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

HB 891 : Regulation of Smoking

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Janet Adkins	X				
Frank Artiles	X				
Jeffrey Brandes	X				
Douglas Broxson	X				
Richard Corcoran	X				
Matt Gaetz	X				
Joseph Gibbons	X				
Tom Goodson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Hazelle Rogers	X				
James Waldman	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Hull, Paul (Lobbyist) - Waive In Support
 American Cancer Society, Florida Division, Inc
 3709 W Jetton Ave
 Tampa FL 33629
 Phone: (813) 382-9235

David Francis, Director of Government Affairs - Waive In Support
 American Heart Association
 Tallahassee Florida 32303
 Phone: 850-567-0598

Pickup-Crawford, Vernon (Lobbyist) - Waive In Support
 Palm Beach County School Board
 571 Kingsbury Terrace
 Wellington FL 33414
 Phone: 561-644-2439

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 891 (2011)

Amendment No 01.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
 2 Subcommittee
 3 Representative(s) Hager offered the following:

Amendment (with title amendment)

Remove lines 10-48 and insert:

7 Section 1. Section 386.209, Florida Statutes, is amended to
8 read:

9 386.209 Regulation of smoking preempted to state.—This
 10 part expressly preempts regulation of smoking to the state and
 11 supersedes any municipal or county ordinance on the subject;
 12 provided that school districts may further restrict smoking by
 13 persons on school district property.

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

Remove lines 3-5 and insert:

17 386.209, F.S.; authorizing school districts to restrict smoking
 18 on school district property;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 891 (2011)

Amendment No.2

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: Government Operations
2 Appropriations Subcommittee
3 Representative Waldman offered the following:

Amendment (with title amendment)

Between lines 48 and 49, insert:

Section 2. Section 386.209, Florida Statutes, is amended to read:

386.209 Regulation of smoking by municipal or county ordinance preempted to state.—This part permits the expressly preempts regulation of smoking by ~~to the state and supersedes any~~ municipal or county ordinance provided that the ordinance does not conflict with provisions of law established under this chapter on the subject.

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

Between lines 5 and 6, insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 891 (2011)

Amendment No.2

19 amending s. 386.209, F.S.; permitting counties and
20 municipalities to regulate smoking under certain conditions;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 891 (2011)

Amendment No. 3

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: Government Operations
2 Appropriations Subcommittee
3 Representative Waldman offered the following:

Amendment (with title amendment)

Between lines 48 and 49, insert:

Section 2. Section 386.209, Florida Statutes, is amended to read:

386.209 Regulation of indoor smoking preempted to state.-
This part expressly preempts regulation of indoor smoking to the
state and supersedes any municipal or county ordinance on the
subject.

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

Between lines 5 and 6, insert:
amending s. 386.209, F.S.; limiting state preemption of the
regulation of smoking to indoor smoking;

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

CS/HB 949 : Pest Control

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Janet Adkins	X				
Frank Artiles	X				
Jeffrey Brandes	X				
Douglas Broxson	X				
Richard Corcoran	X				
Matt Gaetz	X				
Joseph Gibbons	X				
Tom Goodson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Hazelle Rogers	X				
James Waldman	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Rebecca Dela Rosa (Lobbyist) - Waive In Support
 Service Master
 101 East College Avenue
 Tallahassee Florida 32301
 Phone: 850-222-6891

Farrar, Matthew (Lobbyist) - Waive In Support
 Florida Pest Management Association
 4178 Four Oaks Blvd.
 Tallahassee FL 32811
 Phone: (850)832-1763

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

Amendment No.1

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

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee
3 Representative(s) Smith offered the following:

Amendment

Between lines 175 and 176, insert:

7 (6) Nothing in this chapter shall be construed as an exemption
8 from the rules, orders or regulations of the Florida Fish and
9 Wildlife Conservation Commission.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 949 (2011)

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee
3 Representative(s) Smith offered the following:

Amendment

4
5
6 Remove line 139 and insert:
7 use nonchemical methods, including traps,

Amendment No.3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee
3 Representative(s) Smith offered the following:

Amendment

6 Remove line 141 and insert:
7 control commensal rodents.

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

CS/HB 991 : Environmental Permitting

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Janet Adkins	X				
Frank Artiles	X				
Jeffrey Brandes	X				
Douglas Broxson	X				
Richard Corcoran			X		
Matt Gaetz	X				
Joseph Gibbons	X				
Tom Goodson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Hazelle Rogers	X				
James Waldman	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

James, Stephen (Lobbyist) - Opponent
 Florida Association of Counties
 100 S. Monroe
 Tallahassee FL
 Phone: 850-922-4300

Slayton, Michael (Lobbyist) - Opponent
 St. Johns River Water Management District
 525 Community College Parkway
 Palm Bay FL 32909
 Phone: 321-508-0801

Jon Steverson (Lobbyist) (State Employee) - Opponent
 Department of Environmental Protection
 3900 Commonwealth Blvd.
 Tallahassee Florida
 Phone: 850-245-2010

Ryan Matthews (Lobbyist) - Opponent
 League of Cities
 301 S. Bronough Street
 Tallahassee Florida
 Phone: 850-222-9684

Mary Jean Yan (Lobbyist) - Opponent
 3324 Charleston Road
 Tallahassee Florida 32359
 Phone: 850-519-7859

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

McCarty, Jess (Lobbyist) - Information Only
Miami-Dade County
111 NW 1st St Ste. 2810
Miami FL 33128
Phone: 305-979-7110

Bowman, Janet (Lobbyist) - Information Only
Nature Conservancy, The
625 N Adams St
Tallahassee FL 32301
Phone: (850)251-9406

Cullen, David (Lobbyist) - Opponent
Sierra Club
820 E. Call Street
Tallahassee FL 32301
Phone: (941)323-2404

Hetrick, Keith (Lobbyist) - Waive In Support
Florida Home Builders Association
215 S. Monroe
Tallahassee FL 32301
Phone: 850-251-1838

Hunter, William (Lobbyist) - Waive In Support
Association of Florida Community Developers, Inc
307 W Park Ave Ste 214
Tallahassee FL 32301-1422
Phone: (850)681-2176

Cory, Keyna (Lobbyist) - Waive In Support
Associated Industries of Florida
110 E. College Avenue
Tallahassee FL 32301
Phone: 850-681-1065

Olsen, Eric (Lobbyist) - Waive In Support
Florida Association of Mitigation Bankers
119 South Monroe Street
Tallahassee FL 32301
Phone: 850-222-7500

Farrar, Matthew (Lobbyist) - Waive In Support
6179 Four Oaks Blvd.
Tallahassee FL 32311
Phone: (850)832-1763

Leticia M. Adams (Lobbyist) - Waive In Support
Florida Chamber of Commerce
136 S. Bronough Street
Tallahassee FL 32301
Phone: 850-544-6866

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

Killinger, Lori (Lobbyist) - Waive In Support
Mitigation Banking Alliance of Florida
2600 Centennial PL
Tallahassee Florida 32308
Phone: 850-222-5702

Ward Blakely (Lobbyist) - Waive In Support
115 E. Park Avenue
Tallahassee FL 32301
Phone: (850)681-6400

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

Amendment No.1

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 _____

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation

2 Subcommittee

3 Representative(s) Patronis offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (p) is added to subsection (2) of

8 section 120.569, Florida Statutes, to read:

9 (2)

10 (p) For any proceeding arising under chapter 373, chapter

11 378, or chapter 403, if a nonapplicant petitions as a third

12 party to challenge an agency's issuance of a license or

13 conceptual approval, the petitioner initiating the action has

14 the burden of ultimate persuasion and, in the first instance,

15 has the burden of going forward with the evidence.

16 Notwithstanding subsection (1), this paragraph applies to

17 proceedings under s. 120.574.

18

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

19 Section 2. Section 125.0112, Florida Statutes, is created
20 to read:

21 125.0112 Biofuels and renewable energy.—The construction
22 and operation of a biofuel processing facility or a renewable
23 energy generating facility, as defined in s. 366.91(2)(d), and
24 the cultivation and production of bioenergy, as defined pursuant
25 to s. 163.3177, except where biomass material derived from
26 municipal solid waste or landfill gases provides the renewable
27 energy for such facilities, shall be considered by a local
28 government to be a valid industrial, agricultural, and
29 silvicultural use permitted within those land use categories in
30 the local comprehensive land use plan. If the local
31 comprehensive plan does not specifically allow for the
32 construction of a biofuel processing facility or renewable
33 energy facility, the local government may establish a specific
34 review process that may include expediting local review of any
35 necessary comprehensive plan amendment, zoning change, use
36 permit, waiver, variance, or special exemption. Local expedited
37 review of a proposed biofuel processing facility or a renewable
38 energy facility does not obligate a local government to approve
39 such proposed use. A comprehensive plan amendment necessary to
40 accommodate a biofuel processing facility or renewable energy
41 facility shall, if approved by the local government, be eligible
42 for the alternative state review process in s. 163.32465. The
43 construction and operation of a facility and related
44 improvements on a portion of a property under this section does
45 not affect the remainder of the property's classification as
46 agricultural under s. 193.461.

Amendment No.1

47 Section 3. Section 125.022, Florida Statutes, is amended
48 to read:

49 125.022 Development permits.—When a county denies an
50 application for a development permit, the county shall give
51 written notice to the applicant. The notice must include a
52 citation to the applicable portions of an ordinance, rule,
53 statute, or other legal authority for the denial of the permit.
54 As used in this section, the term "development permit" has the
55 same meaning as in s. 163.3164. A county may not require as a
56 condition of processing a development permit, that an applicant
57 obtain a permit or approval from any other state or federal
58 agency unless the agency has issued a notice of intent to deny
59 the federal or state permit before the county action on the
60 local development permit. Issuance of a development permit by a
61 county does not in any way create any rights on the part of the
62 applicant to obtain a permit from another state or federal
63 agency and does not create any liability on the part of the
64 county for issuance of the permit if the applicant fails to
65 fulfill its legal obligations to obtain requisite approvals or
66 fulfill the obligations imposed by another state or a federal
67 agency. A county may attach such a disclaimer to the issuance of
68 a development permit, and may include a permit condition that
69 all other applicable state or federal permits be obtained before
70 commencement of the development. This section does not prohibit
71 a county from providing information to an applicant regarding
72 what other state or federal permits may apply.

73 Section 4. Section 161.032, Florida Statutes, is created
74 to read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

75 161.032 Application review; request for additional
76 information.-

77 (1) Within 30 days after receipt of an application for a
78 permit under this part, the department shall review the
79 application and shall request submission of any additional
80 information the department is permitted by law to require. If
81 the applicant believes that a request for additional information
82 is not authorized by law or rule, the applicant may request a
83 hearing pursuant to s. 120.57. Within 30 days after receipt of
84 such additional information, the department shall review such
85 additional information and may request only that information
86 needed to clarify such additional information or to answer new
87 questions raised by or directly related to such additional
88 information. If the applicant believes that the request for such
89 additional information by the department is not authorized by
90 law or rule, the department, at the applicant's request, shall
91 proceed to process the permit application.

92 (2) Notwithstanding s. 120.60, an applicant for a permit
93 under this part has 90 days after the date of a timely request
94 for additional information to submit such information. If an
95 applicant requires more than 90 days in order to respond to a
96 request for additional information, the applicant must notify
97 the agency processing the permit application in writing of the
98 circumstances, at which time the application shall be held in
99 active status for no more than one additional period of up to 90
100 days. Additional extensions may be granted for good cause shown
101 by the applicant. A showing that the applicant is making a
102 diligent effort to obtain the requested additional information

Amendment No.1

103 constitutes good cause. Failure of an applicant to provide the
104 timely requested information by the applicable deadline shall
105 result in denial of the application without prejudice.

106 Section 5. Section 166.033, Florida Statutes, is amended
107 to read:

108 166.033 Development permits.—When a municipality denies an
109 application for a development permit, the municipality shall
110 give written notice to the applicant. The notice must include a
111 citation to the applicable portions of an ordinance, rule,
112 statute, or other legal authority for the denial of the permit.
113 As used in this section, the term "development permit" has the
114 same meaning as in s. 163.3164. A municipality may not require
115 as a condition of processing a development permit, that an
116 applicant obtain a permit or approval from any other state or
117 federal agency unless the agency has issued a notice of intent
118 to deny the federal or state permit before the municipal action
119 on the local development permit. Issuance of a development
120 permit by a municipality does not in any way create any right on
121 the part of an applicant to obtain a permit from another state
122 or federal agency and does not create any liability on the part
123 of the municipality for issuance of the permit if the applicant
124 fails to fulfill its legal obligations to obtain requisite
125 approvals or fulfill the obligations imposed by another state or
126 federal agency. A municipality may attach such a disclaimer to
127 the issuance of development permits and may include a permit
128 condition that all other applicable state or federal permits be
129 obtained before commencement of the development. This section
130 does not prohibit a municipality from providing information to

Amendment No.1

131 an applicant regarding what other state or federal permits may
132 apply.

133 Section 6. Section 166.0447, Florida Statutes, is created
134 to read:

135 166.0447 Biofuels and renewable energy.—The construction
136 and operation of a biofuel processing facility or a renewable
137 energy generating facility, as defined in s. 366.91(2)(d), and
138 the cultivation and production of bioenergy, as defined pursuant
139 to s. 163.3177, except where biomass material derived from
140 municipal solid waste or landfill gases provides the renewable
141 energy for such facilities, are each a valid industrial,
142 agricultural, and silvicultural use permitted within those land
143 use categories in the local comprehensive land use plan and for
144 purposes of any local zoning regulation within an incorporated
145 area of a municipality. Such comprehensive land use plans and
146 local zoning regulations may not require the owner or operator
147 of a biofuel processing facility or a renewable energy
148 generating facility to obtain any comprehensive plan amendment,
149 rezoning, special exemption, use permit, waiver, or variance, or
150 to pay any special fee in excess of \$1,000 to operate in an area
151 zoned for or categorized as industrial, agricultural, or
152 silvicultural use. This section does not exempt biofuel
153 processing facilities and renewable energy generating facilities
154 from complying with building code requirements. The construction
155 and operation of a facility and related improvements on a
156 portion of a property pursuant to this section does not affect
157 the remainder of that property's classification as agricultural
158 pursuant to s. 193.461.

Amendment No.1

159 Section 7. Subsection (10) is added to section 373.026,
160 Florida Statutes, to read:

161 373.026 General powers and duties of the department.—The
162 department, or its successor agency, shall be responsible for
163 the administration of this chapter at the state level. However,
164 it is the policy of the state that, to the greatest extent
165 possible, the department may enter into interagency or
166 interlocal agreements with any other state agency, any water
167 management district, or any local government conducting programs
168 related to or materially affecting the water resources of the
169 state. All such agreements shall be subject to the provisions of
170 s. 373.046. In addition to its other powers and duties, the
171 department shall, to the greatest extent possible:

172 (10) Expand the use of Internet-based self-certification
173 services for appropriate exemptions and general permits issued
174 by the department and the water management districts, if such
175 expansion is economically feasible. In addition to expanding the
176 use of Internet-based self-certification services for
177 appropriate exemptions and general permits, the department and
178 water management districts shall identify and develop general
179 permits for appropriate activities currently requiring
180 individual review that could be expedited through the use of
181 applicable professional certification.

