

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

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1 A bill to be entitled
2 An act relating to environmental regulation; amending
3 s. 20.255, F.S.; authorizing the Department of
4 Environmental Protection to adopt rules requiring or
5 incentivizing the electronic submission of forms,
6 documents, fees, and reports required for certain
7 permits; amending ss. 125.022 and 166.033, F.S.;
8 providing requirements for the review of development
9 permit applications by counties and municipalities;
10 amending s. 211.3103, F.S.; revising the definition of
11 "phosphate-related expenses" to include maintenance
12 and restoration of certain lands; amending s.
13 253.0345, F.S.; revising provisions for the duration
14 of leases and letters of consent issued by the Board
15 of Trustees of the Internal Improvement Trust Fund for
16 special events; providing conditions for fees relating
17 to such leases and letters of consent; creating s.
18 253.0346, F.S.; defining the term "first-come, first-
19 served basis"; providing conditions for the discount
20 and waiver of lease fees and surcharges for certain
21 marinas, boatyards, and marine retailers; providing
22 applicability; amending s. 253.0347, F.S.; **exempting**
23 **lessees of certain docks from lease fees**; amending s.
24 373.118, F.S.; deleting provisions requiring the
25 department to adopt general permits for public marina
26 facilities; deleting certain requirements under
27 general permits for public marina facilities and
28 mooring fields; limiting the number of vessels for
29 mooring fields authorized under such permits; amending

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30 s. 373.233, F.S.; clarifying conditions for competing
31 consumptive use of water applications; amending s.
32 373.236, F.S.; prohibiting water management districts
33 from reducing certain allocations as a result of
34 activities relating to sources that are resistant to
35 drought; providing an exception; amending s. 373.308,
36 F.S.; providing that issuance of well permits is the
37 sole responsibility of water management districts;
38 prohibiting government entities from imposing
39 requirements and fees and establishing programs for
40 installation and abandonment of groundwater wells;
41 amending s. 373.323, F.S.; providing that licenses
42 issued by water management districts are the only
43 water well construction licenses required for
44 construction, repair, or abandonment of water wells;
45 authorizing licensed water well contractors to install
46 equipment for all water systems; amending s. 373.406,
47 F.S.; exempting specified ponds, ditches, and wetlands
48 from surface water management and storage
49 requirements; amending s. 373.701, F.S.; providing a
50 legislative declaration that efforts to adequately and
51 dependably meet water needs; requiring the cooperation
52 of utility companies, private landowners, water
53 consumers, and the Department of Agriculture and
54 Consumer Services; amending s. 373.703, F.S.;
55 requiring the governing boards of water management
56 districts to assist self-suppliers, among others, in
57 meeting water supply demands; authorizing the
58 governing boards to contract with self-suppliers for

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59 the purpose of carrying out its powers; amending
60 s.373.709, F.S.; requiring water management districts
61 to coordinate and cooperate with the Department of
62 Agriculture and Consumer Services for regional water
63 supply planning; providing criteria and requirements
64 for determining agricultural water supply demand
65 projections; amending s. 376.313, F.S.; holding
66 harmless a person who discharges pollution pursuant to
67 ch. 403, F.S.; amending s. 403.031, F.S.; defining the
68 term "beneficiaries"; amending s. 403.061, F.S.;
69 authorizing the department to adopt rules requiring or
70 incentivizing the electronic submission of forms,
71 documents, fees, and reports required for certain
72 permits; amending s. 403.0872, F.S.; extending the
73 payment deadline of permit fees for major sources of
74 air pollution and conforming the date for related
75 notice by the department; revising provisions for the
76 calculation of such annual fees; amending s. 403.7046,
77 F.S.; revising requirements relating to recovered
78 materials; amending s. 403.813, F.S.; revising
79 conditions under which certain permits are not
80 required for seawall restoration projects; creating s.
81 403.8141, F.S.; requiring the Department of
82 Environmental Protection to establish general permits
83 for special events; providing permit requirements;
84 amending s. 403.973, F.S.; authorizing expedited
85 permitting for natural gas pipelines, subject to
86 specified certification; providing that natural gas
87 pipelines are subject to certain requirements;

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88 providing that natural gas pipelines are eligible for
89 certain review; amending s. 570.076, F.S.; conforming
90 a cross-reference; amending s. 570.085, F.S.;
91 requiring the Department of Agriculture and Consumer
92 Services to establish an agricultural water supply
93 planning program; providing program requirements;
94 providing an effective date.

95

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

97

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

100 20.255 Department of Environmental Protection.—There is
101 created a Department of Environmental Protection.

102 (8) The department may adopt rules requiring or
103 incentivizing electronic submission of forms, documents, fees,
104 or reports required for permits under chapter 161, chapter 253,
105 chapter 373, chapter 376, or chapter 403. The rules must
106 reasonably accommodate technological or financial hardship and
107 must provide procedures for obtaining an exemption due to such
108 hardship.

109 Section 2. Section 125.022, Florida Statutes, is amended to
110 read:

111 125.022 Development permits.—

112 (1) When reviewing an application for a development permit
113 that is certified by a professional listed in s. 403.0877, a
114 county may not request additional information from the applicant
115 more than three times, unless the applicant waives the
116 limitation in writing. Prior to a third request for additional

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117 information, the applicant shall be offered a meeting to try and
118 resolve outstanding issues. If the applicant believes the
119 request for additional information is not authorized by
120 ordinance, rule, statute, or other legal authority, the county,
121 at the applicant's request, shall proceed to process the
122 application for approval or denial.

123 (2) When a county denies an application for a development
124 permit, the county shall give written notice to the applicant.
125 The notice must include a citation to the applicable portions of
126 an ordinance, rule, statute, or other legal authority for the
127 denial of the permit.

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

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

137 (5) Issuance of a development permit by a county does not
138 in any way create any rights on the part of the applicant to
139 obtain a permit from a state or federal agency and does not
140 create any liability on the part of the county for issuance of
141 the permit if the applicant fails to obtain requisite approvals
142 or fulfill the obligations imposed by a state or federal agency
143 or undertakes actions that result in a violation of state or
144 federal law. A county may attach such a disclaimer to the
145 issuance of a development permit and may include a permit

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146 condition that all other applicable state or federal permits be
147 obtained before commencement of the development.

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

151 Section 3. Section 166.033, Florida Statutes, is amended to
152 read:

153 166.033 Development permits.—

154 (1) When reviewing an application for a development permit
155 that is certified by a professional listed in s. 403.0877, a
156 municipality may not request additional information from the
157 applicant more than three times, unless the applicant waives the
158 limitation in writing. Prior to a third request for additional
159 information, the applicant shall be offered a meeting to try and
160 resolve outstanding issues. If the applicant believes the
161 request for additional information is not authorized by
162 ordinance, rule, statute, or other legal authority, the
163 municipality, at the applicant's request, shall proceed to
164 process the application for approval or denial.

