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

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

41

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

43

44 Section 1. Paragraph (i) of subsection (3) of section
 45 163.3162, Florida Statutes, is amended to read:

46 163.3162 Agricultural Lands and Practices.—

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

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

52 1. Enforce wetlands, springs protection, or stormwater

53 ordinances, regulations, or rules adopted before July 1, 2003,
 54 excluding any modification, readoption, or amendment approved on
 55 or after July 1, 2003.

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

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

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

66 Section 2. Paragraph (a) of subsection (11) of section
 67 163.3184, Florida Statutes, is amended to read:

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

70 (11) PUBLIC HEARINGS.—

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

79 of transmitting or adopting a comprehensive plan or plan
 80 amendment, the notice requirements in chapters 125 and 166 are
 81 superseded by this subsection, except as provided in this part.

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

84 163.3194 Legal status of comprehensive plan.—

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

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

93 Section 4. Paragraph (f) of subsection (2) of section
 94 253.0347, Florida Statutes, is amended to read:

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

97 (2)

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

105 development.

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

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

110 (6) The review or approval of the water control plan by
 111 the applicable water management district shall not constitute
 112 the granting of any permit necessary for the construction or
 113 operation of any water control district work and cannot be
 114 relied upon as any future agency action on a permit application.
 115 Notwithstanding any other provision of law, if any of the
 116 facilities, structures, or improvements including but not
 117 limited to ditches, dikes, water control structures, canals, or
 118 pump stations included within a water control plan have been
 119 issued an environmental resource permit pursuant to Part IV,
 120 chapter 373, or a permit has been issued pursuant to s. 404 of
 121 the Federal Clean Water Act, 33 USC 1344, and such structures
 122 are incorporated in a plat of the county or city within which
 123 the water control district lies, no additional local government
 124 authorizations or permits shall be required to implement,
 125 construct, or maintain the permitted facilities, structures, or
 126 improvements.

127 Section 6. Subsection (6) of section 373.236, Florida
 128 Statutes, is amended to read:

129 373.236 Duration of permits; compliance reports.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

197 (a) Is at least 18 years of age.

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

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

205 a. A water well contractor.

206 ~~b. A water well driller.~~

207 ~~c. A water well parts and equipment vendor.~~

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

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

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

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

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

222 Section 9. Paragraph (i) of subsection (1) of section
 223 373.4136, Florida Statutes, is amended to read:

224 373.4136 Establishment and operation of mitigation banks.—

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

233 (i) It can meet the financial responsibility requirements
 234 prescribed for mitigation banks. One of the ways an applicant

235 may satisfy this condition is by submitting proof of insurance
 236 in a form approved by the department or water management
 237 district.

238 Section 10. By January 1, 2015, the Department of
 239 Environmental Protection and each water management district
 240 shall adopt rules to implement the amendment to s.
 241 373.4136(1)(i).

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

245 373.709 Regional water supply planning.—

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

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

255 403.201 Variances.—

256 (2) No variance shall be granted from any provision or
 257 requirement concerning discharges of waste into waters of the
 258 state or hazardous waste management which would result in the
 259 provision or requirement being less stringent than a comparable
 260 federal provision or requirement, except as provided in s.

261 | 403.70715. However, nothing herein prohibits the issuance of
 262 | moderating provisions under state law.

263 | Section 13. Subsection (5) is added to section 403.709,
 264 | Florida Statutes, to read:

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

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

275 | 1. The facility has or had a department permit to operate
 276 | the facility.

277 | 2. The permittee provided proof of financial assurance for
 278 | closure in the form of an insurance certificate.

279 | 3. The facility is deemed to be abandoned or was ordered
 280 | to close by the department.

281 | 4. Closure is accomplished in substantial accordance with
 282 | a closure plan approved by the department.

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

287 (b) The department shall deposit the funds received from
 288 the insurance company as reimbursement for the costs of closing
 289 or long-term care of the facility into the solid waste landfill
 290 closure account.

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

312 (2) The commencement and completion dates for any required

313 mitigation associated with a phased construction project are
314 extended so that mitigation takes place in the same timeframe
315 relative to the phase as originally permitted.

316 (3) The extension provided for in subsection (1) does not
317 apply to:

318 (a) A permit or other authorization under any programmatic
319 or regional general permit issued by the Army Corps of
320 Engineers.

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

327 (c) A permit or other authorization, if granted an
328 extension that would delay or prevent compliance with a court
329 order.

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

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339 (5) This section does not impair the authority of a county
340 or municipality to require the owner of a property that has
341 notified the county or municipality of the owner's intent to
342 receive the extension of time granted pursuant to this section
343 to maintain and secure the property in a safe and sanitary
344 condition in compliance with applicable laws and ordinances.

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