182 Section 8. Section 373.4141, Florida Statutes, is amended
183 to read:

184 373.4141 Permits; processing.—

185 (1) Within 30 days after receipt of an application for a
186 permit under this part, the department or the water management

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

187 district shall review the application and shall request
188 submittal of all additional information the department or the
189 water management district is permitted by law to require. If the
190 applicant believes any request for additional information is not
191 authorized by law or rule, the applicant may request a hearing
192 pursuant to s. 120.57. Within 30 days after receipt of such
193 additional information, the department or water management
194 district shall review it and may request only that information
195 needed to clarify such additional information or to answer new
196 questions raised by or directly related to such additional
197 information. If the applicant believes the request of the
198 department or water management district for such additional
199 information is not authorized by law or rule, the department or
200 water management district, at the applicant's request, shall
201 proceed to process the permit application. The department or
202 water management district may request additional information no
203 more than twice, unless the applicant waives this limitation in
204 writing. If the applicant does not provide a written response
205 to the second request for additional information within 90 days,
206 or another time period mutually agreed upon between the
207 applicant and department or water management district, the
208 application shall be considered withdrawn.

209 (2) A permit shall be approved or denied within 60 ~~90~~ days
210 after receipt of the original application, the last item of
211 timely requested additional material, or the applicant's written
212 request to begin processing the permit application.

Amendment No.1

213 (3) Processing of applications for permits for affordable
214 housing projects shall be expedited to a greater degree than
215 other projects.

216 (4) A state agency or agency of the state may not require
217 as a condition of approval for a permit or as an item to
218 complete a pending permit application that an applicant obtain a
219 permit or approval from any other local, state or federal agency
220 without explicit statutory authority to require such permit or
221 approval form another agency.

222 Section 9. Section 373.4144, Florida Statutes, is amended
223 to read:

224 373.4144 Federal environmental permitting.—

225 (1) It is the intent of the Legislature to:

226 (a) Facilitate coordination and a more efficient process
227 of implementing regulatory duties and functions between the
228 Department of Environmental Protection, the water management
229 districts, the United States Army Corps of Engineers, the United
230 States Fish and Wildlife Service, the National Marine Fisheries
231 Service, the United States Environmental Protection Agency, the
232 Fish and Wildlife Conservation Commission, and other relevant
233 federal and state agencies.

234 (b) Authorize the Department of Environmental Protection
235 to obtain issuance by the United States Army Corps of Engineers,
236 pursuant to state and federal law and as set forth in this
237 section, of an expanded state programmatic general permit, or a
238 series of regional general permits, for categories of activities
239 in waters of the United States governed by the Clean Water Act
240 and in navigable waters under the Rivers and Harbors Act of 1899

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

241 which are similar in nature, which will cause only minimal
242 adverse environmental effects when performed separately, and
243 which will have only minimal cumulative adverse effects on the
244 environment.

245 (c) Use the mechanism of such a state general permit or
246 such regional general permits to eliminate overlapping federal
247 regulations and state rules that seek to protect the same
248 resource and to avoid duplication of permitting between the
249 United States Army Corps of Engineers and the department for
250 minor work located in waters of the United States, including
251 navigable waters, thus eliminating, in appropriate cases, the
252 need for a separate individual approval from the United States
253 Army Corps of Engineers while ensuring the most stringent
254 protection of wetland resources.

255 (d) Direct the department not to seek issuance of or take
256 any action pursuant to any such permit or permits unless such
257 conditions are at least as protective of the environment and
258 natural resources as existing state law under this part and
259 federal law under the Clean Water Act and the Rivers and Harbors
260 Act of 1899. The department is directed to develop, on or before
261 October 1, 2005, a mechanism or plan to consolidate, to the
262 maximum extent practicable, the federal and state wetland
263 permitting programs. It is the intent of the Legislature that
264 all dredge and fill activities impacting 10 acres or less of
265 wetlands or waters, including navigable waters, be processed by
266 the state as part of the environmental resource permitting
267 program implemented by the department and the water management
268 districts. The resulting mechanism or plan shall analyze and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

269 ~~propose the development of an expanded state programmatic~~
270 ~~general permit program in conjunction with the United States~~
271 ~~Army Corps of Engineers pursuant to s. 404 of the Clean Water~~
272 ~~Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,~~
273 ~~and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,~~
274 ~~or in combination with an expanded state programmatic general~~
275 ~~permit, the mechanism or plan may propose the creation of a~~
276 ~~series of regional general permits issued by the United States~~
277 ~~Army Corps of Engineers pursuant to the referenced statutes. All~~
278 ~~of the regional general permits must be administered by the~~
279 ~~department or the water management districts or their designees.~~

280 (2) In order to effectuate efficient wetland permitting
281 and avoid duplication, the department and water management
282 districts are authorized to implement a voluntary state
283 programmatic general permit for all dredge and fill activities
284 impacting 3 acres or less of wetlands or other surface waters,
285 including navigable waters, subject to agreement with the United
286 States Army Corps of Engineers, if the general permit is at
287 least as protective of the environment and natural resources as
288 existing state law under this part and federal law under the
289 Clean Water Act and the Rivers and Harbors Act of 1899. The
290 ~~department is directed to file with the Speaker of the House of~~
291 ~~Representatives and the President of the Senate a report~~
292 ~~proposing any required federal and state statutory changes that~~
293 ~~would be necessary to accomplish the directives listed in this~~
294 ~~section and to coordinate with the Florida Congressional~~
295 ~~Delegation on any necessary changes to federal law to implement~~
296 ~~the directives.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

297 (3) Nothing in this section shall be construed to preclude
298 the department from pursuing a series of regional general
299 permits for construction activities in wetlands or surface
300 waters or complete assumption of federal permitting programs
301 regulating the discharge of dredged or fill material pursuant to
302 s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended,
303 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors
304 Act of 1899, so long as the assumption encompasses all dredge
305 and fill activities in, on, or over jurisdictional wetlands or
306 waters, including navigable waters, within the state.

307 Section 10. Present subsections (3), (4), and (5) of
308 section 373.441, Florida Statutes, are renumbered as subsections
309 (6), (7), and (8), respectively, and new subsections (3), (4),
310 and (5) are added to that section to read:

311 373.441 Role of counties, municipalities, and local
312 pollution control programs in permit processing; delegation.-

313 (3) A county having a population of 75,000 or more or a
314 municipality having a population of more than 50,000 that
315 implements a local pollution control program regulating wetlands
316 or surface waters throughout its geographic boundary must apply
317 for delegation of state environmental resource permitting
318 authority on or before June 1, 2012. A county, municipality, or
319 local pollution control program that fails to receive delegation
320 of authority by June 1, 2013 may not require permits that in
321 part or in full are substantially similar to the requirements
322 needed to obtain an environmental resource permit.

323 (4) Upon delegation to a qualified local government, the
324 department and water management district may not regulate the

Amendment No.1

325 activities subject to the delegation within that jurisdiction
326 unless regulation is required pursuant to the terms of the
327 delegation agreement.

328 (5) This section does not prohibit or limit a local
329 government from adopting a pollution control program regulating
330 wetlands or surface waters after June 1, 2012, if the local
331 government applies for and receives delegation of state
332 environmental resource permitting authority within 1 year after
333 adopting such a program.

334 Section 11. Section 376.30715, Florida Statutes, is
335 amended to read:

336 376.30715 Innocent victim petroleum storage system
337 restoration.—A contaminated site acquired by the current owner
338 prior to July 1, 1990, which has ceased operating as a petroleum
339 storage or retail business prior to January 1, 1985, is eligible
340 for financial assistance pursuant to s. 376.305(6),
341 notwithstanding s. 376.305(6) (a). For purposes of this section,
342 the term "acquired" means the acquisition of title to the
343 property; however, a subsequent transfer of the property to a
344 spouse or child of the owner, a surviving spouse or child of the
345 owner in trust or free of trust, ~~or~~ a revocable trust created
346 for the benefit of the settlor, or a corporate entity created by
347 the owner to hold title to the site does not disqualify the site
348 from financial assistance pursuant to s. 376.305(6) and
349 applicants previously denied coverage may reapply. Eligible
350 sites shall be ranked in accordance with s. 376.3071(5).

351 Section 12. Section 403.0874, Florida Statutes, is created
352 to read:

Amendment No.1

353 403.0874 Incentive-based permitting program.-

354 (1) SHORT TITLE.-This section may be cited as the "Florida
355 Incentive-based Permitting Act."

356 (2) FINDINGS AND INTENT.-The Legislature finds and
357 declares that the department should consider compliance history
358 when deciding whether to issue, renew, amend, or modify a permit
359 by evaluating an applicant's site-specific and program-specific
360 relevant aggregate compliance history. Persons having a history
361 of complying with applicable permits or state environmental laws
362 and rules are eligible for permitting benefits, including, but
363 not limited to, expedited permit application reviews, longer-
364 duration permit periods, decreased announced compliance
365 inspections, and other similar regulatory and compliance
366 incentives to encourage and reward such persons for their
367 environmental performance.

368 (3) APPLICABILITY.-

369 (a) This section applies to all persons and regulated
370 activities that are subject to the permitting requirements of
371 chapter 161, chapter 373, or this chapter, and all other
372 applicable state or federal laws that govern activities for the
373 purpose of protecting the environment or the public health from
374 pollution or contamination.

375 (b) Notwithstanding paragraph (a), this section does not
376 apply to certain permit actions or environmental permitting laws
377 such as:

378 1. Environmental permitting or authorization laws that
379 regulate activities for the purpose of zoning, growth
380 management, or land use; or

Amendment No.1

381 2. Any federal law or program delegated or assumed by the
382 state to the extent that implementation of this section, or any
383 part of this section, would jeopardize the ability of the state
384 to retain such delegation or assumption.

385 (c) As used in this section, a the term "regulated
386 activity" means any activity, including, but not limited to, the
387 construction or operation of a facility, installation, system,
388 or project, for which a permit, certification, or authorization
389 is required under chapter 161, chapter 373, or this chapter.

390 (4) COMPLIANCE HISTORY.—The compliance history period
391 shall be the 10 years before the date any permit or renewal
392 application is received by the department. Any person is
393 entitled to the incentives under paragraph (5)(a) if:

394 (a)1. The applicant has conducted the regulated activity
395 at the same site for which the permit or renewal is sought for
396 at least 8 of the 10 years before the date the permit
397 application is received by the department; or

398 2. The applicant has conducted the same regulated activity
399 at a different site within the state for at least 8 of the 10
400 years before the date the permit or renewal application is
401 received by the department; and

402 (b) In the 10 years before the date the permit or renewal
403 application is received by the department or water management
404 district, the applicant has not been subject to a formal
405 administrative or civil judgment or criminal conviction whereby
406 an administrative law judge or civil or criminal court found the
407 applicant violated the applicable law or rule or has been the
408 subject of an administrative settlement or consent orders,

Amendment No.1

409 whether formal or informal, that established a violation of an
410 applicable law or rule.

411 (c) The applicant can demonstrate during a 10-year
412 compliance history period the implementation of activities or
413 practices that resulted in:

414 1. Reductions in actual or permitted discharges or
415 emissions;

416 2. Reductions in the impacts of regulated activities on
417 public lands or natural resources; and

418 3. Implementation of voluntary environmental performance
419 programs, such as environmental management systems.

420 (5) COMPLIANCE INCENTIVES.—

421 (a) An applicant shall request all applicable incentives
422 at the time of application submittal. Unless otherwise
423 prohibited by state or federal law, rule, or regulation, and if
424 the applicant meets all other applicable criteria for the
425 issuance of a permit or authorization, an applicant is entitled
426 to the following incentives:

427 1. Expedited reviews on permit actions, including, but not
428 limited to, initial permit issuance, renewal, modification, and
429 transfer, if applicable. Expedited review means, at a minimum,
430 that any request for additional information regarding a permit
431 application shall be issued no later than 15 days after the
432 application is filed, and final agency action shall be taken no
433 later than 45 days after the application is deemed complete;

434 2. Priority review of permit application;

435 3. Reduced number of routine compliance inspections;

Amendment No.1

436 4. No more than two requests for additional information
437 under s. 120.60; and

438 5. Longer permit period durations.

439 (6) RULEMAKING.—The department shall implement rulemaking
440 within 6 months after the effective date of this act. Such
441 rulemaking may identify additional incentives and programs not
442 expressly enumerated under this section, so long as each
443 incentive is consistent with the Legislature's purpose and
444 intent of this section. Any rule adopted by the department to
445 administer this section shall be deemed an invalid exercise of
446 delegated legislative authority if the department cannot
447 demonstrate how such rules will produce the compliance
448 incentives set forth in subsection (5). The department's rules
449 adopted under this section are binding on the water management
450 districts and any local government that has been delegated or
451 assumed a regulatory program to which this section applies.

452 Section 13. Subsections (5), (6), and (7) are added to
453 section 161.041, Florida Statutes, to read:

454 161.041 Permits required.—

455 (5) The provisions of s. 403.0874, relating to the
456 incentive-based permitting program, apply to all permits issued
457 under this chapter.

458 (6) The department shall not require as a permit condition
459 sediment quality specifications or turbidity standards more
460 stringent than those provided for in this chapter, chapter 373,
461 or the Florida Administrative Code. The department shall not
462 issue guidelines that are enforceable as standards without going
463 through the rulemaking process pursuant to chapter 120.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

464 (7) As an incentive for permit applicants, it is the
465 Legislature's intent to simplify the permitting for periodic
466 maintenance of beach renourishment projects previously permitted
467 and restored under the Joint Coastal Permit process pursuant to
468 this section or part IV of chapter 373. The department shall
469 amend chapters 62B-41 and 62B-49 of the Florida Administrative
470 Code to streamline the permitting process for periodic
471 maintenance projects.

472 Section 14. Subsection (6) is added to section 373.413,
473 Florida Statutes, to read:

474 373.413 Permits for construction or alteration.—

475 (6) The provisions of s. 403.0874, relating to the
476 incentive-based permitting program, apply to permits issued
477 under this section.

478 Section 15. Subsection (11) of section 403.061, Florida
479 Statutes, is amended to read:

480 403.061 Department; powers and duties.—The department
481 shall have the power and the duty to control and prohibit
482 pollution of air and water in accordance with the law and rules
483 adopted and promulgated by it and, for this purpose, to:

484 (11) Establish ambient air quality and water quality
485 standards for the state as a whole or for any part thereof, and
486 also standards for the abatement of excessive and unnecessary
487 noise. The department shall ~~is authorized to~~ establish
488 reasonable zones of mixing for discharges into waters where
489 assimilative capacity in the receiving water is available. Zones
490 of discharge to groundwater are authorized to a facility or
491 owner's property boundary and extending to the base of a

Amendment No.1

492 specifically designated aquifer or aquifers. Discharges that
493 occur within a zone of discharge or on land that is over a zone
494 of discharge do not create liability under this chapter or
495 chapter 376 for site cleanup and the exceedance of soil cleanup
496 target levels is not a basis for enforcement or site cleanup.

497 (a) When a receiving body of water fails to meet a water
498 quality standard for pollutants set forth in department rules, a
499 steam electric generating plant discharge of pollutants that is
500 existing or licensed under this chapter on July 1, 1984, may
501 nevertheless be granted a mixing zone, provided that:

502 1. The standard would not be met in the water body in the
503 absence of the discharge;

504 2. The discharge is in compliance with all applicable
505 technology-based effluent limitations;

506 3. The discharge does not cause a measurable increase in
507 the degree of noncompliance with the standard at the boundary of
508 the mixing zone; and

509 4. The discharge otherwise complies with the mixing zone
510 provisions specified in department rules.