165 (2) When a municipality denies an application for a
166 development permit, the municipality shall give written notice
167 to the applicant. The notice must include a citation to the
168 applicable portions of an ordinance, rule, statute, or other
169 legal authority for the denial of the permit.

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

172 (4) For any development permit application filed with the
173 municipality after July 1, 2012, a municipality may not require
174 as a condition of processing or issuing a development permit

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175 that an applicant obtain a permit or approval from any state or
176 federal agency unless the agency has issued a final agency
177 action that denies the federal or state permit before the
178 municipal action on the local development permit.

179 (5) Issuance of a development permit by a municipality does
180 not in any way create any right on the part of an applicant to
181 obtain a permit from a state or federal agency and does not
182 create any liability on the part of the municipality for
183 issuance of the permit if the applicant fails to obtain
184 requisite approvals or fulfill the obligations imposed by a
185 state or federal agency or undertakes actions that result in a
186 violation of state or federal law. A municipality may attach
187 such a disclaimer to the issuance of development permits and may
188 include a permit condition that all other applicable state or
189 federal permits be obtained before commencement of the
190 development.

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

194 Section 4. Paragraph (c) of subsection (6) of section
195 211.3103, Florida Statutes is amended to read:

196 211.3103 Levy of tax on severance of phosphate rock; rate,
197 basis, and distribution of tax.—

198 (6)

199 (c) For purposes of this section, "phosphate-related
200 expenses" means those expenses that provide for infrastructure
201 or services in support of the phosphate industry, including
202 environmental education, reclamation or restoration of phosphate
203 lands, maintenance and restoration of reclaimed lands and county

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204 owned environmental lands which were formerly phosphate lands,
205 community infrastructure on such reclaimed lands and county
206 owned environmental lands which were formerly phosphate lands,
207 and similar expenses directly related to support of the
208 industry.

209 Section 5. Section 253.0345, Florida Statutes, is amended
210 to read:

211 253.0345 Special events; submerged land leases.-

212 (1) The trustees may ~~are authorized to~~ issue leases or
213 consents of use or leases to riparian landowners, special and
214 event promoters, and boat show owners to allow the installation
215 of temporary structures, including docks, moorings, pilings, and
216 access walkways, on sovereign submerged lands solely for the
217 purpose of facilitating boat shows and displays in, or adjacent
218 to, established marinas or government-owned ~~government-owned~~
219 upland property. Riparian owners of adjacent uplands who are not
220 seeking a lease or consent of use shall be notified by certified
221 mail of any request for such a lease or consent of use before
222 ~~prior to~~ approval by the trustees. The trustees shall balance
223 the interests of any objecting riparian owners with the economic
224 interests of the public and the state as a factor in determining
225 whether if a lease or consent of use should be executed over the
226 objection of adjacent riparian owners. This section does ~~shall~~
227 not apply to structures for viewing motorboat racing, high-speed
228 motorboat contests, or high-speed displays in waters where
229 manatees are known to frequent.

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

232 (a) Shall be for a period not to exceed 45 ~~30~~ days and a

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233 duration not to exceed 10 consecutive years.

234 (b) Shall include a lease fee, if applicable, based solely
235 on the period and actual size of the preemption and conditions
236 to allow reconfiguration of temporary structures within the
237 lease area with notice to the department of the configuration
238 and size of preemption within the lease area.

239 (c) The lease or letter of consent ~~of use~~ may also contain
240 appropriate requirements for removal of the temporary
241 structures, including the posting of sufficient surety to
242 guarantee appropriate funds for removal of the structures should
243 the promoter or riparian owner fail to do so within the time
244 specified in the agreement.

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

249 Section 6. Section 253.0346, Florida Statutes, is created
250 to read:

251 253.0346 Lease of sovereignty submerged lands for marinas,
252 boatyards, and marine retailers.-

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

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

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

260 (2) For marinas that are open to the public on a first-
261 come, first-served basis and for which at least 90 percent of

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262 the slips are open to the public, a discount of 30 percent on
263 the annual lease fee shall apply if dockage rate sheet
264 publications and dockage advertising clearly state that slips
265 are open to the public on a first-come, first-served basis.

266 (3) For a facility designated by the department as a Clean
267 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean
268 Marina Program:

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

- 271 1. Actively maintains designation under the program.
- 272 2. Complies with the terms of the lease.
- 273 3. Does not change use during the term of the lease.

274 (b) Extended-term lease surcharges shall be waived if the
275 facility:

- 276 1. Actively maintains designation under the program.
- 277 2. Complies with the terms of the lease.
- 278 3. Does not change use during the term of the lease.
- 279 4. Is available to the public on a first-come, first-served
280 basis.

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

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

287 Section 7. Subsection (2) of section 253.0347, Florida
288 Statutes, is amended to read:

289 253.0347 Lease of sovereignty submerged lands for private
290 residential docks and piers.-

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291 (2) (a) A standard lease contract for sovereignty submerged
292 lands for a private residential single-family dock or pier,
293 private residential multifamily dock or pier, or private
294 residential multislip dock must specify the amount of lease fees
295 as established by the Board of Trustees of the Internal
296 Improvement Trust Fund.

297 (b) If private residential multifamily docks or piers,
298 private residential multislip docks, and other private
299 residential structures pertaining to the same upland parcel
300 include a total of no more than one wet slip for each approved
301 upland residential unit, the lessee is not required to pay a
302 lease fee on a preempted area of 10 square feet or less of
303 sovereignty submerged lands for each linear foot of shoreline in
304 which the lessee has a sufficient upland interest as determined
305 by the Board of Trustees of the Internal Improvement Trust Fund.

306 (c) A lessee of sovereignty submerged lands for a private
307 residential single-family dock or pier, private residential
308 multifamily dock or pier, or private residential multislip dock
309 is not required to pay a lease fee on revenue derived from the
310 transfer of fee simple or beneficial ownership of private
311 residential property that is entitled to a homestead exemption
312 pursuant to s. 196.031 at the time of transfer.

313 (d) A lessee of sovereignty submerged lands for a private
314 residential single-family dock or pier, private residential
315 multifamily dock or pier, or private residential multislip dock
316 must pay a lease fee on any income derived from a wet slip,
317 dock, or pier in the preempted area under lease in an amount
318 determined by the Board of Trustees of the Internal Improvement
319 Trust Fund.