511 (b) No mixing zone for point source discharges shall be
512 permitted in Outstanding Florida Waters except for:

513 1. Sources that have received permits from the department
514 prior to April 1, 1982, or the date of designation, whichever is
515 later;

516 2. Blowdown from new power plants certified pursuant to
517 the Florida Electrical Power Plant Siting Act;

518 3. Discharges of water necessary for water management
519 purposes which have been approved by the governing board of a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

520 water management district and, if required by law, by the
521 secretary; and

522 4. The discharge of demineralization concentrate which has
523 been determined permissible under s. 403.0882 and which meets
524 the specific provisions of s. 403.0882(4)(a) and (b), if the
525 proposed discharge is clearly in the public interest.

526 (c) The department, by rule, shall establish water quality
527 criteria for wetlands which criteria give appropriate
528 recognition to the water quality of such wetlands in their
529 natural state.

530

531 Nothing in this act shall be construed to invalidate any
532 existing department rule relating to mixing zones. The
533 department shall cooperate with the Department of Highway Safety
534 and Motor Vehicles in the development of regulations required by
535 s. 316.272(1).

536

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

541 Section 16. Subsection (7) of section 403.087, Florida
542 Statutes, is amended to read:

543 403.087 Permits; general issuance; denial; revocation;
544 prohibition; penalty.-

545 (7) A permit issued pursuant to this section shall not
546 become a vested right in the permittee. The department may

Amendment No.1

547 | revoke any permit issued by it if it finds that the
548 | permitholder:

549 | (a) ~~Has~~ Submitted false or inaccurate information in the
550 | ~~his or her~~ application for such permit;

551 | (b) ~~Has~~ Violated law, department orders, rules, ~~or~~
552 | ~~regulations,~~ or ~~permit~~ conditions;

553 | (c) ~~Has~~ Failed to submit operational reports or other
554 | information required by department rule which directly relate to
555 | such permit and has refused to correct or cure such violations
556 | when requested to do so ~~or regulation;~~ or

557 | (d) ~~Has~~ Refused lawful inspection under s. 403.091 at the
558 | facility authorized by such permit.

559 | Section 17. Subsection (32) of section 403.703, Florida
560 | Statutes, is amended to read:

561 | 403.703 Definitions.—As used in this part, the term:

562 | (32) "Solid waste" means sludge unregulated under the
563 | federal Clean Water Act or Clean Air Act, sludge from a waste
564 | treatment works, water supply treatment plant, or air pollution
565 | control facility, or garbage, rubbish, refuse, special waste, or
566 | other discarded material, including solid, liquid, semisolid, or
567 | contained gaseous material resulting from domestic, industrial,
568 | commercial, mining, agricultural, or governmental operations.
569 | Recovered materials as defined in subsection (24) are not solid
570 | waste. The term does not include sludge from a waste treatment
571 | works if the sludge is not discarded.

572 | Section 18. Subsections (2) and (3) of section 403.707,
573 | Florida Statutes, are amended to read:

574 | 403.707 Permits.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

575 (2) Except as provided in s. 403.722(6), a permit under
576 this section is not required for the following, ~~if the activity~~
577 ~~does not create a public nuisance or any condition adversely~~
578 ~~affecting the environment or public health and does not violate~~
579 ~~other state or local laws, ordinances, rules, regulations, or~~
580 ~~orders:~~

581 (a) Disposal by persons of solid waste resulting from
582 their own activities on their own property, if such waste is
583 ordinary household waste from their residential property or is
584 rocks, soils, trees, tree remains, and other vegetative matter
585 that normally result from land development operations. Disposal
586 of materials that could create a public nuisance or adversely
587 affect the environment or public health, such as white goods;
588 automotive materials, such as batteries and tires; petroleum
589 products; pesticides; solvents; or hazardous substances, is not
590 covered under this exemption.

591 (b) Storage in containers by persons of solid waste
592 resulting from their own activities on their property, leased or
593 rented property, or property subject to a homeowners or
594 maintenance association for which the person contributes
595 association assessments, if the solid waste in such containers
596 is collected at least once a week.

597 (c) Disposal by persons of solid waste resulting from
598 their own activities on their property, if:

599 1. The environmental effects of such disposal on
600 groundwater and surface waters are:

Amendment No.1

601 ~~a.1.~~ Addressed or authorized by a site certification order
602 issued under part II or a permit issued by the department under
603 this chapter or rules adopted pursuant to this chapter; or

604 ~~b.2.~~ Addressed or authorized by, or exempted from the
605 requirement to obtain, a groundwater monitoring plan approved by
606 the department. As used in this sub-subparagraph, "addressed by
607 a groundwater monitoring plan" means the plan is sufficient to
608 monitor groundwater or surface water for contaminants of
609 concerns associated with the solid waste being disposed. A
610 groundwater monitoring plan can be demonstrated to be sufficient
611 irrespective of whether the groundwater monitoring plan or
612 disposal is referenced in a department permit or other
613 authorization.

614 2. The disposal of solid waste takes place within an area
615 which is over a zone of discharge.

616
617 The disposal of solid waste pursuant to this paragraph does not
618 create liability under this chapter or chapter 376 for site
619 cleanup and the exceedance of soil cleanup target levels is not
620 a basis for enforcement or site cleanup.

621 (d) Disposal by persons of solid waste resulting from
622 their own activities on their own property, if such disposal
623 occurred prior to October 1, 1988.

624 (e) Disposal of solid waste resulting from normal farming
625 operations as defined by department rule. Polyethylene
626 agricultural plastic, damaged, nonsalvageable, untreated wood
627 pallets, and packing material that cannot be feasibly recycled,
628 which are used in connection with agricultural operations

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

629 related to the growing, harvesting, or maintenance of crops, may
630 be disposed of by open burning if a public nuisance or any
631 condition adversely affecting the environment or the public
632 health is not created by the open burning and state or federal
633 ambient air quality standards are not violated.

634 (f) The use of clean debris as fill material in any area.
635 However, this paragraph does not exempt any person from
636 obtaining any other required permits, and does not affect a
637 person's responsibility to dispose of clean debris appropriately
638 if it is not to be used as fill material.

639 (g) Compost operations that produce less than 50 cubic
640 yards of compost per year when the compost produced is used on
641 the property where the compost operation is located.

642 (3) All applicable provisions of ss. 403.087 and 403.088,
643 relating to permits, apply to the control of solid waste
644 management facilities. Additionally, any permit issued to a
645 solid waste management facility that is designed with a leachate
646 control system meeting Department requirements shall be for a
647 term of 20 years, or should the applicant request, a lesser
648 number of years. Existing permit fees for qualifying solid
649 waste management facilities shall be prorated to the permit term
650 authorized by this section. This provision applies to all
651 qualifying solid waste management facilities that apply for an
652 operating or construction permit, or renew an existing operating
653 or construction permit, on or after July 1, 2012.

654 Section 19. Subsection (12) is added to section 403.814,
655 Florida Statutes, to read:

656 403.814 General permits; delegation.-

Amendment No.1

657 (12) A general permit shall be granted for the
658 construction, alteration, and maintenance of a surface water
659 management system serving a total project area of up to 10
660 acres. The construction of such a system may proceed without any
661 agency action by the department or water management district if:

662 (a) The total project area is less than 10 acres;

663 (b) The total project area involves less than 2 acres of
664 impervious surface;

665 (c) No activities will impact wetlands or other surface
666 waters;

667 (d) No activities are conducted in, on, or over wetlands
668 or other surface waters;

669 (e) Drainage facilities will not include pipes having
670 diameters greater than 24 inches, or the hydraulic equivalent,
671 and will not use pumps in any manner; and

672 (f) The project is not part of a larger common plan of
673 development or sale.

674 (g) The project does not:

675 1. Cause adverse water quantity or flooding impacts to
676 receiving water and adjacent lands;

677 2. Cause adverse impacts to existing surface water storage
678 and conveyance capabilities;

679 3. Cause a violation of state water quality standards; and

680 4. Cause an adverse impact to the maintenance of surface
681 or ground water levels or surface water flows established
682 pursuant to s. 373.042 or a Work of the District established
683 pursuant to s. 373.086; and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

684 (h) The surface water management system design plans must
685 be signed and sealed by a registered professional and must be
686 capable, based on generally accepted engineering and scientific
687 principles, of being performed and functioning as proposed.

688 Section 20. Paragraph (u) is added to subsection (24) of
689 section 380.06, Florida Statutes, to read:

690 380.06 Developments of regional impact.—

691 (24) STATUTORY EXEMPTIONS.—

692 (u) Any proposed solid mineral mine and any proposed
693 addition to, expansion of, or change to an existing solid
694 mineral mine is exempt from the provisions of this section.
695 Proposed changes to any previously approved solid mineral mine
696 development-of-regional-impact development orders having vested
697 rights is not subject to further review or approval as a
698 development of regional impact or notice of proposed change
699 review or approval pursuant to subsection (19), except for those
700 applications pending as of July 1, 2011, which shall be governed
701 by s. 380.115(2). Notwithstanding the foregoing, however,
702 pursuant to s. 380.115(1), previously approved solid mineral
703 mine development-of-regional-impact development orders shall
704 continue to enjoy vested rights and continue to be effective
705 unless rescinded by the developer.

706

707 If a use is exempt from review as a development of regional
708 impact under paragraphs (a)-(s), but will be part of a larger
709 project that is subject to review as a development of regional
710 impact, the impact of the exempt use must be included in the
711 review of the larger project, unless such exempt use involves a

Amendment No.1

712 development of regional impact that includes a landowner,
713 tenant, or user that has entered into a funding agreement with
714 the Office of Tourism, Trade, and Economic Development under the
715 Innovation Incentive Program and the agreement contemplates a
716 state award of at least \$50 million.

717 Section 21. Subsection (1) of section 380.0657, Florida
718 Statutes, is amended to read:

719 380.0657 Expedited permitting process for economic
720 development projects.—

721 (1) The Department of Environmental Protection and, as
722 appropriate, the water management districts created under
723 chapter 373 shall adopt programs to expedite the processing of
724 wetland resource and environmental resource permits for economic
725 development projects that have been identified by a municipality
726 or county as meeting the definition of target industry
727 businesses under s. 288.106, or any inland multimodal facility,
728 receiving or sending cargo to or from Florida ports, with the
729 exception of those projects requiring approval by the Board of
730 Trustees of the Internal Improvement Trust Fund.

731 Section 22. Paragraph (a) of subsection (3) and
732 subsections (4), (5), (10), (11), (14), (15), and (18) of
733 section 403.973, Florida Statutes, are amended to read:

734 403.973 Expedited permitting; amendments to comprehensive
735 plans.—

736 (3)(a) The secretary shall direct the creation of regional
737 permit action teams for the purpose of expediting review of
738 permit applications and local comprehensive plan amendments
739 submitted by:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

740 1. Businesses creating at least 50 jobs or a commercial or
741 industrial development project that will be occupied by
742 businesses that would individually or collectively create at
743 least 50 jobs; or

744 2. Businesses creating at least 25 jobs if the project is
745 located in an enterprise zone, or in a county having a
746 population of fewer than 75,000 or in a county having a
747 population of fewer than 125,000 which is contiguous to a county
748 having a population of fewer than 75,000, as determined by the
749 most recent decennial census, residing in incorporated and
750 unincorporated areas of the county.

751 (4) The regional teams shall be established through the
752 execution of a project-specific memoranda of agreement developed
753 and executed by the applicant and the secretary, with input
754 solicited from ~~the office and~~ the respective heads of the
755 Department of Community Affairs, the Department of
756 Transportation and its district offices, the Department of
757 Agriculture and Consumer Services, the Fish and Wildlife
758 Conservation Commission, appropriate regional planning councils,
759 appropriate water management districts, and voluntarily
760 participating municipalities and counties. The memoranda of
761 agreement should also accommodate participation in this
762 expedited process by other local governments and federal
763 agencies as circumstances warrant.

764 (5) In order to facilitate local government's option to
765 participate in this expedited review process, the secretary
766 shall, in cooperation with local governments and participating
767 state agencies, create a standard form memorandum of agreement.

Amendment No.1

768 The standard form of the memorandum of agreement shall be used
769 only if the local government participates in the expedited
770 review process. In the absence of local government
771 participation, only the project-specific memorandum of agreement
772 executed pursuant to subsection (4) applies. A local government
773 shall hold a duly noticed public workshop to review and explain
774 to the public the expedited permitting process and the terms and
775 conditions of the standard form memorandum of agreement.

776 (10) The memoranda of agreement may provide for the waiver
777 or modification of procedural rules prescribing forms, fees,
778 procedures, or time limits for the review or processing of
779 permit applications under the jurisdiction of those agencies
780 that are members of the regional permit action team party to the
781 memoranda of agreement. Notwithstanding any other provision of
782 law to the contrary, a memorandum of agreement must to the
783 extent feasible provide for proceedings and hearings otherwise
784 held separately by the parties to the memorandum of agreement to
785 be combined into one proceeding or held jointly and at one
786 location. Such waivers or modifications shall not be available
787 for permit applications governed by federally delegated or
788 approved permitting programs, the requirements of which would
789 prohibit, or be inconsistent with, such a waiver or
790 modification.

791 (11) The ~~standard form for~~ memoranda of agreement shall
792 include guidelines to be used in working with state, regional,
793 and local permitting authorities. Guidelines may include, but
794 are not limited to, the following:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

795 (a) A central contact point for filing permit applications
796 and local comprehensive plan amendments and for obtaining
797 information on permit and local comprehensive plan amendment
798 requirements;

799 (b) Identification of the individual or individuals within
800 each respective agency who will be responsible for processing
801 the expedited permit application or local comprehensive plan
802 amendment for that agency;

803 (c) A mandatory preapplication review process to reduce
804 permitting conflicts by providing guidance to applicants
805 regarding the permits needed from each agency and governmental
806 entity, site planning and development, site suitability and
807 limitations, facility design, and steps the applicant can take
808 to ensure expeditious permit application and local comprehensive
809 plan amendment review. As a part of this process, the first
810 interagency meeting to discuss a project shall be held within 14
811 days after the secretary's determination that the project is
812 eligible for expedited review. Subsequent interagency meetings
813 may be scheduled to accommodate the needs of participating local
814 governments that are unable to meet public notice requirements
815 for executing a memorandum of agreement within this timeframe.
816 This accommodation may not exceed 45 days from the secretary's
817 determination that the project is eligible for expedited review;

818 (d) The preparation of a single coordinated project
819 description form and checklist and an agreement by state and
820 regional agencies to reduce the burden on an applicant to
821 provide duplicate information to multiple agencies;

Amendment No.1

822 (e) Establishment of a process for the adoption and review
823 of any comprehensive plan amendment needed by any certified
824 project within 90 days after the submission of an application
825 for a comprehensive plan amendment. However, the memorandum of
826 agreement may not prevent affected persons as defined in s.
827 163.3184 from appealing or participating in this expedited plan
828 amendment process and any review or appeals of decisions made
829 under this paragraph; and

830 (f) Additional incentives for an applicant who proposes a
831 project that provides a net ecosystem benefit.

832 (14) (a) Challenges to state agency action in the expedited
833 permitting process for projects processed under this section are
834 subject to the summary hearing provisions of s. 120.574, except
835 that the administrative law judge's decision, as provided in s.
836 120.574(2)(f), shall be in the form of a recommended order and
837 shall not constitute the final action of the state agency. In
838 those proceedings where the action of only one agency of the
839 state other than the Department of Environmental Protection is
840 challenged, the agency of the state shall issue the final order
841 within 45 working days after receipt of the administrative law
842 judge's recommended order, and the recommended order shall
843 inform the parties of their right to file exceptions or
844 responses to the recommended order in accordance with the
845 uniform rules of procedure pursuant to s. 120.54. In those
846 proceedings where the actions of more than one agency of the
847 state are challenged, the Governor shall issue the final order
848 within 45 working days after receipt of the administrative law
849 judge's recommended order, and the recommended order shall

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

850 inform the parties of their right to file exceptions or
851 responses to the recommended order in accordance with the
852 uniform rules of procedure pursuant to s. 120.54. For This
853 ~~paragraph does not apply~~ to the issuance of department licenses
854 required under any federally delegated or approved permit
855 program. ~~In such instances,~~ the department shall enter the final
856 order and not the Governor. The participating agencies of the
857 state may opt at the preliminary hearing conference to allow the
858 administrative law judge's decision to constitute the final
859 agency action. If a participating local government agrees to
860 participate in the summary hearing provisions of s. 120.574 for
861 purposes of review of local government comprehensive plan
862 amendments, s. 163.3184(9) and (10) apply.

863 (b) Projects identified in paragraph (3)(f) or challenges
864 to state agency action in the expedited permitting process for
865 establishment of a state-of-the-art biomedical research
866 institution and campus in this state by the grantee under s.
867 288.955 are subject to the same requirements as challenges
868 brought under paragraph (a), except that, notwithstanding s.
869 120.574, summary proceedings must be conducted within 30 days
870 after a party files the motion for summary hearing, regardless
871 of whether the parties agree to the summary proceeding.

872 (15) The office, working with the agencies providing
873 cooperative assistance and input regarding the memoranda of
874 agreement, shall review sites proposed for the location of
875 facilities that the office has certified to be eligible for the
876 Innovation Incentive Program under s. 288.1089. Within 20 days
877 after the request for the review by the office, the agencies

Amendment No.1

878 shall provide to the office a statement as to each site's
879 necessary permits under local, state, and federal law and an
880 identification of significant permitting issues, which if
881 unresolved, may result in the denial of an agency permit or
882 approval or any significant delay caused by the permitting
883 process.

884 (18) The office, working with the Rural Economic
885 Development Initiative ~~and the agencies participating in the~~
886 ~~memoranda of agreement~~, shall provide technical assistance in
887 preparing permit applications and local comprehensive plan
888 amendments for counties having a population of fewer than 75,000
889 residents, or counties having fewer than 125,000 residents which
890 are contiguous to counties having fewer than 75,000 residents.
891 Additional assistance may include, but not be limited to,
892 guidance in land development regulations and permitting
893 processes, working cooperatively with state, regional, and local
894 entities to identify areas within these counties which may be
895 suitable or adaptable for preclearance review of specified types
896 of land uses and other activities requiring permits.

897 Section 23. Subsection (10) of section 163.3180, Florida
898 Statutes, is amended to read:

899 163.3180 Concurrency.-

900 (10) (a) Except in transportation concurrency exception
901 areas, with regard to roadway facilities on the Strategic
902 Intermodal System designated in accordance with s. 339.63, local
903 governments shall adopt the level-of-service standard
904 established by the Department of Transportation by rule.
905 However, if the Office of Tourism, Trade, and Economic

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

906 Development concurs in writing with the local government that
907 the proposed development is for a qualified job creation project
908 under s. 288.0656 or s. 403.973, the affected local government,
909 after consulting with the Department of Transportation, may
910 provide for a waiver of transportation concurrency for the
911 project. For all other roads on the State Highway System, local
912 governments shall establish an adequate level-of-service
913 standard that need not be consistent with any level-of-service
914 standard established by the Department of Transportation. In
915 establishing adequate level-of-service standards for any
916 arterial roads, or collector roads as appropriate, which
917 traverse multiple jurisdictions, local governments shall
918 consider compatibility with the roadway facility's adopted
919 level-of-service standards in adjacent jurisdictions. Each local
920 government within a county shall use a professionally accepted
921 methodology for measuring impacts on transportation facilities
922 for the purposes of implementing its concurrency management
923 system. Counties are encouraged to coordinate with adjacent
924 counties, and local governments within a county are encouraged
925 to coordinate, for the purpose of using common methodologies for
926 measuring impacts on transportation facilities for the purpose
927 of implementing their concurrency management systems.

928 (b) There shall be a limited exemption from the Strategic
929 Intermodal System adopted level-of-service standards for new or
930 redevelopment projects consistent with the local comprehensive
931 plan as inland multimodal facilities receiving or sending cargo
932 for distribution and providing cargo storage, consolidation,
933 repackaging, and transfer of goods, and which may, if developed

Amendment No.1

934 as proposed, include other intermodal terminals, related
935 transportation facilities, warehousing and distribution
936 facilities, and associated office space, light industrial,
937 manufacturing, and assembly uses. The limited exemption applies
938 if the project meets all of the following criteria:

939 1. The project will not cause the adopted level-of-service
940 standards for the Strategic Intermodal System facilities to be
941 exceeded by more than 150 percent within the first 5 years of
942 the project's development.

943 2. The project, upon completion, would result in the
944 creation of at least 50 full-time jobs.

945 3. The project is compatible with existing and planned
946 adjacent land uses.

947 4. The project is consistent with local and regional
948 economic development goals or plans.

949 5. The project is proximate to regionally significant road
950 and rail transportation facilities.

951 6. The project is proximate to a community having an
952 unemployment rate, as of the date of the development order
953 application, which is 10 percent or more above the statewide
954 reported average.

955 Section 24. Subsections (1) and (2), paragraph (c) of
956 subsection (3), and subsection (4) of section 373.4137, Florida
957 Statutes, are amended to read:

958 373.4137 Mitigation requirements for specified
959 transportation projects.—

960 (1) The Legislature finds that environmental mitigation
961 for the impact of transportation projects proposed by the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

962 Department of Transportation or a transportation authority
963 established pursuant to chapter 348 or chapter 349 can be more
964 effectively achieved by regional, long-range mitigation planning
965 rather than on a project-by-project basis. It is the intent of
966 the Legislature that mitigation to offset the adverse effects of
967 these transportation projects be funded by the Department of
968 Transportation and be carried out by the water management
969 districts, through including the use of privately owned
970 mitigation banks where available or, if a privately owned
971 mitigation bank is not available, through any other mitigation
972 options that satisfy state and federal requirements established
973 pursuant to this part.

974 (2) Environmental impact inventories for transportation
975 projects proposed by the Department of Transportation or a
976 transportation authority established pursuant to chapter 348 or
977 chapter 349 shall be developed as follows:

978 (a) By July 1 of each year, the Department of
979 Transportation or a transportation authority established
980 pursuant to chapter 348 or chapter 349 which chooses to
981 participate in this program shall submit to the water management
982 districts a list copy of its projects in the adopted work
983 program and an environmental impact inventory of habitats
984 addressed in the rules adopted pursuant to this part and s. 404
985 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
986 by its plan of construction for transportation projects in the
987 next 3 years of the tentative work program. The Department of
988 Transportation or a transportation authority established
989 pursuant to chapter 348 or chapter 349 may also include in its

Amendment No.1

990 environmental impact inventory the habitat impacts of any future
991 transportation project. The Department of Transportation and
992 each transportation authority established pursuant to chapter
993 348 or chapter 349 may fund any mitigation activities for future
994 projects using current year funds.

995 (b) The environmental impact inventory shall include a
996 description of these habitat impacts, including their location,
997 acreage, and type; state water quality classification of
998 impacted wetlands and other surface waters; any other state or
999 regional designations for these habitats; and a list ~~survey~~ of
1000 threatened species, endangered species, and species of special
1001 concern affected by the proposed project.

1002 (3)

1003 (c) Except for current mitigation projects in the
1004 monitoring and maintenance phase and except as allowed by
1005 paragraph (d), the water management districts may request a
1006 transfer of funds from an escrow account no sooner than 30 days
1007 prior to the date the funds are needed to pay for activities
1008 associated with development or implementation of the approved
1009 mitigation plan described in subsection (4) for the current
1010 fiscal year, including, but not limited to, design, engineering,
1011 production, and staff support. Actual conceptual plan
1012 preparation costs incurred before plan approval may be submitted
1013 to the Department of Transportation or the appropriate
1014 transportation authority each year with the plan. The conceptual
1015 plan preparation costs of each water management district will be
1016 paid from mitigation funds associated with the environmental
1017 impact inventory for the current year. The amount transferred to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1018 the escrow accounts each year by the Department of
1019 Transportation and participating transportation authorities
1020 established pursuant to chapter 348 or chapter 349 shall
1021 correspond to a cost per acre of \$75,000 multiplied by the
1022 projected acres of impact identified in the environmental impact
1023 inventory described in subsection (2). However, the \$75,000 cost
1024 per acre does not constitute an admission against interest by
1025 the state or its subdivisions nor is the cost admissible as
1026 evidence of full compensation for any property acquired by
1027 eminent domain or through inverse condemnation. Each July 1, the
1028 cost per acre shall be adjusted by the percentage change in the
1029 average of the Consumer Price Index issued by the United States
1030 Department of Labor for the most recent 12-month period ending
1031 September 30, compared to the base year average, which is the
1032 average for the 12-month period ending September 30, 1996. Each
1033 quarter, the projected acreage of impact shall be reconciled
1034 with the acreage of impact of projects as permitted, including
1035 permit modifications, pursuant to this part and s. 404 of the
1036 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
1037 of funds shall be adjusted accordingly to reflect the acreage of
1038 impacts as permitted. The Department of Transportation and
1039 participating transportation authorities established pursuant to
1040 chapter 348 or chapter 349 are authorized to transfer such funds
1041 from the escrow accounts to the water management districts to
1042 carry out the mitigation programs. Environmental mitigation
1043 funds that are identified or maintained in an escrow account for
1044 the benefit of a water management district may be released if
1045 the associated transportation project is excluded in whole or

Amendment No.1

1046 part from the mitigation plan. For a mitigation project that is
1047 in the maintenance and monitoring phase, the water management
1048 district may request and receive a one-time payment based on the
1049 project's expected future maintenance and monitoring costs. Upon
1050 disbursement of the final maintenance and monitoring payment,
1051 the department or the participating transportation authorities'
1052 obligation will be satisfied, the water management district will
1053 have continuing responsibility for the mitigation project, and
1054 the escrow account for the project established by the Department
1055 of Transportation or the participating transportation authority
1056 may be closed. Any interest earned on these disbursed funds
1057 shall remain with the water management district and must be used
1058 as authorized under this section.

1059 (4) Prior to March 1 of each year, each water management
1060 district, in consultation with the Department of Environmental
1061 Protection, the United States Army Corps of Engineers, the
1062 Department of Transportation, participating transportation
1063 authorities established pursuant to chapter 348 or chapter 349,
1064 and other appropriate federal, state, and local governments, and
1065 other interested parties, including entities operating
1066 mitigation banks, shall develop a plan for the primary purpose
1067 of complying with the mitigation requirements adopted pursuant
1068 to this part and 33 U.S.C. s. 1344. In developing such plans,
1069 private mitigation banks shall be used when available, and, when
1070 a mitigation bank is not available, the districts shall utilize
1071 sound ecosystem management practices to address significant
1072 water resource needs and shall focus on activities of the
1073 Department of Environmental Protection and the water management

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1074 districts, such as surface water improvement and management
1075 (SWIM) projects and lands identified for potential acquisition
1076 for preservation, restoration or enhancement, and the control of
1077 invasive and exotic plants in wetlands and other surface waters,
1078 to the extent that such activities comply with the mitigation
1079 requirements adopted under this part and 33 U.S.C. s. 1344. In
1080 determining the activities to be included in such plans, the
1081 districts shall ~~also consider the purchase of~~ credits from
1082 public or private mitigation banks permitted under s. 373.4136
1083 and associated federal authorization and shall include such
1084 purchase as a part of the mitigation plan when such purchase
1085 would offset the impact of the transportation project, ~~provide~~
1086 ~~equal benefits to the water resources than other mitigation~~
1087 ~~options being considered, and provide the most cost-effective~~
1088 ~~mitigation option.~~ The mitigation plan shall be submitted to the
1089 water management district governing board, or its designee, for
1090 review and approval. At least 14 days prior to approval, the
1091 water management district shall provide a copy of the draft
1092 mitigation plan to any person who has requested a copy.

1093 (a) For each transportation project with a funding request
1094 for the next fiscal year, the mitigation plan must include a
1095 brief explanation of why a mitigation bank was or was not chosen
1096 as a mitigation option, including an estimation of identifiable
1097 costs of the mitigation bank and nonbank options to the extent
1098 practicable.

1099 (b) Specific projects may be excluded from the mitigation
1100 plan, in whole or in part, and shall not be subject to this
1101 section upon the election ~~agreement~~ of the Department of

Amendment No.1

1102 Transportation, ~~or~~ a transportation authority if applicable, or
1103 and the appropriate water management district ~~that the inclusion~~
1104 ~~of such projects would hamper the efficiency or timeliness of~~
1105 ~~the mitigation planning and permitting process. The water~~
1106 ~~management district may choose to exclude a project in whole or~~
1107 ~~in part if the district is unable to identify mitigation that~~
1108 ~~would offset impacts of the project.~~

1109 Section 25. Subsections (2) and (3), paragraph (a) of
1110 subsection (4), and paragraph (a) of subsection (6) of section
1111 373.41492, Florida Statutes, are amended to read:

1112 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
1113 mitigation for mining activities within the Miami-Dade County
1114 Lake Belt.—

1115 (2) To provide for the mitigation of wetland resources
1116 lost to mining activities within the Miami-Dade County Lake Belt
1117 Plan, effective October 1, 1999, a mitigation fee is imposed on
1118 each ton of limerock and sand extracted by any person who
1119 engages in the business of extracting limerock or sand from
1120 within the Miami-Dade County Lake Belt Area and the east one-
1121 half of sections 24 and 25 and all of sections 35 and 36,
1122 Township 53 South, Range 39 East. The mitigation fee is imposed
1123 for each ton of limerock and sand sold from within the
1124 properties where the fee applies in raw, processed, or
1125 manufactured form, including, but not limited to, sized
1126 aggregate, asphalt, cement, concrete, and other limerock and
1127 concrete products. The mitigation fee imposed by this subsection
1128 for each ton of limerock and sand sold shall be 12 cents per ton
1129 beginning January 1, 2007; 18 cents per ton beginning January 1,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1130 2008; 24 cents per ton beginning January 1, 2009; and 45 cents
1131 per ton beginning close of business December 31, 2011. To pay
1132 for seepage mitigation projects, including hydrological
1133 structures, as authorized in an environmental resource permit
1134 issued by the department for mining activities within the Miami-
1135 Dade County Lake Belt Area, and tTo upgrade a water treatment
1136 plant that treats water coming from the Northwest Wellfield in
1137 Miami-Dade County, a water treatment plant upgrade fee is
1138 imposed within the same Lake Belt Area subject to the mitigation
1139 fee and upon the same kind of mined limerock and sand subject to
1140 the mitigation fee. The water treatment plant upgrade fee
1141 imposed by this subsection for each ton of limerock and sand
1142 sold shall be 15 cents per ton beginning on January 1, 2007, and
1143 the collection of this fee shall cease once the total amount of
1144 proceeds collected for this fee reaches the amount of the actual
1145 moneys necessary to design and construct the water treatment
1146 plant upgrade, as determined in an open, public solicitation
1147 process. Any limerock or sand that is used within the mine from
1148 which the limerock or sand is extracted is exempt from the fees.
1149 The amount of the mitigation fee and the water treatment plant
1150 upgrade fee imposed under this section must be stated separately
1151 on the invoice provided to the purchaser of the limerock or sand
1152 product from the limerock or sand miner, or its subsidiary or
1153 affiliate, for which the fee or fees apply. The limerock or sand
1154 miner, or its subsidiary or affiliate, who sells the limerock or
1155 sand product shall collect the mitigation fee and the water
1156 treatment plant upgrade fee and forward the proceeds of the fees
1157 to the Department of Revenue on or before the 20th day of the

Amendment No.1

1158 month following the calendar month in which the sale occurs. As
1159 used in this section, the term "proceeds of the fee" means all
1160 funds collected and received by the Department of Revenue under
1161 this section, including interest and penalties on delinquent
1162 fees. The amount deducted for administrative costs may not
1163 exceed 3 percent of the total revenues collected under this
1164 section and may equal only those administrative costs reasonably
1165 attributable to the fees.