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320 (e) A lessee of sovereignty submerged land for a private
321 residential single-family dock designed to moor up to four boats
322 is not required to pay lease fees for a preempted area equal to
323 or less than 10 times the riparian shoreline along sovereignty
324 submerged land on the affected waterbody or the square footage
325 authorized for a private residential single-family dock under
326 rules adopted by the Board of Trustees of the Internal
327 Improvement Trust Fund for the management of sovereignty
328 submerged lands, whichever is greater.

329 (f) A lessee of sovereignty submerged land for a private
330 residential multifamily dock designed to moor boats up to the
331 number of units within the multifamily development is not
332 required to pay lease fees for a preempted area equal to or less
333 than 10 times the riparian shoreline along sovereignty submerged
334 land on the affected waterbody times the number of units with
335 docks in the private multifamily development providing for
336 existing docks.

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

339 373.118 General permits; delegation.—

340 (4) The department shall adopt by rule one or more general
341 permits for local governments to construct, operate, and
342 maintain ~~public marina facilities,~~ public mooring fields, public
343 boat ramps, including associated courtesy docks, and associated
344 parking facilities located in uplands. Such general permits
345 adopted by rule shall include provisions to ensure compliance
346 with part IV of this chapter, subsection (1), and the criteria
347 necessary to include the general permits in a state programmatic
348 general permit issued by the United States Army Corps of

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349 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-
350 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
351 authorized under such general permits is exempt from review as a
352 development of regional impact if the facility complies with the
353 comprehensive plan of the applicable local government. Such
354 facilities shall be consistent with the local government manatee
355 protection plan required pursuant to chapter 379 ~~and shall~~
356 ~~obtain Clean Marina Program status prior to opening for~~
357 ~~operation and maintain that status for the life of the facility.~~
358 ~~Marinas and mooring fields authorized under any such general~~
359 ~~permit shall not exceed an area of 50,000 square feet over~~
360 ~~wetlands and other surface waters. Mooring fields authorized~~
361 under such general permits may not exceed 100 vessels. All
362 facilities permitted under this section shall be constructed,
363 maintained, and operated in perpetuity for the exclusive use of
364 the general public. The department is authorized to have
365 delegation from the Board of Trustees to issue leases for
366 mooring fields that meet the requirements of this general
367 permit. The department shall initiate the rulemaking process
368 within 60 days after the effective date of this act.

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

371 373.233 Competing applications.—

372 (1) If two or more applications that ~~which~~ otherwise comply
373 with the provisions of this part are pending for a quantity of
374 water that is inadequate for both or all, or which for any other
375 reason are in conflict, and the governing board or department
376 has deemed the application complete, the governing board or the
377 department has ~~shall have~~ the right to approve or modify the

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378 application which best serves the public interest.

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

381 373.236 Duration of permits; compliance reports.—

382 (4) Where necessary to maintain reasonable assurance that
383 the conditions for issuance of a 20-year permit can continue to
384 be met, the governing board or department, in addition to any
385 conditions required pursuant to s. 373.219, may require a
386 compliance report by the permittee every 10 years during the
387 term of a permit. The Suwannee River Water Management District
388 may require a compliance report by the permittee every 5 years
389 through July 1, 2015, and thereafter every 10 years during the
390 term of the permit. This report shall contain sufficient data to
391 maintain reasonable assurance that the initial conditions for
392 permit issuance are met. Following review of this report, the
393 governing board or the department may modify the permit to
394 ensure that the use meets the conditions for issuance. Permit
395 modifications pursuant to this subsection shall not be subject
396 to competing applications, provided there is no increase in the
397 permitted allocation or permit duration, and no change in
398 source, except for changes in source requested by the district.
399 In order to promote the sustainability of natural systems
400 through the diversification of water supplies to include sources
401 that are resistant to drought, a water management district may
402 not reduce an existing permitted allocation of water during the
403 permit term as a result of planned future construction of, or
404 additional water becoming available from, sources that are
405 resistant to drought, including, but not limited to, a seawater
406 desalination plant, unless such reductions are conditions of a

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407 permit with the water management district. Except as otherwise
408 provided in this subsection, this subsection does shall not be
409 ~~construed to~~ limit the existing authority of the department or
410 the governing board to modify or revoke a consumptive use
411 permit.

412 Section 11. Subsection (1) of section 373.308, Florida
413 Statutes, is amended to read:

414 373.308 Implementation of programs for regulating water
415 wells.—

416 (1) The department shall authorize the governing board of a
417 water management district to implement a program for the
418 issuance of permits for the location, construction, repair, and
419 abandonment of water wells. Upon authorization from the
420 department, issuance of well permits will be the sole
421 responsibility of the water management district or delegated
422 local government. Other government entities may not impose
423 additional or duplicate requirements or fees or establish a
424 separate program for the permitting of the location,
425 abandonment, boring, or other activities reasonably associated
426 with the installation and abandonment of a groundwater well.

427 Section 12. Subsections (1) and (10) of section 373.323,
428 Florida Statutes, are amended to read:

429 373.323 Licensure of water well contractors; application,
430 qualifications, and examinations; equipment identification.—

431 (1) Every person who wishes to engage in business as a
432 water well contractor shall obtain from the water management
433 district a license to conduct such business. Licensure under
434 this part by a water management district shall be the only water
435 well construction license required for the construction, repair,

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436 or abandonment of water wells in the state or any political
437 subdivision thereof.

438 (10) Water well contractors licensed under this section may
439 install, repair, and modify pumps and tanks in accordance with
440 the Florida Building Code, Plumbing; Section 612—Wells pumps and
441 tanks used for private potable water systems. In addition,
442 licensed water well contractors may install pumps, tanks, and
443 water conditioning equipment for all water ~~well~~ systems.

444 Section 13. Subsections (13) and (14) are added to section
445 373.406, Florida Statutes, to read:

446 373.406 Exemptions.—The following exemptions shall apply:

447 (13) Nothing in this part, or in any rule, regulation, or
448 order adopted pursuant to this part, applies to construction,
449 alteration, operation, or maintenance of any wholly owned,
450 manmade farm ponds as defined in s. 403.927 constructed entirely
451 in uplands.

452 (14) Nothing in this part, or in any rule, regulation, or
453 order adopted pursuant to this part, may require a permit for
454 activities affecting wetlands created solely by the unauthorized
455 flooding or interference with the natural flow of surface water
456 caused by an unaffiliated adjoining landowner. This exemption
457 does not apply to activities that discharge dredged or fill
458 material into waters of the United States, including wetlands,
459 subject to federal jurisdiction under section 404 of the federal
460 Clean Water Act, 33 U.S.C. s. 1344.