1166 (3) The mitigation fee and the water treatment plant
1167 upgrade fee imposed by this section must be reported to the
1168 Department of Revenue. Payment of the mitigation and the water
1169 treatment plant upgrade fees must be accompanied by a form
1170 prescribed by the Department of Revenue. The proceeds of the
1171 mitigation fee, less administrative costs, must be transferred
1172 by the Department of Revenue to the South Florida Water
1173 Management District and deposited into the Lake Belt Mitigation
1174 Trust Fund. Beginning January 1, 2012, and ending December 31,
1175 2017, or upon issuance of water quality certification by the
1176 department for mining activities within Phase II of the Miami-
1177 Dade County Lake Belt Plan, whichever occurs later, the proceeds
1178 of the water treatment plant upgrade fee, less administrative
1179 costs, must be transferred by the Department of Revenue to the
1180 South Florida Water Management District and deposited into the
1181 Lake Belt Mitigation Trust Fund. Beginning January 1, 2018,
1182 tThe proceeds of the water treatment plant upgrade fee, less
1183 administrative costs, must be transferred by the Department of
1184 Revenue to a trust fund established by Miami-Dade County, for
1185 the sole purpose authorized by paragraph (6) (a). ~~As used in this~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1186 ~~section, the term "proceeds of the fee" means all funds~~
1187 ~~collected and received by the Department of Revenue under this~~
1188 ~~section, including interest and penalties on delinquent fees.~~
1189 ~~The amount deducted for administrative costs may not exceed 3~~
1190 ~~percent of the total revenues collected under this section and~~
1191 ~~may equal only those administrative costs reasonably~~
1192 ~~attributable to the fees.~~

1193 (4) (a) The Department of Revenue shall administer,
1194 collect, and enforce the mitigation and water treatment plant
1195 upgrade fees authorized under this section in accordance with
1196 the procedures used to administer, collect, and enforce the
1197 general sales tax imposed under chapter 212. The provisions of
1198 chapter 212 with respect to the authority of the Department of
1199 Revenue to audit and make assessments, the keeping of books and
1200 records, and the interest and penalties imposed on delinquent
1201 fees apply to this section. The fees may not be included in
1202 computing estimated taxes under s. 212.11, and the dealer's
1203 credit for collecting taxes or fees provided for in s. 212.12
1204 does not apply to the fees imposed by this section.

1205 (6) (a) The proceeds of the mitigation fee must be used to
1206 conduct mitigation activities that are appropriate to offset the
1207 loss of the value and functions of wetlands as a result of
1208 mining activities and must be used in a manner consistent with
1209 the recommendations contained in the reports submitted to the
1210 Legislature by the Miami-Dade County Lake Belt Plan
1211 Implementation Committee and adopted under s. 373.4149. Such
1212 mitigation may include the purchase, enhancement, restoration,
1213 and management of wetlands and uplands, the purchase of

Amendment No.1

1214 mitigation credit from a permitted mitigation bank, and any
1215 structural modifications to the existing drainage system to
1216 enhance the hydrology of the Miami-Dade County Lake Belt Area.
1217 Funds may also be used to reimburse other funding sources,
1218 including the Save Our Rivers Land Acquisition Program, the
1219 Internal Improvement Trust Fund, the South Florida Water
1220 Management District, and Miami-Dade County, for the purchase of
1221 lands that were acquired in areas appropriate for mitigation due
1222 to rock mining and to reimburse governmental agencies that
1223 exchanged land under s. 373.4149 for mitigation due to rock
1224 mining. The proceeds of the water treatment plant upgrade fee
1225 that are deposited into the Lake Belt Mitigation Trust Fund
1226 shall be used solely to pay for seepage mitigation projects,
1227 including groundwater or surface water management structures, as
1228 authorized in an environmental resource permit issued by the
1229 department for mining activities within the Miami-Dade County
1230 Lake Belt Area. The proceeds of the water treatment plant
1231 upgrade fee that are transferred to a trust fund established by
1232 Miami-Dade County shall be used to upgrade a water treatment
1233 plant that treats water coming from the Northwest Wellfield in
1234 Miami-Dade County. As used in this section, the terms "upgrade a
1235 water treatment plant" or "water treatment plant upgrade" means
1236 those works necessary to treat or filter a surface water source
1237 or supply or both.

1238 Section 26. Subsection (5) is added to section 526.203,
1239 Florida Statutes, to read:

1240 526.203 Renewable fuel standard.—

Amendment No.1

1241 (5) This section does not prohibit the sale of unblended
1242 fuels for the uses exempted under subsection (3).

1243 Section 27. The uniform mitigation assessment rules
1244 adopted by the Department of Environmental Protection in chapter
1245 62-345, Florida Administrative Code, as of January 1, 2011, to
1246 fulfill the mandate of s. 373.414(18), Florida Statutes, are
1247 changed as follows:

1248 (1) Rule 62-345.100(11), Florida Administrative Code, is
1249 added to read: "(11) The Department of Environmental Protection
1250 shall be responsible for ensuring statewide coordination and
1251 consistency in the application of this rule by providing
1252 training and guidance to other relevant state agencies, water
1253 management districts, and local governments. Not less than every
1254 two years, the Department of Environmental Protection shall
1255 coordinate with the water management districts to verify
1256 consistent application of the methodology. To ensure that this
1257 rule is interpreted and applied uniformly, any interpretation or
1258 application of this rule by any agency or local government that
1259 differs from the Department of Environmental Protection's
1260 interpretation or application of this rule is incorrect and
1261 invalid. The Department of Environmental Protection's
1262 interpretation, application, and implementation of this rule
1263 shall be the only acceptable method."

1264 (2) Rule 62-345.200(12), Florida Administrative Code, is
1265 changed to read: "(12) "Without preservation assessment" means
1266 a reasonably anticipated use of the assessment area, and the
1267 temporary or permanent effects of those uses on the assessment
1268 area, considering the protection provided by existing easements,

Amendment No.1

1269 regulations, and land use restrictions. Reasonably anticipated
1270 uses include those activities that have been previously
1271 implemented within the assessment area or adjacent to the
1272 assessment area, or are considered to be common uses in the
1273 region without the need for additional authorizations or zoning,
1274 land use code, or comprehensive plan changes."

1275 (3) Rule 62-345.300(1), Florida Administrative Code, is
1276 changed to read: "(1) When an applicant proposes mitigation for
1277 impacts to wetlands and surface waters as part of an
1278 environmental resource permit or wetland resource permit
1279 application, the applicant will be responsible for preparing and
1280 submitting the necessary supporting information for the
1281 application of Rules 62-345.400-62-345.600, F.A.C., of this
1282 chapter and the reviewing agency will be responsible for
1283 verifying this information , contacting the applicant to address
1284 any insufficiencies or need for clarification, and approving the
1285 amount of mitigation necessary to offset the proposed impacts.
1286 When an applicant submits a mitigation bank or regional
1287 mitigation permit application, the applicant will be responsible
1288 for preparing and submitting the necessary supporting
1289 information for the application of Rules 62-345.400-.600,
1290 F.A.C., of this chapter and the reviewing agency will be
1291 responsible for verifying this information, contacting the
1292 applicant to address any insufficiencies or need for
1293 clarification, and approving the potential amount of mitigation
1294 to be provided by the bank or regional mitigation area. If an
1295 applicant submits either Part I or Part II or both, the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1296 reviewing agency shall notify the applicant of any inadequacy in
1297 the submittal or disagreement with the information provided.

1298 (4) Rule 62-345.300(3)(a), Florida Administrative Code, is
1299 changed to read: "(a) Conduct qualitative characterization of
1300 both the impact and mitigation assessment areas (Part I) that
1301 identifies the assessment area's native community type and the
1302 functions to fish and wildlife and their habitat, describes the
1303 current condition and functions provided by the assessment area,
1304 and summarizes the project condition of the assessment area. The
1305 purpose of Part I is to provide a framework for comparison of
1306 the assessment area to the optimal condition and
1307 location/landscape setting of that native community type.
1308 Another purpose of this part is to note any relevant factors of
1309 the assessment area that are discovered by site inspectors,
1310 including use by listed species."

1311 (5) Rule 62-345.300(3)(c), Florida Administrative Code, is
1312 changed to read: "(c) Adjust the gain in ecological value from
1313 either upland or wetland preservation in accordance with
1314 subsection 62-345.500(3), F.A.C. when preservation is the only
1315 mitigation activity proposed (absent creation, restoration, or
1316 enhancement activities) at a specified assessment area."

1317 (6) The introductory paragraph of rule 62-345.400, Florida
1318 Administrative Code, is changed to read: "An impact or
1319 mitigation assessment area must be described with sufficient
1320 detail to provide a frame of reference for the type of community
1321 being evaluated and to identify the functions that will be
1322 evaluated. When an assessment area is an upland proposed as
1323 mitigation, functions must be related to the benefits provided

Amendment No.1

1324 by that upland to fish and wildlife of associated wetlands or
1325 other surface waters. Information for each assessment area must
1326 be sufficient to identify the functions beneficial to fish and
1327 wildlife and their habitat that are characteristic of the
1328 assessment area's native community type, based on currently
1329 available information, such as current and historic aerial
1330 photographs, topographic maps, geographic information system
1331 data and maps, site visits, scientific articles, journals, other
1332 professional reports, field verification when needed, and
1333 reasonable scientific judgment. For wetlands and other surface
1334 waters, other than those created for mitigation, that have been
1335 created on sites where such did not exist before the creation,
1336 such as borrow pits, ditches, and canals, refer to the native
1337 community type or surface water body to which it is most
1338 analogous in function for the given landscape position. For
1339 altered natural communities or surface waterbodies, refer to the
1340 native community type or surface water body present in the
1341 earliest available aerial photography except that if the
1342 alteration has been of such a degree and extent that a clearly
1343 defined different native community type is now present and self-
1344 sustaining, in which case the native community type shall be
1345 identified as the one the present community most closely
1346 resembles. In determining the historic native community type,
1347 all currently available information shall be used to ensure the
1348 highest degree of accuracy. The information provided by the
1349 applicant for each assessment area must address the following,
1350 as applicable:"

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1351 (7) Rule 62-345.500(1)(a), Florida Administrative Code, is
1352 changed to read: "(a) Current condition or, in the case of
1353 preservation only mitigation, without preservation - The current
1354 condition of an assessment area is scored using the information
1355 in this part to determine the degree to which the assessment
1356 area currently provides the relative value of functions
1357 identified in Part I for the native community type. In the case
1358 of preservation-only mitigation, the "without preservation"
1359 assessment utilizes the information in this part to determine
1360 the degree to which the assessment area could provide the
1361 relative value of functions identified in Part I for the native
1362 community type assuming the area is not preserved. For
1363 assessment areas where previous impacts that affect the current
1364 condition are temporary in nature, consideration will be given
1365 to the inherent functions of these areas relative to seasonal
1366 hydrologic changes, and expected vegetation regeneration and
1367 projected habitat functions if the use of the area were to
1368 remain unchanged. When evaluating impacts to a previously
1369 permitted mitigation site that has not achieved its intended
1370 function, the reviewing agency shall consider the functions the
1371 mitigation site was intended to offset and any delay or
1372 reduction in offsetting those functions that may be caused by
1373 the project. Previous construction or alteration undertaken in
1374 violation of Part IV, Chapter 373, F.S., or Sections 403.91-
1375 .929, F.S. (1984 Supp.), as amended, or rule, order or permit
1376 adopted or issued thereunder, will not be considered as having
1377 diminished the condition and relative value of a wetland or
1378 surface water, when assigning a score under this part. When

Amendment No.1

1379 evaluating wetlands or other surface waters that are within an
1380 area that is subject to a recovery strategy pursuant to Chapter
1381 40D-80, F.A.C., impacts from water withdrawals will not be
1382 considered when assigning a score under this part."

1383 (8) Rule 62-345.500(1)(b), Florida Administrative Code, is
1384 changed to read: "(b) "With mitigation" or "with impact" - The
1385 "with mitigation" and "with impact" assessments are based on the
1386 reasonably expected outcome, which may represent an increase,
1387 decrease, or no change in value relative to current conditions.
1388 For the "with impact" and "with mitigation" assessments, the
1389 evaluator will assume that all other necessary regulatory
1390 authorizations required for the proposed project have been
1391 obtained and that construction will be consistent with such
1392 authorizations. The "with mitigation" assessment will be scored
1393 only when reasonable assurance has been provided that the
1394 proposed plan can be conducted. When scoring the "with
1395 mitigation" assessment for assessment areas involving
1396 enhancement, restoration, or creation activities and that are
1397 proposed to be placed under a conservation easement or other
1398 similar land protection mechanism, the with mitigation score
1399 shall reflect the combined preservation and
1400 enhancement/restoration/creation value of the specified
1401 assessment area, and the Preservation Adjustment Factor shall
1402 not apply to these mitigation assessments."

1403 (9) Rule 62-345.500(2), Florida Administrative Code, is
1404 changed to read: "(2) Uplands function as the contributing
1405 watershed to wetlands and are necessary to maintain the
1406 ecological value of associated wetlands or other surface waters.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1407 Upland mitigation assessment areas shall be scored using the
1408 landscape support/location and community structure indicators
1409 listed in subsection 62-345.500(6), F.A.C. Scoring of these
1410 indicators for the upland assessment areas shall be based on the
1411 degree to which the relative value of functions of the upland
1412 assessment area provide benefits to the fish and wildlife of the
1413 associated wetlands or other surface waters, considering the
1414 native community type, current condition, and anticipated
1415 ecological value of the uplands and associated wetlands and
1416 other surface waters.

1417 (a) For upland preservation, the without preservation
1418 assessment utilizes the information in this part to determine
1419 the degree to which the assessment area could provide the
1420 relative value of functions identified in Part I for the native
1421 community type (to include benefits to fish and wildlife of the
1422 associated wetlands or other surface waters) assuming the upland
1423 area is not preserved. The gain in ecological value is
1424 determined by the mathematical difference between the score of
1425 the upland assessment area with the proposed preservation
1426 measure and the upland assessment area without the proposed
1427 preservation measure. When the community structure is scored as
1428 "zero", then the location and landscape support shall also be
1429 "zero". However, a gain in ecological value for the location and
1430 landscape support score can also occur when the community
1431 structure is scored other than "zero". The resulting delta is
1432 then multiplied by the preservation adjustment factor contained
1433 in subsection 62-345.500(3), F.A.C.