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

463 373.701 Declaration of policy.—It is declared to be the
464 policy of the Legislature:

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465 (3) Cooperative efforts between municipalities, counties,
466 utility companies, private landowners, water consumers, water
467 management districts, and the Department of Environmental
468 Protection, and the Department of Agriculture and Consumer
469 Services are necessary ~~mandatory~~ in order to meet the water
470 needs of rural and rapidly urbanizing areas in a manner that
471 will supply adequate and dependable supplies of water where
472 needed without resulting in adverse effects upon the areas from
473 which ~~such~~ water is withdrawn. Such efforts should employ ~~use~~
474 all practical means of obtaining water, including, but not
475 limited to, withdrawals of surface water and groundwater, reuse,
476 and desalination, and will require ~~necessitate not only~~
477 cooperation and ~~but also~~ well-coordinated activities.
478 Municipalities, counties, and special districts are encouraged
479 to create multijurisdictional water supply entities or regional
480 water supply authorities as authorized in s. 373.713 ~~or~~
481 ~~multijurisdictional water supply entities.~~

482 Section 15. Subsections (1), (2), and (9) of section
483 373.703, Florida Statutes, are amended to read:

484 373.703 Water production; general powers and duties.—In the
485 performance of, and in conjunction with, its other powers and
486 duties, the governing board of a water management district
487 existing pursuant to this chapter:

488 (1) Shall engage in planning to assist counties,
489 municipalities, special districts, publicly owned and privately
490 owned water utilities, multijurisdictional water supply
491 entities, or regional water supply authorities, or self-
492 suppliers in meeting water supply needs in such manner as will
493 give priority to encouraging conservation and reducing adverse

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494 environmental effects of improper or excessive withdrawals of
495 water from concentrated areas. As used in this section and s.
496 373.707, regional water supply authorities are regional water
497 authorities created under s. 373.713 or other laws of this
498 state. As used in part VII of this chapter, self-suppliers are
499 persons who obtain surface or groundwater from a source other
500 than a public water supply.

501 (2) Shall assist counties, municipalities, special
502 districts, publicly owned or privately owned water utilities,
503 multijurisdictional water supply entities, or regional water
504 supply authorities, or self-suppliers in meeting water supply
505 needs in such manner as will give priority to encouraging
506 conservation and reducing adverse environmental effects of
507 improper or excessive withdrawals of water from concentrated
508 areas.

509 (9) May join with one or more other water management
510 districts, counties, municipalities, special districts, publicly
511 owned or privately owned water utilities, multijurisdictional
512 water supply entities, or regional water supply authorities, or
513 self-suppliers for the purpose of carrying out any of its
514 powers, and may contract with such other entities to finance
515 acquisitions, construction, operation, and maintenance, provided
516 such contracts are consistent with the public interest. The
517 contract may provide for contributions to be made by each party
518 to the contract ~~thereto~~, for the division and apportionment of
519 the expenses of acquisitions, construction, operation, and
520 maintenance, and for the division and apportionment of resulting
521 the benefits, services, and products ~~therefrom~~. The contracts
522 may contain other covenants and agreements necessary and

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523 appropriate to accomplish their purposes.

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

527 373.709 Regional water supply planning.—

528 (1) The governing board of each water management district
529 shall conduct water supply planning for a ~~any~~ water supply
530 planning region within the district identified in the
531 appropriate district water supply plan under s. 373.036, where
532 it determines that existing sources of water are not adequate to
533 supply water for all existing and future reasonable-beneficial
534 uses and to sustain the water resources and related natural
535 systems for the planning period. The planning must be conducted
536 in an open public process, in coordination and cooperation with
537 local governments, regional water supply authorities,
538 government-owned and privately owned water and wastewater
539 utilities, multijurisdictional water supply entities, self-
540 suppliers, reuse utilities, the Department of Environmental
541 Protection, the Department of Agriculture and Consumer Services,
542 and other affected and interested parties. The districts shall
543 actively engage in public education and outreach to all affected
544 local entities and their officials, as well as members of the
545 public, in the planning process and in seeking input. During
546 preparation, but before ~~prior to~~ completion of the regional
547 water supply plan, the district shall ~~must~~ conduct at least one
548 public workshop to discuss the technical data and modeling tools
549 anticipated to be used to support the regional water supply
550 plan. The district shall also hold several public meetings to
551 communicate the status, overall conceptual intent, and impacts

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552 of the plan on existing and future reasonable-beneficial uses
553 and related natural systems. During the planning process, a
554 local government may choose to prepare its own water supply
555 assessment to determine if existing water sources are adequate
556 to meet existing and projected reasonable-beneficial needs of
557 the local government while sustaining water resources and
558 related natural systems. The local government shall submit such
559 assessment, including the data and methodology used, to the
560 district. The district shall consider the local government's
561 assessment during the formation of the plan. A determination by
562 the governing board that initiation of a regional water supply
563 plan for a specific planning region is not needed pursuant to
564 this section is ~~shall be~~ subject to s. 120.569. The governing
565 board shall reevaluate the ~~such a~~ determination at least once
566 every 5 years and shall initiate a regional water supply plan,
567 if needed, pursuant to this subsection.

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

571 (a) A water supply development component for each water
572 supply planning region identified by the district which
573 includes:

574 1. A quantification of the water supply needs for all
575 existing and future reasonable-beneficial uses within the
576 planning horizon. The level-of-certainty planning goal
577 associated with identifying the water supply needs of existing
578 and future reasonable-beneficial uses must ~~shall~~ be based upon
579 meeting those needs for a 1-in-10-year drought event.

580 a. Population projections used for determining public water

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581 supply needs must be based upon the best available data. In
582 determining the best available data, the district shall consider
583 the University of Florida's Bureau of Economic and Business
584 Research (BEBR) medium population projections and any population
585 projection data and analysis submitted by a local government
586 pursuant to the public workshop described in subsection (1) if
587 the data and analysis support the local government's
588 comprehensive plan. Any adjustment of or deviation from the BEBR
589 projections must be fully described, and the original BEBR data
590 must be presented along with the adjusted data.

591 b. Agricultural demand projections used for determining the
592 needs of agricultural self-suppliers must be based upon the best
593 available data. In determining the best available data for
594 agricultural self-supplied water needs, the district shall
595 consider the data indicative of future water supply demands
596 provided by the Department of Agriculture and Consumer Services
597 pursuant to s. 570.085. Any adjustment of or deviation from the
598 data provided by the Department of Agriculture and Consumer
599 Services must be fully described, and the original data must be
600 presented along with the adjusted data.

601 2. A list of water supply development project options,
602 including traditional and alternative water supply project
603 options, from which local government, government-owned and
604 privately owned utilities, regional water supply authorities,
605 multijurisdictional water supply entities, self-suppliers, and
606 others may choose for water supply development. In addition to
607 projects listed by the district, such users may propose specific
608 projects for inclusion in the list of ~~alternative~~ water supply
609 development project options ~~projects~~. If such users propose a

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610 project to be listed as a ~~an alternative~~ water supply project,
611 the district shall determine whether it meets the goals of the
612 plan, and, if so, it shall be included in the list. The total
613 capacity of the projects included in the plan must ~~shall~~ exceed
614 the needs identified in subparagraph 1. and shall take into
615 account water conservation and other demand management measures,
616 as well as water resources constraints, including adopted
617 minimum flows and levels and water reservations. Where the
618 district determines it is appropriate, the plan should
619 specifically identify the need for multijurisdictional
620 approaches to project options that, based on planning level
621 analysis, are appropriate to supply the intended uses and that,
622 based on such analysis, appear to be permittable and financially
623 and technically feasible. The list of water supply development
624 options must contain provisions that recognize that alternative
625 water supply options for agricultural self-suppliers are
626 limited.

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

629 a. An estimate of the amount of water to become available
630 through the project.

631 b. The timeframe in which the project option should be
632 implemented and the estimated planning-level costs for capital
633 investment and operating and maintaining the project.

634 c. An analysis of funding needs and sources of possible
635 funding options. For alternative water supply projects the water
636 management districts shall provide funding assistance in
637 accordance with s. 373.707(8).

638 d. Identification of the entity that should implement each

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639 project option and the current status of project implementation.

640 (3) The water supply development component of a regional
641 water supply plan which deals with or affects public utilities
642 and public water supply for those areas served by a regional
643 water supply authority and its member governments within the
644 boundary of the Southwest Florida Water Management District
645 shall be developed jointly by the authority and the district. In
646 areas not served by regional water supply authorities, or other
647 multijurisdictional water supply entities, and where
648 opportunities exist to meet water supply needs more efficiently
649 through multijurisdictional projects identified pursuant to
650 paragraph (2) (a), water management districts are directed to
651 assist in developing multijurisdictional approaches to water
652 supply project development jointly with affected water
653 utilities, special districts, self-suppliers, and local
654 governments.

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

657 376.313 Nonexclusiveness of remedies and individual cause
658 of action for damages under ss. 376.30-376.317.—

659 (3) Except as provided in s. 376.3078(3) and (11), nothing
660 contained in ss. 376.30-376.317 prohibits any person from
661 bringing a cause of action in a court of competent jurisdiction
662 for all damages resulting from a discharge or other condition of
663 pollution covered by ss. 376.30-376.317 which was not authorized
664 pursuant to chapter 403. Nothing in this chapter shall prohibit
665 or diminish a party's right to contribution from other parties
666 jointly or severally liable for a prohibited discharge of
667 pollutants or hazardous substances or other pollution

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668 conditions. Except as otherwise provided in subsection (4) or
669 subsection (5), in any such suit, it is not necessary for such
670 person to plead or prove negligence in any form or manner. Such
671 person need only plead and prove the fact of the prohibited
672 discharge or other pollutive condition and that it has occurred.
673 The only defenses to such cause of action shall be those
674 specified in s. 376.308.

675 Section 18. Subsection (22) is added to section 403.031,
676 Florida Statutes, to read:

677 403.031 Definitions.—In construing this chapter, or rules
678 and regulations adopted pursuant hereto, the following words,
679 phrases, or terms, unless the context otherwise indicates, have
680 the following meanings:

681 (22) "Beneficiary" means any person, partnership,
682 corporation, business entity, charitable organization, not-
683 for-profit corporation, state, county, district, authority, or
684 municipal unit of government or any other separate unit of
685 government created or established by law.

686 Section 19. Subsection (43) is added to section 403.061,
687 Florida Statutes, to read:

688 403.061 Department; powers and duties.—The department shall
689 have the power and the duty to control and prohibit pollution of
690 air and water in accordance with the law and rules adopted and
691 promulgated by it and, for this purpose, to:

692 (43) Adopt rules requiring or incentivizing the electronic
693 submission of forms, documents, fees, or reports required for
694 permits issued under chapter 161, chapter 253, chapter 373,
695 chapter 376, or this chapter. The rules must reasonably
696 accommodate technological or financial hardship and provide

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697 procedures for obtaining an exemption due to such hardship.

698

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

703 Section 20. Subsection (11) of section 403.0872, Florida
704 Statutes, is amended to read:

705 403.0872 Operation permits for major sources of air
706 pollution; annual operation license fee.—Provided that program
707 approval pursuant to 42 U.S.C. s. 7661a has been received from
708 the United States Environmental Protection Agency, beginning
709 January 2, 1995, each major source of air pollution, including
710 electrical power plants certified under s. 403.511, must obtain
711 from the department an operation permit for a major source of
712 air pollution under this section. This operation permit is the
713 only department operation permit for a major source of air
714 pollution required for such source; provided, at the applicant's
715 request, the department shall issue a separate acid rain permit
716 for a major source of air pollution that is an affected source
717 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
718 for major sources of air pollution, except general permits
719 issued pursuant to s. 403.814, must be issued in accordance with
720 the procedures contained in this section and in accordance with
721 chapter 120; however, to the extent that chapter 120 is
722 inconsistent with the provisions of this section, the procedures
723 contained in this section prevail.

724 (11) Each major source of air pollution permitted to
725 operate in this state must pay between January 15 and April

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726 ~~March~~ 1 of each year, upon written notice from the department,
727 an annual operation license fee in an amount determined by
728 department rule. The annual operation license fee shall be
729 terminated immediately in the event the United States
730 Environmental Protection Agency imposes annual fees solely to
731 implement and administer the major source air-operation permit
732 program in Florida under 40 C.F.R. s. 70.10(d).

733 (a) The annual fee must be assessed based upon the source's
734 previous year's emissions and must be calculated by multiplying
735 the applicable annual operation license fee factor times the
736 tons of each regulated air pollutant actually emitted, as
737 calculated in accordance with department's emissions computation
738 and reporting rules. The annual fee shall only apply to those
739 regulated pollutants, (except carbon monoxide) and greenhouse
740 gases, for which an allowable numeric emission limiting standard
741 is specified in ~~allowed to be emitted per hour by specific~~
742 ~~condition of~~ the source's most recent construction or operation
743 permit, ~~times the annual hours of operation allowed by permit~~
744 ~~condition~~; provided, however, that:

745 1. The license fee factor is \$25 or another amount
746 determined by department rule which ensures that the revenue
747 provided by each year's operation license fees is sufficient to
748 cover all reasonable direct and indirect costs of the major
749 stationary source air-operation permit program established by
750 this section. The license fee factor may be increased beyond \$25
751 only if the secretary of the department affirmatively finds that
752 a shortage of revenue for support of the major stationary source
753 air-operation permit program will occur in the absence of a fee
754 factor adjustment. The annual license fee factor may never

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755 exceed \$35.