Amendment No.1

1434 (b) For upland enhancement or restoration, the current
1435 condition of an assessment area is scored using the information
1436 in this part to determine the degree to which the assessment
1437 area currently provides the relative value of functions
1438 identified in Part I for the native community type (to include
1439 benefits to fish and wildlife of the associated wetlands or
1440 other surface waters). The value provided shall be determined by
1441 the mathematical difference between the score of the upland
1442 assessment area with the proposed restoration or enhancement
1443 measure and the current condition of the upland assessment area.

1444 (c) For uplands proposed to be converted to wetlands or
1445 other surface waters through creation or restoration measures,
1446 the upland areas shall be scored as "zero" in their current
1447 condition. Only the "with mitigation" assessment shall be scored
1448 in accordance with the indicators listed in subsection 62-
1449 345.500(6), F.A.C."

1450 (10) Rule 62-345.500(3), Florida Administrative Code, is
1451 changed to read: "(3)(a) When an assessment area's mitigation
1452 plan consists of preservation only (absent creation,
1453 restoration, or enhancement activities), the "with mitigation"
1454 assessment shall consider the potential of the assessment area
1455 to perform current functions in the long term, considering the
1456 protection mechanism proposed, and the "without preservation"
1457 assessment shall evaluate the assessment area's functions
1458 considering the reasonably anticipated use of the assessment
1459 area and the temporary or permanent effects of those uses in the
1460 assessment area considering the protection provided by existing
1461 easements, regulations, and land use restrictions. The gain in

Amendment No.1

1462 ecological value is determined by the mathematical difference
1463 between the Part II scores for the "with mitigation" and
1464 "without preservation" (the delta) multiplied by a preservation
1465 adjustment factor. The preservation adjustment factor shall be
1466 scored on a scale from 0.2 (minimum preservation value) to 1
1467 (optimal preservation value), on one-tenth increments. The score
1468 shall be calculated evaluating for each of the following
1469 considerations:

1470 1. The extent to which proposed management activities
1471 within the preserve area promote natural ecological conditions
1472 such as fire patterns or the exclusion of invasive exotic
1473 species.

1474 2. The ecological and hydrological relationship between
1475 wetlands, other surface waters, and uplands to be preserved.

1476 3. The scarcity of the habitat provided by the proposed
1477 preservation area and the degree to which listed species use the
1478 area.

1479 4. The proximity of the area to be preserved to areas of
1480 national, state, or regional ecological significance, such as
1481 national or state parks, Outstanding Florida Waters, and other
1482 regionally significant ecological resources or habitats, such as
1483 lands acquired or to be acquired through governmental or non-
1484 profit land acquisition programs for environmental conservation,
1485 and whether the areas to be preserved include corridors between
1486 these habitats.

1487 5. The extent and likelihood of potential adverse impacts
1488 if the assessment area were not preserved.

Amendment No.1

1489 (b) Each of these considerations shall be scored on a
1490 relative scale of zero (0) to two-tenths (0.2) based on the
1491 value provided [optimal (0.2), low to moderate (0.1), and no
1492 value (0)] and summed together to calculate the preservation
1493 adjustment factor. The minimum value to be assigned to a
1494 specified assessment area will be 0.2. The preservation
1495 adjustment factor is multiplied by the mitigation delta assigned
1496 to the preservation proposal to yield an adjusted mitigation
1497 delta for preservation."

1498 (11) Rule 62-345.500(6)(a), Florida Administrative Code,
1499 is changed to read: "(6) Three categories of indicators of
1500 wetland function (landscape support, water environment and
1501 community structure) listed below are to be scored to the extent
1502 that they affect the ecological value of the assessment area.
1503 Upland mitigation assessment areas shall be scored for landscape
1504 support/location and community structure only.

1505 (a) Landscape Support/Location - The value of functions
1506 provided by an assessment area to fish and wildlife are
1507 influenced by the landscape attributes of the assessment area
1508 and its relationship with surrounding areas. While the
1509 geographic location of the assessment area does not change, the
1510 ecological relationship between the assessment area and
1511 surrounding landscape may vary from the current condition to the
1512 "with impact" and "with mitigation" conditions. Additionally, a
1513 mitigation assessment area may be located within a regional
1514 corridor or in proximity to areas of national, state, or
1515 regional significance, and the "with mitigation" condition may
1516 serve to complement the regional ecological value identified for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1517 | these areas. Many species that nest, feed, or find cover in a
1518 | specific habitat or habitat type are also dependent in varying
1519 | degrees upon other habitats, including upland, wetland, and
1520 | other surface waters, that are present in the regional
1521 | landscape. For example, many amphibian species require small
1522 | isolated wetlands for breeding pools and for juvenile life
1523 | stages, but may spend the remainder of their adult lives in
1524 | uplands or other wetland habitats. If these habitats are
1525 | unavailable or poorly connected in the landscape or are
1526 | degraded, then the value of functions provided by the assessment
1527 | area to the fish and wildlife identified in Part I is reduced.
1528 | The assessment area shall also be considered to the extent that
1529 | fish and wildlife utilizing the area have the opportunity to
1530 | access other habitats necessary to fulfill their life history
1531 | requirements. The availability, connectivity, and quality of
1532 | offsite habitats, and offsite land uses which might adversely
1533 | impact fish and wildlife utilizing these habitats, are factors
1534 | to be considered in assessing the landscape support of the
1535 | assessment area. The location of the assessment area shall be
1536 | considered relative to offsite and upstream hydrologic
1537 | contributing areas and to downstream and other connected waters
1538 | to the extent that the diversity and abundance of fish and
1539 | wildlife and their habitats is affected in these areas. The
1540 | opportunity for the assessment area to provide offsite water
1541 | quantity and quality benefits to fish and wildlife and their
1542 | habitats downstream and in connected waters is assessed based on
1543 | the degree of hydrologic connectivity between these habitats and
1544 | the extent to which offsite habitats are affected by discharges

Amendment No.1

1545 from the assessment area. It is recognized that isolated
1546 wetlands lack surface water connections to downstream waters and
1547 as a result, do not perform certain functions (e.g., detrital
1548 transport) to benefit downstream fish and wildlife; for such
1549 wetlands, this consideration does not apply.

1550 1. A score of (10) means the assessment area, in
1551 combination with the surrounding landscape, provides full
1552 opportunity for the assessment area to perform beneficial
1553 functions at an optimal level. The score is based on reasonable
1554 scientific judgment and characterized by a predominance of the
1555 following, as applicable:

1556 a. Habitats outside the assessment area represent the full
1557 range of habitats needed to fulfill the life history
1558 requirements of all wildlife listed in Part I and are available
1559 in sufficient quantity to provide optimal support for these
1560 wildlife.

1561 b. Invasive exotic or other invasive plant species are not
1562 present in the proximity of the assessment area.

1563 c. Wildlife access to and from habitats outside the
1564 assessment area is not limited by distance to these habitats and
1565 is unobstructed by landscape barriers.

1566 d. Functions of the assessment area that benefit
1567 downstream fish and wildlife are not limited by distance or
1568 barriers that reduce the opportunity for the assessment area to
1569 provide these benefits.

1570 e. Land uses outside the assessment area have no adverse
1571 impacts on wildlife in the assessment area as listed in Part I.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1572 f. The opportunity for the assessment area to provide
1573 benefits to downstream or other hydrologically connected areas
1574 is not limited by hydrologic impediments or flow restrictions.

1575 g. Downstream or other hydrologically connected habitats
1576 are critically or solely dependent on discharges from the
1577 assessment area and could suffer severe adverse impacts if the
1578 quality or quantity of these discharges were altered.

1579 h. For upland mitigation assessment areas, the uplands
1580 provide a full suite of ecological values so as to provide
1581 optimal protection and support of wetland functions.

1582 2. A score of (7) means that, compared to the optimal
1583 condition of the native community type, the opportunity for the
1584 assessment area to perform beneficial functions in combination
1585 with the surrounding landscape is limited to 70% of the optimal
1586 ecological value. The score is based on reasonable scientific
1587 judgment and characterized by a predominance of the following,
1588 as applicable:

1589 a. Habitats outside the assessment area are available in
1590 sufficient quantity and variety to provide optimal support for
1591 most, but not all, of the wildlife listed in Part I, or certain
1592 wildlife populations may be limited due to the reduced
1593 availability of habitats needed to fulfill their life history
1594 requirements.

1595 b. Some of the plant community composition in the
1596 proximity of the assessment area consists of invasive exotic or
1597 other invasive plant species, but cover is minimal and has
1598 minimal adverse effect on the functions provided by the
1599 assessment area.

Amendment No.1

1600 c. Wildlife access to and from habitats outside the
1601 assessment area is partially limited, either by distance or by
1602 the presence of barriers that impede wildlife movement.

1603 d. Functions of the assessment area that benefit fish and
1604 wildlife downstream are somewhat limited by distance or barriers
1605 that reduce the opportunity for the assessment area to provide
1606 these benefits.

1607 e. Land uses outside the assessment area have minimal
1608 adverse impacts on fish and wildlife identified in Part I.

1609 f. The opportunity for the assessment area to provide
1610 benefits to downstream or other hydrologically connected areas
1611 is limited by hydrologic impediments or flow restrictions such
1612 that these benefits are provided with lesser frequency or lesser
1613 magnitude than would occur under optimal conditions.

1614 g. Downstream or other hydrologically connected habitats
1615 derive significant benefits from discharges from the assessment
1616 area and could suffer substantial adverse impacts if the quality
1617 or quantity of these discharges were altered.

1618 h. For upland mitigation assessment areas, the uplands
1619 provide significant, but suboptimal ecological values and
1620 protection of wetland functions.

1621 3. A score of (4) means that, compared to the optimal
1622 condition of the native community type, the opportunity for the
1623 assessment area to perform beneficial functions in combination
1624 with the surrounding landscape is limited to 40% of the optimal
1625 ecological value. The score is based on reasonable scientific
1626 judgment and characterized by a predominance of the following,
1627 as applicable:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1628 a. Availability of habitats outside the assessment area is
1629 fair, but fails to provide support for some species of wildlife
1630 listed in Part I, or provides minimal support for many of the
1631 species listed in Part I.

1632 b. The majority of the plant community composition in the
1633 proximity of the assessment area consists of invasive exotic or
1634 other invasive plant species that adversely affect the functions
1635 provided by the assessment area.

1636 c. Wildlife access to and from habitats outside the
1637 assessment area is substantially limited, either by distance or
1638 by the presence of barriers which impede wildlife movement.

1639 d. Functions of the assessment area that benefit fish and
1640 wildlife downstream are limited by distance or barriers that
1641 substantially reduce the opportunity for the assessment area to
1642 provide these benefits.

1643 e. Land uses outside the assessment area have significant
1644 adverse impacts on fish and wildlife identified in Part I.

1645 f. The opportunity for the assessment area to provide
1646 benefits to downstream or other hydrologically connected areas
1647 is limited by hydrologic impediments or flow restrictions, such
1648 that these benefits are rarely provided or are provided at
1649 greatly reduced levels compared to optimal conditions.

1650 g. Downstream or other hydrologically connected habitats
1651 derive minimal benefits from discharges from the assessment area
1652 but could be adversely impacted if the quality or quantity of
1653 these discharges were altered.

Amendment No.1

1654 h. For upland mitigation assessment areas, the uplands
1655 provide minimal ecological values and protection of wetland
1656 functions.

1657 4. A score of (0) means that the assessment area, in
1658 combination with the surrounding landscape, provides no habitat
1659 support for wildlife utilizing the assessment area and no
1660 opportunity for the assessment area to provide benefits to fish
1661 and wildlife outside the assessment area. The score is based on
1662 reasonable scientific judgment and characterized by a
1663 predominance of the following, as applicable:

1664 a. No habitats are available outside the assessment area
1665 to provide any support for the species of wildlife listed in
1666 Part I.

1667 b. The plant community composition in the proximity of the
1668 assessment area consists predominantly of invasive exotic or
1669 other invasive plant species such that little or no function is
1670 provided by the assessment area.

1671 c. Wildlife access to and from habitats outside the
1672 assessment area is precluded by barriers or distance.

1673 d. Functions of the assessment area that would be expected
1674 to benefit fish and wildlife downstream are not present.

1675 e. Land uses outside the assessment area have a severe
1676 adverse impact on wildlife in the assessment area as listed in
1677 Part I.

1678 f. There is negligible or no opportunity for the
1679 assessment area to provide benefits to downstream or other
1680 hydrologically connected areas due to hydrologic impediments or
1681 flow restrictions that preclude provision of these benefits.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1682 g. Discharges from the assessment area provide negligible
1683 or no benefits to downstream or hydrologically connected areas
1684 and these areas would likely be unaffected if the quantity or
1685 quality of these discharges were altered.

1686 h. For upland mitigation assessment areas, the uplands
1687 provide no ecological value or protection of wetland functions."

1688 (12) The Department of Environmental Protection is
1689 directed to make additional changes to the worksheet portions of
1690 chapter 62-345, Florida Administrative Code, as needed to
1691 conform to the changes set forth in this section.

1692 (13) Any entity holding a mitigation bank permit that was
1693 evaluated under chapter 62-345, Florida Administrative Code, may
1694 apply to the relevant agency to have such mitigation bank
1695 reassessed pursuant to the changes to chapter 62-345, Florida
1696 Administrative Code, set forth in this section, if such
1697 application is filed with that agency no later than September
1698 30, 2011.

1699 Section 28. Section 604.50, Florida Statutes, is amended
1700 to read:

1701 604.50. Nonresidential farm buildings and farm fences.—

1702 (1) Notwithstanding any other law to the contrary, any
1703 nonresidential farm building or farm fence is exempt from the
1704 Florida Building Code and any county or municipal building code
1705 or fee, except for code provisions implementing local, state, or
1706 federal floodplain management regulations.

1707 (2) As used in ~~For purposes of~~ this section, the term:

1708 (a) "Nonresidential farm building" means any temporary or
1709 permanent building or support structure that is classified as a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1710 nonresidential farm building on a farm under s. 553.73(9)(c) or
1711 that is used primarily for agricultural purposes, is located on
1712 a farm that is not used as a residential dwelling, and is
1713 located on land that is an integral part of a farm operation or
1714 is classified as agricultural land under s. 193.461, and is not
1715 intended to be used as a residential dwelling. The term may
1716 include, but is not limited to, a barn, greenhouse, shade house,
1717 farm office, storage building, or poultry house.

1718 (b) The term "Farm" has the same meaning is as provided
1719 defined in s. 823.14.

1720 Section 29. Installation of fuel tank upgrades to secondary
1721 containment systems shall be completed by the deadlines
1722 specified in Rule 62-761.510, Florida Administrative Code, Table
1723 UST. However, and notwithstanding any agreements to the
1724 contrary, any fuel service station that changed ownership
1725 interest through a bona fide sale of the property between
1726 January 1, 2009 and December 31, 2009 shall not be required to
1727 complete the upgrades described in Rule 62-761.510, Florida
1728 Administrative Code, Table UST, until December 31, 2012.