756 ~~2. For any source that operates for fewer hours during the~~
757 ~~calendar year than allowed under its permit, the annual fee~~
758 ~~calculation must be based upon actual hours of operation rather~~
759 ~~than allowable hours if the owner or operator of the source~~
760 ~~documents the source's actual hours of operation for the~~
761 ~~calendar year. For any source that has an emissions limit that~~
762 ~~is dependent upon the type of fuel burned, the annual fee~~
763 ~~calculation must be based on the emissions limit applicable~~
764 ~~during actual hours of operation.~~

765 ~~3. For any source whose allowable emission limitation is~~
766 ~~specified by permit per units of material input or heat input or~~
767 ~~product output, the applicable input or production amount may be~~
768 ~~used to calculate the allowable emissions if the owner or~~
769 ~~operator of the source documents the actual input or production~~
770 ~~amount. If the input or production amount is not documented, the~~
771 ~~maximum allowable input or production amount specified in the~~
772 ~~permit must be used to calculate the allowable emissions.~~

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

777 ~~5. For any source that emits less of any regulated air~~
778 ~~pollutant than allowed by permit condition, the annual fee~~
779 ~~calculation for such pollutant must be based upon actual~~
780 ~~emissions rather than allowable emissions if the owner or~~
781 ~~operator documents the source's actual emissions by means of~~
782 ~~data from a department-approved certified continuous emissions~~
783 ~~monitor or from an emissions monitoring method which has been~~

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784 ~~approved by the United States Environmental Protection Agency~~
785 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~
786 ~~or from a method approved by the department for purposes of this~~
787 ~~section.~~

788 ~~2.6.~~ The amount of each regulated air pollutant in excess
789 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or
790 group of sources belonging to the same Major Group as described
791 in the Standard Industrial Classification Manual, 1987, may not
792 be included in the calculation of the fee. Any source, or group
793 of sources, which does not emit any regulated air pollutant in
794 excess of 4,000 tons per year, is allowed a one-time credit not
795 to exceed 25 percent of the first annual licensing fee for the
796 prorated portion of existing air-operation permit application
797 fees remaining upon commencement of the annual licensing fees.

798 ~~3.7.~~ If the department has not received the fee by March 1
799 ~~February 15~~ of the calendar year, the permittee must be sent a
800 written warning of the consequences for failing to pay the fee
801 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1
802 of the calendar year, the department shall impose, in addition
803 to the fee, a penalty of 50 percent of the amount of the fee,
804 plus interest on such amount computed in accordance with s.
805 220.807. The department may not impose such penalty or interest
806 on any amount underpaid, provided that the permittee has timely
807 remitted payment of at least 90 percent of the amount determined
808 to be due and remits full payment within 60 days after receipt
809 of notice of the amount underpaid. The department may waive the
810 collection of underpayment and shall not be required to refund
811 overpayment of the fee, if the amount due is less than 1 percent
812 of the fee, up to \$50. The department may revoke any major air

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813 pollution source operation permit if it finds that the
814 permitholder has failed to timely pay any required annual
815 operation license fee, penalty, or interest.

816 ~~4.8.~~ Notwithstanding the computational provisions of this
817 subsection, the annual operation license fee for any source
818 subject to this section shall not be less than \$250, except that
819 the annual operation license fee for sources permitted solely
820 through general permits issued under s. 403.814 shall not exceed
821 \$50 per year.

822 ~~5.9.~~ Notwithstanding the provisions of s.
823 403.087(6)(a)5.a., authorizing air pollution construction permit
824 fees, the department may not require such fees for changes or
825 additions to a major source of air pollution permitted pursuant
826 to this section, unless the activity triggers permitting
827 requirements under Title I, Part C or Part D, of the federal
828 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and
829 administer such permits shall be considered direct and indirect
830 costs of the major stationary source air-operation permit
831 program under s. 403.0873. The department shall, however,
832 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.
833 for the construction of a new major source of air pollution that
834 will be subject to the permitting requirements of this section
835 once constructed and for activities triggering permitting
836 requirements under Title I, Part C or Part D, of the federal
837 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

838 (b) Annual operation license fees collected by the
839 department must be sufficient to cover all reasonable direct and
840 indirect costs required to develop and administer the major
841 stationary source air-operation permit program, which shall

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842 consist of the following elements to the extent that they are
843 reasonably related to the regulation of major stationary air
844 pollution sources, in accordance with United States
845 Environmental Protection Agency regulations and guidelines:

- 846 1. Reviewing and acting upon any application for such a
847 permit.
- 848 2. Implementing and enforcing the terms and conditions of
849 any such permit, excluding court costs or other costs associated
850 with any enforcement action.
- 851 3. Emissions and ambient monitoring.
- 852 4. Preparing generally applicable regulations or guidance.
- 853 5. Modeling, analyses, and demonstrations.
- 854 6. Preparing inventories and tracking emissions.
- 855 7. Implementing the Small Business Stationary Source
856 Technical and Environmental Compliance Assistance Program.
- 857 8. Any audits conducted under paragraph (c).

858 (c) An audit of the major stationary source air-operation
859 permit program must be conducted 2 years after the United States
860 Environmental Protection Agency has given full approval of the
861 program to ascertain whether the annual operation license fees
862 collected by the department are used solely to support any
863 reasonable direct and indirect costs as listed in paragraph (b).
864 A program audit must be performed biennially after the first
865 audit.

866 Section 21. Section 403.7046, Florida Statutes, is amended
867 to read:

868 403.7046 Regulation of recovered materials.—

869 (1) Any person who handles, purchases, receives, recovers,
870 sells, or is an end user of recovered materials shall annually

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871 certify to the department on forms provided by the department.
872 The department may by rule exempt from this requirement
873 generators of recovered materials; persons who handle or sell
874 recovered materials as an activity which is incidental to the
875 normal primary business activities of that person; or persons
876 who handle, purchase, receive, recover, sell, or are end users
877 of recovered materials in small quantities as defined by the
878 department. The department shall adopt rules for the
879 certification of and reporting by such persons and shall
880 establish criteria for revocation of such certification. Such
881 rules shall be designed to elicit, at a minimum, the amount and
882 types of recovered materials handled by registrants, and the
883 amount and disposal site, or name of person with whom such
884 disposal was arranged, of any solid waste generated by such
885 facility. By February 1 of each year, registrants shall report
886 all required information to the department and to all counties
887 from which it received materials. Such rules may provide for the
888 department to conduct periodic inspections. The department may
889 charge a fee of up to \$50 for each registration, which shall be
890 deposited into the Solid Waste Management Trust Fund for
891 implementation of the program.