1729 Section 30. This act shall take effect July 1, 2011.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

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*****TITLE AMENDMENT*****

And the title is amended as follows:

A bill to be entitled

An act relating to environmental permitting; amending s. 120.569, F.S.; providing that a nonapplicant who petitions to challenge an agency's issuance of a license or conceptual approval in certain circumstances has the burden of ultimate persuasion and the burden of going forward with evidence; creating s. 125.0112, F.S.; providing that the construction and operation of a biofuel processing facility or renewable energy generating facility and the cultivation of bioenergy by a local government is a valid and permitted land use; providing an exception; requiring expedited review of such facilities; providing that such facilities are eligible for the alternative state review process; amending s. 125.022, F.S.; prohibiting a county from requiring an applicant to obtain a permit or approval from another state or federal agency as a condition of approving a development permit under certain conditions; authorizing a county to attach certain disclaimers to the issuance of a development permit; creating s. 161.032, F.S.; requiring that the Department of Environmental Protection review an application for certain permits under the Beach and Shore

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1766 Preservation Act and request additional information within
1767 a specified time; requiring that the department proceed to
1768 process the application if the applicant believes that a
1769 request for additional information is not authorized by
1770 law or rule; extending the period for an applicant to
1771 timely submit additional information, notwithstanding
1772 certain provisions of the Administrative Procedure Act;
1773 amending s. 166.033, F.S.; prohibiting a municipality from
1774 requiring an applicant to obtain a permit or approval from
1775 another state or federal agency as a condition of
1776 approving a development permit under certain conditions;
1777 authorizing a county to attach certain disclaimers to the
1778 issuance of a development permit; creating s. 166.0447,
1779 F.S.; providing that the construction and operation of a
1780 biofuel processing facility or renewable energy generating
1781 facility and the cultivation of bioenergy is a valid and
1782 permitted land use within the unincorporated area of a
1783 municipality; providing an exception; prohibiting any
1784 requirement that the owner or operator of such a facility
1785 obtain comprehensive plan amendments, use permits,
1786 waivers, or variances, or pay any fee in excess of a
1787 specified amount; amending s. 373.026, F.S.; requiring the
1788 Department of Environmental Protection to expand its use
1789 of Internet-based self-certification services for
1790 exemptions and permits issued by the department and water
1791 management districts; amending s. 373.4141, F.S.;
1792 requiring that a request by the department or a water
1793 management district that an applicant provide additional

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1794 information be accompanied by the signature of specified
1795 officials of the department or district; reducing the time
1796 within which the department or district must approve or
1797 deny a permit application; amending s. 373.4144, F.S.;

1798 providing legislative intent with respect to the
1799 coordination of regulatory duties among specified state
1800 and federal agencies; requiring that the department report
1801 annually to the Legislature on efforts to expand the state
1802 programmatic general permit or regional general permits;
1803 providing for a voluntary state programmatic general
1804 permit for certain dredge and fill activities; amending s.
1805 373.441, F.S.; requiring that certain counties or
1806 municipalities apply by a specified date to the department
1807 or water management district for authority to require
1808 certain permits; providing that following such delegation,
1809 the department or district may not regulate activities
1810 that are subject to the delegation; clarifying the
1811 authority of local governments to adopt pollution control
1812 programs under certain conditions; amending s. 376.30715,
1813 F.S.; providing that the transfer of a contaminated site
1814 from an owner to a child or corporate entity does not
1815 disqualify the site from the innocent victim petroleum
1816 storage system restoration financial assistance program;
1817 authorizing certain applicants to reapply for financial
1818 assistance; amending s. 403.061, F.S.; requiring the
1819 Department of Environmental Protection to establish
1820 reasonable zones of mixing for discharges into specified
1821 waters; providing that certain discharges do not create

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1822 liability for site cleanup; providing that exceedance of
1823 soil cleanup target levels is not a basis for enforcement
1824 or cleanup; creating s. 403.0874, F.S.; providing a short
1825 title; providing legislative findings and intent with
1826 respect to the consideration of the compliance history of
1827 a permit applicant; providing for applicability;
1828 specifying the period of compliance history to be
1829 considered is issuing or renewing a permit; providing
1830 criteria to be considered by the Department of
1831 Environmental Protection; authorizing expedited review of
1832 permit issuance, renewal, modification, and transfer;
1833 providing for a reduced number of inspections; providing
1834 for extended permit duration; authorizing the department
1835 to make additional incentives available under certain
1836 circumstances; providing for automatic permit renewal and
1837 reduced or waived fees under certain circumstances;
1838 requiring the department to adopt rules that are binding
1839 on a water management district or local government that
1840 has been delegated certain regulatory duties; amending ss.
1841 161.041 and 373.413, F.S.; specifying that s. 403.0874,
1842 F.S., authorizing expedited permitting, applies to
1843 provisions governing beaches and shores and surface water
1844 management and storage; amending s. 403.087, F.S.;

1845 revising conditions under which the department is
1846 authorized to revoke a permit; amending s. 403.703, F.S.;

1847 revising the term "solid waste" to exclude sludge from a
1848 waste treatment works that is not discarded; amending s.
1849 403.707, F.S.; revising provisions relating to disposal by

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1850 persons of solid waste resulting from their own activities
1851 on their property; clarifying what constitutes "addressed
1852 by a groundwater monitoring plan" with regard to certain
1853 effects on groundwater and surface waters; authorizing the
1854 disposal of solid waste over a zone of discharge;
1855 providing that exceedance of soil cleanup target levels is
1856 not a basis for enforcement or cleanup; extending the
1857 duration of all permits issued to solid waste management
1858 facilities; providing applicability; providing that
1859 certain disposal of solid waste does not create liability
1860 for site cleanup; amending s. 403.814, F.S.; providing for
1861 issuance of general permits for the construction,
1862 alteration, and maintenance of certain surface water
1863 management systems without the action of the department or
1864 a water management district; specifying conditions for the
1865 general permits; amending s. 380.06, F.S.; exempting a
1866 proposed solid mineral mine or a proposed addition or
1867 expansion of an existing solid mineral mine from
1868 provisions governing developments of regional impact;
1869 providing certain exceptions; amending ss. 380.0657 and
1870 403.973, F.S.; authorizing expedited permitting for
1871 certain inland multimodal facilities and for commercial or
1872 industrial development projects that individually or
1873 collectively will create a minimum number of jobs;
1874 providing for a project-specific memorandum of agreement
1875 to apply to a project subject to expedited permitting;
1876 providing for review and certification of a business as
1877 eligible for expedited permitting by the Secretary of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1878 Environmental Protection rather than by the Office of
1879 Tourism, Trade, and Economic Development; amending s.
1880 163.3180, F.S.; providing an exemption to the level-of-
1881 service standards adopted under the Strategic Intermodal
1882 System for certain inland multimodal facilities;
1883 specifying project criteria; amending s. 373.4137, F.S.,
1884 relating to transportation projects; revising legislative
1885 findings with respect to the options for mitigation;
1886 revising certain requirements for determining the habitat
1887 impacts of transportation projects; requiring water
1888 management districts to purchase credits from public or
1889 private mitigation banks under certain conditions;
1890 providing for the release of certain mitigation funds held
1891 for the benefit of a water management district if a
1892 project is excluded from a mitigation plan; revising the
1893 procedure for excluding a project from a mitigation plan;
1894 amending s. 373.41492, F.S.; imposing a mitigation fee for
1895 mining activities within the Miami-Dade County Lake Belt
1896 Area; authorizing the use of proceeds from the water
1897 treatment plant upgrade fee to pay for specified
1898 mitigation projects; requiring proceeds from the water
1899 treatment plant upgrade fee to be transferred by the
1900 Department of Revenue to the South Florida Water
1901 Management District and deposited into the Lake Belt
1902 Mitigation Trust Fund for a specified period of time;
1903 providing, after that period, for the proceeds of the
1904 water treatment plant upgrade fee to return to being
1905 transferred by the Department of Revenue to a trust fund

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 991 (2011)

Amendment No.1

1906 established by Miami-Dade County for specified purposes;
1907 conforming a term; amending s. 526.203, F.S.; authorizing
1908 the sale of unblended fuels for certain uses; revising
1909 rules of the Department of Environmental Protection
1910 relating to the uniform mitigation assessment method for
1911 activities in surface waters and wetlands; directing the
1912 Department of Environmental Protection to make additional
1913 changes to conform; providing for reassessment of
1914 mitigation banks under certain conditions; amending s.
1915 604.50, F.S.; clarifying and expanding farm-related
1916 structures exempt from building codes; providing for fuel
1917 tank system deadlines and exemption; providing an
1918 effective date.

1919

1920

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

HB 993 : Rulemaking

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Janet Adkins	X				
Frank Artiles	X				
Jeffrey Brandes	X				
Douglas Broxson	X				
Richard Corcoran	X				
Matt Gaetz	X				
Joseph Gibbons		X			
Tom Goodson				X	
Jimmy Patronis	X				
Scott Randolph		X			
Lake Ray	X				
Hazelle Rogers		X			
James Waldman		X			
Barbara Watson		X			
Chris Dorworth (Chair)	X				
Total Yeas: 9		Total Nays: 5			

Appearances:

Amendment #5

Patricia Nelson (State Employee) - Information Only
 Governor's Office of Fiscal Accountability and Regulatory Reform
 The Capitol
 Tallahassee Florida 32399
 Phone: 850-487-1880

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 01

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee

3 Representative(s) Roberson offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 20-22 and insert:

7 Section 1. Paragraphs (a), (b), and (e) of subsection (3)
8 of section 120.54, Florida Statutes, as amended by chapter 2010-
9 279, Laws of Florida, are amended to read:

10 Between lines 71 and 72, insert:

11 (b) Special matters to be considered in rule adoption.-

12 1. Statement of estimated regulatory costs.-Prior to the
13 adoption, amendment, or repeal of any rule ~~other than an~~
14 ~~emergency rule~~, an agency is encouraged to prepare a statement
15 of estimated regulatory costs of the proposed rule, as provided
16 by s. 120.541. However, an agency must prepare a statement of
17 estimated regulatory costs of the proposed rule, as provided by
18 s. 120.541, if:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 01

19 a. The proposed rule will have an adverse impact on small
20 business; or

21 b. The proposed rule is likely to directly or indirectly
22 increase regulatory costs in excess of \$200,000 in the aggregate
23 in this state within 1 year after the implementation of the
24 rule.

25 2. Small businesses, small counties, and small cities.—

26 a. Each agency, before the adoption, amendment, or repeal
27 of a rule, shall consider the impact of the rule on small
28 businesses as defined by s. 288.703 and the impact of the rule
29 on small counties or small cities as defined by s. 120.52.

30 Whenever practicable, an agency shall tier its rules to reduce
31 disproportionate impacts on small businesses, small counties, or
32 small cities to avoid regulating small businesses, small
33 counties, or small cities that do not contribute significantly
34 to the problem the rule is designed to address. An agency may
35 define "small business" to include businesses employing more
36 than 200 persons, may define "small county" to include those
37 with populations of more than 75,000, and may define "small
38 city" to include those with populations of more than 10,000, if
39 it finds that such a definition is necessary to adapt a rule to
40 the needs and problems of small businesses, small counties, or
41 small cities. The agency shall consider each of the following
42 methods for reducing the impact of the proposed rule on small
43 businesses, small counties, and small cities, or any combination
44 of these entities:

45 (I) Establishing less stringent compliance or reporting
46 requirements in the rule.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 01

47 (II) Establishing less stringent schedules or deadlines in
48 the rule for compliance or reporting requirements.

49 (III) Consolidating or simplifying the rule's compliance
50 or reporting requirements.

51 (IV) Establishing performance standards or best management
52 practices to replace design or operational standards in the
53 rule.

54 (V) Exempting small businesses, small counties, or small
55 cities from any or all requirements of the rule.

56 b.(I) If the agency determines that the proposed action
57 will affect small businesses as defined by the agency as
58 provided in sub-subparagraph a., the agency shall send written
59 notice of the rule to the Small Business Regulatory Advisory
60 Council and the Office of Tourism, Trade, and Economic
61 Development not less than 28 days prior to the intended action.

62 (II) Each agency shall adopt those regulatory alternatives
63 offered by the Small Business Regulatory Advisory Council and
64 provided to the agency no later than 21 days after the council's
65 receipt of the written notice of the rule which it finds are
66 feasible and consistent with the stated objectives of the
67 proposed rule and which would reduce the impact on small
68 businesses. When regulatory alternatives are offered by the
69 Small Business Regulatory Advisory Council, the 90-day period
70 for filing the rule in subparagraph (e)2. is extended for a
71 period of 21 days.

72 (III) If an agency does not adopt all alternatives offered
73 pursuant to this sub-subparagraph, it shall, prior to rule
74 adoption or amendment and pursuant to subparagraph (d)1., file a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 01

75 detailed written statement with the committee explaining the
76 reasons for failure to adopt such alternatives. Within 3 working
77 days of the filing of such notice, the agency shall send a copy
78 of such notice to the Small Business Regulatory Advisory
79 Council. The Small Business Regulatory Advisory Council may make
80 a request of the President of the Senate and the Speaker of the
81 House of Representatives that the presiding officers direct the
82 Office of Program Policy Analysis and Government Accountability
83 to determine whether the rejected alternatives reduce the impact
84 on small business while meeting the stated objectives of the
85 proposed rule. Within 60 days after the date of the directive
86 from the presiding officers, the Office of Program Policy
87 Analysis and Government Accountability shall report to the
88 Administrative Procedures Committee its findings as to whether
89 an alternative reduces the impact on small business while
90 meeting the stated objectives of the proposed rule. The Office
91 of Program Policy Analysis and Government Accountability shall
92 consider the proposed rule, the economic impact statement, the
93 written statement of the agency, the proposed alternatives, and
94 any comment submitted during the comment period on the proposed
95 rule. The Office of Program Policy Analysis and Government
96 Accountability shall submit a report of its findings and
97 recommendations to the Governor, the President of the Senate,
98 and the Speaker of the House of Representatives. The
99 Administrative Procedures Committee shall report such findings
100 to the agency, and the agency shall respond in writing to the
101 Administrative Procedures Committee if the Office of Program
102 Policy Analysis and Government Accountability found that the

Amendment No. 01

103 alternative reduced the impact on small business while meeting
104 the stated objectives of the proposed rule. If the agency will
105 not adopt the alternative, it must also provide a detailed
106 written statement to the committee as to why it will not adopt
107 the alternative.

108 3. This paragraph (b) does not apply to the adoption of
109 emergency rules pursuant to 120.54(4).

110
111 Between lines 161 and 162, insert:

112 Section 3. Subsection (5) of section 120.541, Florida
113 Statutes, is created to read:

114 120.541 Statement of estimated regulatory costs.—

115 (5) This section does not apply to the adoption of
116 emergency rules pursuant to 120.54(4).

117
118 Note.—Section 5, ch. 2010-279, provides that "[t]his act
119 shall take effect upon becoming a law." Passed by the Senate and
120 the House of Representatives over the Governor's veto November
121 16, 2010. House Joint Resolution 9-A, 2010 Special Session A,
122 provides that C.S. for C.S. for H.B. 1565, which became ch.
123 2010-279, is effective November 17, 2010.