892 (2) Information reported pursuant to the requirements of
893 this section or any rule adopted pursuant to this section which,
894 if disclosed, would reveal a trade secret, as defined in s.
895 812.081(1)(c), is confidential and exempt from the provisions of
896 s. 119.07(1). For reporting or information purposes, however,
897 the department may provide this information in such form that
898 the names of the persons reporting such information and the
899 specific information reported are not revealed.

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900 (3) Except as otherwise provided in this section or
901 pursuant to a special act in effect on or before January 1,
902 1993, a local government may not require a commercial
903 establishment that generates source-separated recovered
904 materials to sell or otherwise convey its recovered materials to
905 the local government or to a facility designated by the local
906 government, nor may the local government restrict such a
907 generator's right to sell or otherwise convey such recovered
908 materials to any properly certified recovered materials dealer
909 who has satisfied the requirements of this section. A local
910 government may not enact any ordinance that prevents such a
911 dealer from entering into a contract with a commercial
912 establishment to purchase, collect, transport, process, or
913 receive source-separated recovered materials.

914 (a) The local government may require that the recovered
915 materials generated at the commercial establishment be source
916 separated at the premises of the commercial establishment.

917 (b) Prior to engaging in business within the jurisdiction
918 of the local government, a recovered materials dealer must
919 provide the local government with a copy of the certification
920 provided for in this section. In addition, the local government
921 may establish a registration process whereby a recovered
922 materials dealer must register with the local government prior
923 to engaging in business within the jurisdiction of the local
924 government. Such registration process is limited to requiring
925 the dealer to register its name, including the owner or operator
926 of the dealer, and, if the dealer is a business entity, its
927 general or limited partners, its corporate officers and
928 directors, its permanent place of business, evidence of its

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929 certification under this section, and a certification that the
930 recovered materials will be processed at a recovered materials
931 processing facility satisfying the requirements of this section.
932 A registration application must be acted on by the local
933 government within 90 days of receipt. During the pendency of the
934 local government's review, a local government may not use the
935 registration information to unfairly compete with the recovered
936 materials dealer seeking registration. All counties, and
937 municipalities whose population exceeds 35,000 according to the
938 population estimates determined pursuant to s. 186.901, may
939 establish a reporting process which shall be limited to the
940 regulations, reporting format, and reporting frequency
941 established by the department pursuant to this section, which
942 shall, at a minimum, include requiring the dealer to identify
943 the types and approximate amount of recovered materials
944 collected, recycled, or reused during the reporting period; the
945 approximate percentage of recovered materials reused, stored, or
946 delivered to a recovered materials processing facility or
947 disposed of in a solid waste disposal facility; and the
948 locations where any recovered materials were disposed of as
949 solid waste. Information reported under this subsection which,
950 if disclosed, would reveal a trade secret, as defined in s.
951 812.081(1)(c), is confidential and exempt from the provisions of
952 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The
953 local government may charge the dealer a registration fee
954 commensurate with and no greater than the cost incurred by the
955 local government in operating its registration program.
956 Registration program costs are limited to those costs associated
957 with the activities described in this paragraph. Any reporting

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958 or registration process established by a local government with
959 regard to recovered materials shall be governed by the
960 provisions of this section and department rules promulgated
961 pursuant thereto.

962 (c) A local government may establish a process in which the
963 local government may temporarily or permanently revoke the
964 authority of a recovered materials dealer to do business within
965 the local government if the local government finds the recovered
966 materials dealer, after reasonable notice of the charges and an
967 opportunity to be heard by an impartial party, has consistently
968 and repeatedly violated state or local laws, ordinances, rules,
969 and regulations.

970 (d) In addition to any other authority provided by law, a
971 local government is hereby expressly authorized to prohibit a
972 person or entity not certified under this section from doing
973 business within the jurisdiction of the local government; to
974 enter into a nonexclusive franchise or to otherwise provide for
975 the collection, transportation, and processing of recovered
976 materials at commercial establishments, provided that a local
977 government may not require a certified recovered materials
978 dealer to enter into such franchise agreement in order to enter
979 into a contract with any commercial establishment located within
980 the local government's jurisdiction to purchase, collect,
981 transport, process, or receive source-separated recovered
982 materials; and to enter into an exclusive franchise or to
983 otherwise provide for the exclusive collection, transportation,
984 and processing of recovered materials at single-family or
985 multifamily residential properties.

986 (e) Nothing in this section shall prohibit a local

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987 government from enacting ordinances designed to protect the
988 public's general health, safety, and welfare.

989 (f) As used in this section:

990 1. "Commercial establishment" means a property or
991 properties zoned or used for commercial or industrial uses, or
992 used by an entity exempt from taxation under s. 501(c)(3) of the
993 Internal Revenue Code, and excludes property or properties zoned
994 or used for single-family residential or multifamily residential
995 uses.

996 2. "Local government" means a county or municipality.

997 3. "Certified recovered materials dealer" means a dealer
998 certified under this section.

999 Section 22. Paragraph (e) of subsection (1) of section
1000 403.813, Florida Statutes, is amended to read:

1001 403.813 Permits issued at district centers; exceptions.—

1002 (1) A permit is not required under this chapter, chapter
1003 373, chapter 61-691, Laws of Florida, or chapter 25214 or
1004 chapter 25270, 1949, Laws of Florida, for activities associated
1005 with the following types of projects; however, except as
1006 otherwise provided in this subsection, ~~nothing in~~ this
1007 subsection does not relieve ~~relieves~~ an applicant from any
1008 requirement to obtain permission to use or occupy lands owned by
1009 the Board of Trustees of the Internal Improvement Trust Fund or
1010 a any water management district in its governmental or
1011 proprietary capacity or from complying with applicable local
1012 pollution control programs authorized under this chapter or
1013 other requirements of county and municipal governments:

1014 (e) The restoration of seawalls at their previous locations
1015 or upland of, or within 18 inches ~~1-foot~~ waterward of, their

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1016 previous locations. However, this shall not affect the
1017 permitting requirements of chapter 161, and department rules
1018 shall clearly indicate that this exception does not constitute
1019 an exception from the permitting requirements of chapter 161.

1020 Section 23. Section 403.8141, Florida Statutes, is created
1021 to read:

1022 403.8141 Special event permits.—The department shall issue
1023 permits for special events as defined in s. 253.0345. The
1024 permits must be for a period that runs concurrently with the
1025 letter of consent or lease issued pursuant to that section and
1026 must allow for the movement of temporary structures within the
1027 footprint of the lease area.