124 Remove line 192 and insert:

125 Section 5. This act shall take effect on July 1, 2011.

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

130 Remove lines 7-11 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 01

131 the Legislature; clarifying a statement of estimated regulatory
132 costs is not required for emergency rulemaking; amending s.
133 120.541, F.S.; reducing the time before an agency files a rule
134 for adoption within which the agency must notify the person who
135 submitted a lower cost alternative and the Administrative
136 Procedures Committee; creating subsection (5); excluding
137 emergency rulemaking from s. 120.541; amending s. 120.56, F.S.;
138 reducing the time

Amendment No. 02

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
 2 Subcommittee
 3 Representative(s) Roberson offered the following:

Amendment (with title amendment)

Remove lines 20-22 and insert:

Section 1. Paragraphs (a), (d), and (e) of subsection (3) of section 120.54, Florida Statutes, as amended by chapter 2010-279, Laws of Florida, are amended to read:

Between lines 71 and 72, insert:

(d) Modification or withdrawal of proposed rules.—

1. After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, if the rule has not been changed from the rule as previously filed with the committee, or contains only technical changes, the adopting agency shall file a notice to that effect with the committee at least 7 days prior to filing the rule for adoption. Any change, other than a technical change that does not affect the substance of the rule, must be supported by the record of public hearings

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 02

20 held on the rule, must be in response to written material
21 submitted to the agency within 21 days after the date of
22 publication of the notice of intended agency action or submitted
23 to the agency between the date of publication of the notice and
24 the end of the final public hearing, or must be in response to a
25 proposed objection by the committee. In addition, when any
26 change is made in a proposed rule, other than a technical
27 change, the adopting agency shall provide a copy of a notice of
28 change by certified mail or actual delivery to any person who
29 requests it in writing no later than 21 days after the notice
30 required in paragraph (a). The agency shall file the notice of
31 change with the committee, along with the reasons for the
32 change, and provide the notice of change to persons requesting
33 it, at least 21 days prior to filing the rule for adoption. The
34 notice of change shall be published in the Florida
35 Administrative Weekly at least 21 days prior to filing the rule
36 for adoption. This subparagraph does not apply to emergency
37 rules adopted pursuant to subsection (4).

38 2. After the notice required by paragraph (a) and prior to
39 adoption, the agency may withdraw the rule in whole or in part.

40 3. After adoption and before the rule becomes effective
41 date, a rule may be modified or withdrawn only in response to
42 one of the following:

43 a. an ~~an~~ objection by the committee;

44 b. A final order, not subject to further appeal, entered
45 in a rule challenge brought pursuant to s. 120.56 after the date
46 of adoption but before the rule became effective pursuant to s.
47 120.54(3)(e)6;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 02

48 c. The rule may be withdrawn but not modified if it was
49 timely submitted for legislative ratification pursuant to s.
50 120.541(3) and the Legislature adjourned *sine die* from at least
51 one regular session without ratifying the rule; or,

52 d. ~~or~~The rule may be modified to extend the effective
53 date by not more than 60 days when the committee has notified
54 the agency that an objection to the rule is being considered.

55 4. The agency shall give notice of its decision to
56 withdraw or modify a rule in the first available issue of the
57 publication in which the original notice of rulemaking was
58 published, shall notify those persons described in subparagraph
59 (a)3. in accordance with the requirements of that subparagraph,
60 and shall notify the Department of State if the rule is required
61 to be filed with the Department of State.

62 5. After a rule has become effective, it may be repealed
63 or amended only through the rulemaking procedures specified in
64 this chapter. However, a rule which was not submitted for
65 ratification pursuant to s. 120.541(3), but which subsequently
66 is determined by final order to require ratification as of the
67 date of adoption, may be repealed in the following summary
68 manner: the adopting agency shall publish notice of the final
69 order finding that ratification pursuant to s. 120.541(3) was
70 required as of the date of adoption and that the rule is being
71 repealed as of the date of the final order; the notice shall be
72 published in the Florida Administrative Weekly first available
73 after the final order is rendered and shall be published on the
74 agency's internet web site.

75

Amendment No. 02

76

77

78

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

79

Remove line 7 and insert:

80

the Legislature; providing for withdrawal of an adopted rule

81

which is not ratified by the Legislature; providing for

82

expedited repeal of rules determined to have required

83

legislative ratification before going into effect; amending s.

84

120.541, F.S.; reducing the time

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 03

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
 2 Subcommittee
 3 Representative(s) Roberson offered the following:

Amendment (with title amendment)

Remove line 162 and insert:

7 (4) Subsection (3) Paragraph (2)(a) does not apply to the
 8 ~~adoption of emergency rules pursuant to s. 120.54(4) or the~~
 9 adoption of federal standards pursuant to s. 120.54(6).

11 Note.—Section 5, ch. 2010-279, provides that "[t]his act
 12 shall take effect upon becoming a law." Passed by the Senate and
 13 the House of Representatives over the Governor's veto November
 14 16, 2010. House Joint Resolution 9-A, 2010 Special Session A,
 15 provides that C.S. for C.S. for H.B. 1565, which became ch.
 16 2010-279, is effective November 17, 2010.

Section 3. Paragraph (a) of subsection (2) of section

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 03

20 Remove line 11 and insert:
21 Committee; excluding rules adopting federal standards from
22 required legislative ratification; amending s. 120.56, F.S.;
23 reducing the time in

Amendment No. 04

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
 2 Subcommittee
 3 Representative(s) Ray offered the following:

4
 5 **Amendment to Amendment (03) by Representative Roberson**
 6 **(with title amendment)**

7 Remove lines 7-9 and insert:

8 (4) Subsection (3) Paragraph (2)(a) does not apply to the
 9 adoption of emergency rules pursuant to s. 120.54(4) following:

10 (a) Adoption of federal standards pursuant to s. 120.54(6);

11 (b) Adoption of triennial updates to the Florida Building
 12 Code pursuant to s. 553.73(7)(a);

13 (c) Adoption of triennial updates to the Florida Fire
 14 Prevention Code pursuant to s. 633.0215(1).

15
 16
 17
 18 -----
 19 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 04 ²³

20 Remove lines 20-~~22~~ and insert:
21 Committee; excluding rules adopting federal standards, rules
22 adopting triennial updates to the Florida Building Code, and
23 rules adopting triennial updates to the Florida Fire Prevention
24 Code from required legislative ratification; amending s. 120.56,
25 F.S.; reducing the time in

Bill Number: HB 993 by Roberson, K.

Amendment #5 Dorworth

MEMBERS	Amendment #5 Dorworth	
	Yeas	Nays
REP. ADKINS	✓	
REP. ARTILES	✓	
REP. BRANDES	✓	
REP. BROXSON	✓	
REP. CORCORAN	✓	
REP. GAETZ	✓	
REP. GIBBONS	✓	
REP. GOODSON	✓	
REP. PATRONIS	✓	
REP. RANDOLPH		✓
REP. RAY, <i>Vice Chair</i>	✓	
REP. ROGERS	✓	
REP. WALDMAN		✓
REP. WATSON, <i>Dem. Ranking Member</i>		✓
REP. DORWORTH, <i>Chair</i>	✓	
	<i>Adopted</i>	
	<i>Patricia N</i>	
TOTALS	Yeas	Nays
	12	3

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 05

<u>COMMITTEE/SUBCOMMITTEE ACTION</u>	
ADOPTED	<input checked="" type="checkbox"/> (Y/N) 12/3
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee

3 Representative(s) Dorworth offered the following:

4
5 **Amendment (with title amendment)**

6 Remove line 162 and insert:

7 Section 3. Section 120.547 is created to read:

8 Section 120.547. Summary procedure for rule repeal during
9 inaugural period. -

10 (1) The Legislature finds the formal process for
11 repealing rules as required under s. 120.54(3)(d)5 may
12 unnecessarily delay efforts for statewide elected executive
13 officers to review and revise the programs and policies within
14 their respective individual or collective jurisdiction at the
15 commencement of their elective terms. Accordingly, the
16 Legislature finds a prudent, expedited process providing for the
17 summary repeal of existing rules within the initial period of an
18 elected Cabinet officer's term best assists those officers in
19 the articulation and implementation of public policy.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 05

- 20 (2) Definitions. As used in this section:
- 21 (a) "Statewide elected executive officer" shall mean the
- 22 Governor, Chief Financial Officer, Attorney General,
- 23 or Commissioner of Agriculture.
- 24 (b) "Inaugural period" shall mean the time from the first
- 25 date of an elective term of the Governor, Chief
- 26 Financial Officer, Attorney General, and Commissioner
- 27 of Agriculture, as provided in article IV, section
- 28 5(a) of the Florida Constitution, through the last day
- 29 of the month of June next following the beginning of
- 30 the term.
- 31 (3) Exclusively during the inaugural period the statewide
- 32 elected executive officers are authorized to direct
- 33 the repeal of rules using the summary procedure
- 34 provided in this section for the following agencies:
- 35 (a) Each agency under the exclusive authority of the
- 36 individual statewide elected executive officer;
- 37 (b) Each agency under the collective authority of two or
- 38 more statewide elected executive officers but not the
- 39 entire Cabinet;
- 40 (c) Each agency under the exclusive authority of the
- 41 Cabinet.
- 42 (4) Notice of repeal. The statewide elected executive
- 43 officer, statewide elected executive officers acting
- 44 collectively, or Cabinet, shall direct the repeal of
- 45 rules pursuant to this section by each agency under
- 46 their exclusive authority as follows:

Amendment No. 05

- 47 (a) For each rule or part of a rule to be repealed under
48 this section, the statewide elected executive officer,
49 statewide elected executive officers acting
50 collectively, or Cabinet, shall make a written finding
51 containing the following:
- 52 1. The number, title, and each specific subdivision of the
53 rule to be repealed entirely or in part;
 - 54 2. The agency which adopted the subject rule;
 - 55 3. The basis for repeal, examples of which include but are
56 not limited to the following:
 - 57 a. The rule is obsolete or no longer necessary;
 - 58 b. Change in the substantive law which the rule implemented
59 or interpreted in compliance with s. 120.536(1); and
 - 60 c. The rule conflicts with programs or policies which the
61 elected officer, elected officers, or Cabinet have
62 implemented or are in the process of implementing.
 - 63 4. The name, title, address, and electronic mail address of
64 the person designated by the elected officer, elected
65 officers, or Cabinet solely to receive inquiries,
66 correspondence, petitions, or notices in response to the
67 proposed repeal; and
 - 68 5. The date as of which the rule or part of the rule is
69 repealed and of no further force or effect.
- 70 (b) The adopting agency shall publish notice of the
71 written finding directing repeal of the rule or part
72 of the rule on the agency's internet web site,
73 including in such notice the date of first
74 publication, and shall also publish the notice and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 05

75 written finding, including the web address where the
76 notice has been first published, in the Florida
77 Administrative Weekly first available after the date
78 the written finding is executed by the statewide
79 elected executive officer, statewide elected executive
80 officers acting collectively, or Cabinet.

81 (c) Repeal of a rule or part of a rule under this section
82 shall be effective no earlier than 15 days from the
83 date the notice of repeal is published on the agency's
84 internet web site.

85 (5) Objection to repeal. Any substantially affected person
86 may object to the repeal of a rule or part of a rule
87 under this section, as follows:

88 (a) No later than 14 days from the date the notice of
89 repeal is published on the agency's internet web site,
90 a substantially affected person shall file with the
91 individual designated in sub-paragraph (4)(a)4 a
92 written objection to repeal stating:

- 93 1. The name, address, telephone number, and electronic mail
94 address of the person opposing the repeal; and
95 2. The facts and law on which the person objects to the
96 noticed repeal.

97 (b) Failure to file an objection in the time and manner
98 provided in this subsection constitutes a full and
99 complete waiver of the objection, an affirmative
100 assent to the proposed repeal, and a full and complete
101 waiver of judicial review under s. 120.68.

Amendment No. 05

- 102 (c) If an objection is timely filed the repeal shall not
103 be effective until the elected official, elected
104 officials acting collectively, or the Cabinet, as may
105 be applicable, overrules the objection in a writing
106 and notice of that disposition is published in the
107 manner provided in paragraph (4) (b).
- 108 (6) Sections 120.54, 120.541, 120.56, 120.569, 120.57,
109 120.573, 120.574, and 120.69 are not applicable to the
110 repeal of rules under this section.
- 111 (7) Judicial review. A substantially interested party
112 whose timely written objection to the proposed repeal
113 is overruled by the elected officer, elected officers
114 acting collectively, or the Cabinet, may seek judicial
115 review of that decision under s. 120.68, as modified
116 by the following:
- 117 (a) Notwithstanding any other statute, the First District
118 Court of Appeal shall have exclusive jurisdiction of
119 any petition for judicial review of the repeal of
120 rules under this section.
- 121 (b) A petition for judicial review shall be brought solely
122 against the agency which adopted the rule and not the
123 statewide elected executive officer, statewide elected
124 executive officers acting collectively, or Cabinet.
- 125 (c) The record for review shall be comprised solely of the
126 written finding of repeal, the written objection, and
127 the written disposition of the objection.
- 128 (8) Authority non-delegable. The authority to determine

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 05

129 and direct the repeal of agency rules under this section, other
130 than the receipt of inquiries, correspondence, petitions, or
131 notices in response to a proposed repeal, shall be exercised
132 exclusively by the elected officer, elected officers acting
133 collectively, or the Cabinet, having sole authority over the
134 subject agency and may not be delegated to any other person.

135 Section 4. Paragraph (a) of subsection (2) of section

136 Remove line 192 and insert:

137 Section 5. This act shall take effect July 1, 2011.

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140
141 -----

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

143 Remove line 11 and insert:

144 Committee; creating s. 120.547, F.S.; providing for summary
145 repeal of rules by elected cabinet officers within the first six
146 months of their respective terms; amending s. 120.56, F.S.;

147 reducing the time in

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 993 (2011)

Amendment No. 06

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee
3 Representative(s) Roberson offered the following:

4
5 **Amendment**

6 Remove line 192 and insert:

7 Section 5. This act shall take effect upon becoming law.

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

HB 1029 : Interstate Compact for Juveniles

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Janet Adkins	X				
Frank Artiles	X				
Jeffrey Brandes	X				
Douglas Broxson	X				
Richard Corcoran	X				
Matt Gaetz	X				
Joseph Gibbons	X				
Tom Goodson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Hazelle Rogers	X				
James Waldman			X		
Barbara Watson	X				
Chris Dorworth (Chair)	X				
Total Yeas: 14					
		Total Nays: 0			

Appearances:

Potts, Adam (Lobbyist) (State Employee) - Waive In Support
 Department of Juvenile Justice
 2737 Centerview Drive, Suite 3100
 Tallahassee Florida 32399
 Phone: 850-591-5921

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

PCB RRS 11-01 : Legislative Ratification of Administrative Rules

Temporarily Deferred

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

PCB RRS 11-03 : Reemployment Services

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Janet Adkins	X				
Frank Artiles	X				
Jeffrey Brandes	X				
Douglas Broxson	X				
Richard Corcoran			X		
Matt Gaetz	X				
Joseph Gibbons	X				
Tom Goodson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Hazelle Rogers	X				
James Waldman	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Gomez, Fausto (Lobbyist) - Waive In Support
 IARP
 2350 Coral Way, #301
 Miami Florida 33145
 Phone: (305)860-0780

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

3/23/2011 1:00:00PM

Location: 306 HOB

Workshop

PCB RRS 11-02--Administrative Procedure

Workshopped

Appearances:

Lewis Attaridd (State Employee) - Information Only

Florida Small Business Regulatory Advisory Council (SBRAC)

11000 University Parkway, Bldg. 38

Pensacola Florida 32514

Phone: 850-473-7817

Patricia Nelson (State Employee) - Information Only

Governor's Office of Fiscal Accountability and Regulatory Reform

The Capitol

Tallahassee Florida 32399

Phone: 850-487-1880

Stahl, Thomas (Lobbyist) - Information Only

Florida United Businesses Association (FUBA)

PO Box 1302 116 S. Monroe Street

Tallahassee FL 32301

Phone: (850)681-6265

Committee meeting was reported out: Wednesday, March 23, 2011 7:22:36PM