1028 Section 24. Paragraph (b) of subsection (14) and paragraph
1029 (b) of subsection (19) of section 403.973, Florida Statutes, are
1030 amended, and paragraph (g) is added to subsection (3) of that
1031 section, to read:

1032 403.973 Expedited permitting; amendments to comprehensive
1033 plans.—

1034 (3)

1035 (g) Projects to construct interstate natural gas pipelines
1036 subject to certification by the Federal Energy Regulatory
1037 Commission.

1038 (14)

1039 (b) Projects identified in paragraph (3) (f) or paragraph
1040 (3) (g) or challenges to state agency action in the expedited
1041 permitting process for establishment of a state-of-the-art
1042 biomedical research institution and campus in this state by the
1043 grantee under s. 288.955 are subject to the same requirements as
1044 challenges brought under paragraph (a), except that,

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1045 notwithstanding s. 120.574, summary proceedings must be
1046 conducted within 30 days after a party files the motion for
1047 summary hearing, regardless of whether the parties agree to the
1048 summary proceeding.

1049 (19) The following projects are ineligible for review under
1050 this part:

1051 (b) A project, the primary purpose of which is to:

1052 1. Effect the final disposal of solid waste, biomedical
1053 waste, or hazardous waste in this state.

1054 2. Produce electrical power, unless the production of
1055 electricity is incidental and not the primary function of the
1056 project or the electrical power is derived from a fuel source
1057 for renewable energy as defined in s. 366.91(2)(d).

1058 3. Extract natural resources.

1059 4. Produce oil.

1060 5. Construct, maintain, or operate an oil, petroleum,
1061 ~~natural gas~~, or sewage pipeline.

1062 Section 25. Subsection (2) of section 570.076, Florida
1063 Statutes, is amended to read:

1064 570.076 Environmental Stewardship Certification Program.—

1065 The department may, by rule, establish the Environmental
1066 Stewardship Certification Program consistent with this section.

1067 A rule adopted under this section must be developed in
1068 consultation with state universities, agricultural
1069 organizations, and other interested parties.

1070 (2) The department shall provide an agricultural
1071 certification under this program for implementation of one or
1072 more of the following criteria:

1073 (a) A voluntary agreement between an agency and an

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1074 agricultural producer for environmental improvement or water-
1075 resource protection.

1076 (b) A conservation plan that meets or exceeds the
1077 requirements of the United States Department of Agriculture.

1078 (c) Best management practices adopted by rule pursuant to
1079 s. 403.067(7)(c) or s. 570.085(1)(b) ~~570.085(2)~~.

1080 Section 26. Section 570.085, Florida Statutes, is amended
1081 to read:

1082 570.085 Department of Agriculture and Consumer Services;
1083 agricultural water conservation and water supply planning.-

1084 (1) The department shall establish an agricultural water
1085 conservation program that includes the following:

1086 (a) ~~(1)~~ A cost-share program, coordinated where appropriate
1087 with the United States Department of Agriculture and other
1088 federal, state, regional, and local agencies, for irrigation
1089 system retrofit and application of mobile irrigation laboratory
1090 evaluations for water conservation as provided in this section
1091 and, where applicable, for water quality improvement pursuant to
1092 s. 403.067(7)(c).

1093 (b) ~~(2)~~ The development and implementation of voluntary
1094 interim measures or best management practices, adopted by rule,
1095 which provide for increased efficiencies in the use and
1096 management of water for agricultural production. In the process
1097 of developing and adopting rules for interim measures or best
1098 management practices, the department shall consult with the
1099 Department of Environmental Protection and the water management
1100 districts. Such rules may also include a system to assure the
1101 implementation of the practices, including recordkeeping
1102 requirements. As new information regarding efficient

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1103 agricultural water use and management becomes available, the
1104 department shall reevaluate and revise as needed, the interim
1105 measures or best management practices. The interim measures or
1106 best management practices may include irrigation retrofit,
1107 implementation of mobile irrigation laboratory evaluations and
1108 recommendations, water resource augmentation, and integrated
1109 water management systems for drought management and flood
1110 control and should, to the maximum extent practicable, be
1111 designed to qualify for regulatory incentives and other
1112 incentives, as determined by the agency having applicable
1113 statutory authority.

1114 (c) ~~(3)~~ Provision of assistance to the water management
1115 districts in the development and implementation of a consistent,
1116 to the extent practicable, methodology for the efficient
1117 allocation of water for agricultural irrigation.

1118 (2) (a) The department shall establish an agricultural water
1119 supply planning program that includes the development of
1120 appropriate data indicative of future agricultural water needs,
1121 which must be:

- 1122 1. Based on at least a 20-year planning period.
- 1123 2. Provided to each water management district.
- 1124 3. Considered by each water management district in
1125 accordance with ss. 373.036(2) and 373.709(2) (a)1.b.

1126 (b) The data on future agricultural water supply demands
1127 which are provided to each district must include, but need not
1128 be limited to:

- 1129 1. Applicable agricultural crop types or categories.
- 1130 2. Historic estimates of irrigated acreage, current
1131 estimates of irrigated acreage, and future projections of

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1132 irrigated acreage for each applicable crop type or category,
1133 spatially for each county, including the historic and current
1134 methods and assumptions used to generate the spatial acreage
1135 estimates and projections.

1136 3. Crop type or category water use coefficients for a 1-in-
1137 10 year drought and average year used in calculating historic
1138 and current water demands and projected future water demands,
1139 including data, methods, and assumptions used to generate the
1140 coefficients. Estimates of historic and current water demands
1141 must take into account actual metered data as available.
1142 Projected future water demands shall incorporate appropriate
1143 potential water conservation factors based upon data collected
1144 as part of the department's agricultural water conservation
1145 program pursuant to s. 570.085(1).

1146 4. An evaluation of significant uncertainties affecting
1147 agricultural production which may require a range of projections
1148 for future agricultural water supply needs.

1149 (c) In developing the data on future agricultural water
1150 supply needs described in paragraph (a), the department shall
1151 consult with the agricultural industry, the University of
1152 Florida Institute of Food and Agricultural Sciences, the
1153 Department of Environmental Protection, the water management
1154 districts, the United States Department of Agriculture, the
1155 National Agricultural Statistics Service, and the United States
1156 Geological Survey.

1157 (d) The department shall coordinate with each water
1158 management district to establish a schedule for provision of
1159 data on agricultural water supply needs in order to comply with
1160 water supply planning provisions in ss. 373.036(2) and

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1161 373.709(2)(a)1.b.

1162 Section 27. This act shall take effect July 1, 2013.