A bill to be entitled
An act relating to environmental regulation; amending
ss. 125.022 and 166.033, F.S.; providing requirements
for the review of development permit applications by
counties and municipalities; amending s. 253.0345,
F.S.; revising provisions for the duration of leases
and consents of use issued by the Board of Trustees of
the Internal Improvement Trust Fund for special
events; exempting such leases and consents of use from
certain fees; creating s. 253.0346, F.S.; defining the
term "first-come, first-served basis"; providing
requirements for the calculation of lease fees for
certain marinas; providing conditions for the discount
and waiver of lease fees and surcharges for certain
marinas, boatyards, and marine retailers; providing
applicability; amending s. 373.118, F.S.; revising
provisions for general permits to provide for the
expansion of certain marinas and limit the number of
mooring fields authorized under such permits; amending
s. 373.233, F.S.; clarifying conditions for competing
consumptive use of water applications; amending s.
373.308, F.S.; providing that issuance of well permits
is the sole responsibility of water management
districts; prohibiting government entities from
imposing requirements and fees and establishing
programs for installation and abandonment of
groundwater wells; amending s. 373.323, F.S.;
providing that licenses issued by water management
districts are the only water well construction licenses required for construction, repair, or abandonment of water wells; authorizing licensed water well contractors to install equipment for all water systems; amending s. 373.403, F.S.; defining the term "mean annual flood line"; amending s. 373.406, F.S.; exempting specified ponds, ditches, and wetlands from surface water management and storage requirements; exempting certain water control districts from wetlands or water quality regulations; amending s. 373.709, F.S.; requiring water management districts to coordinate and cooperate with the Department of Agriculture and Consumer Services for regional water supply planning; providing criteria and requirements for determining agricultural water supply demand projections; amending s. 376.313, F.S.; holding harmless a person who discharges pollution pursuant to ch. 403, F.S.; amending s. 403.021, F.S.; providing requirements and conditions for water quality testing, sampling, collection, and analysis by the department; amending s. 403.0872, F.S.; extending the payment deadline of permit fees for major sources of air pollution and conforming the date for related notice by the department; revising provisions for the calculation of such annual fees; amending s. 403.813, F.S.; revising conditions under which certain permits are not required for seawall restoration projects; amending s. 403.814, F.S.; requiring the Department of
Be It Enacted by the Legislature of the State of Florida:

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

125.022 Development permits.—

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

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

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

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

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

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

Section 2. Section 166.033, Florida Statutes, is amended to read:
166.033 Development permits.—

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

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

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

(4) For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.
(5) Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality may attach such a disclaimer to the issuance of development permits and may include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

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

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

253.0345 Special events; submerged land leases.—

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

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

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

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

253.0346 Lease of sovereignty submerged lands for marinas,
boatyards, and marine retailers.—

(1) For purposes of this section, the term "first-come,
first-served basis" means the facility operates on state-owned
submerged land for which:
(a) There is not a club membership, stock ownership, equity interest, or other qualifying requirement.

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

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

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

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

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

(a) A discount of 10 percent on the annual lease fee shall apply if the facility:
   1. Actively maintains designation under the program.
   2. Complies with the terms of the lease.
   3. Does not change use during the term of the lease.

(b) Extended-term lease surcharges shall be waived if the facility:
   1. Actively maintains designation under the program.
   2. Complies with the terms of the lease.
   3. Does not change use during the term of the lease.
4. Is available to the public on a first-come, first-served basis.

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

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

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

373.118 General permits; delegation.—

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

The expansion of any marina, whether private or government-owned, for which the services of at least 90 percent of the slips are open to the public on a first-come, first-served basis, marinas and mooring fields authorized under any such general permit may not exceed an additional area of 50,000 square feet over wetlands and other surface waters. Mooring fields authorized under such general permit may not exceed 100 vessels. All facilities permitted under this section shall be constructed, maintained, and operated in perpetuity for the exclusive use of the general public. The department shall initiate the rulemaking process within 60 days after the effective date of this act.

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

373.233 Competing applications.—
(1) If two or more applications that are pending for a quantity of water that is inadequate for both or all, or which for any other reason are in conflict, and the governing board or department has issued an affirmative proposed agency action for each application, the governing board or the department shall have the right to approve or modify the application which best serves the public interest.

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

373.308 Implementation of programs for regulating water wells.—
(1) The department shall authorize the governing board of a water management district to implement a program for the issuance of permits for the location, construction, repair, and abandonment of water wells. Upon authorization from the department, issuance of well permits will be the sole responsibility of the water management district, and other government entities may not impose additional or duplicate requirements or fees or establish a separate program for the permitting of the location, abandonment, boring, or other activities reasonably associated with the installation and abandonment of a groundwater well.

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

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

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

(10) Water well contractors licensed under this section may install, repair, and modify pumps and tanks in accordance with the Florida Building Code, Plumbing; Section 612—Wells pumps and tanks used for private potable water systems. In addition, licensed water well contractors may install pumps, tanks, and water conditioning equipment for all water well
Section 9. Subsection (23) is added to section 373.403, Florida Statutes, to read:

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

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

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

373.406 Exemptions.—The following exemptions shall apply:

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

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

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

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

373.709 Regional water supply planning.—

(1) The governing board of each water management district shall conduct water supply planning for any water supply planning region within the district identified in the appropriate district water supply plan under s. 373.036, where it determines that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period. The planning must be conducted in an open public process, in coordination and cooperation with local governments, regional water supply authorities, government-owned and privately owned water and wastewater utilities, multijurisdictional water supply entities, self-suppliers, reuse utilities, the department, the Department of Agriculture and Consumer Services, and other affected and interested parties. The districts shall actively engage in public education and outreach to all affected local entities and their officials, as well as members of the public, in the planning process and in seeking input. During preparation, but prior to completion of the regional water supply plan, the district must conduct at least one public workshop to discuss the technical data and modeling tools anticipated to be used to support the regional water supply plan. The district shall also hold several public meetings to communicate the status, overall conceptual intent, and impacts of the plan on existing and
future reasonable-beneficial uses and related natural systems. During the planning process, a local government may choose to prepare its own water supply assessment to determine if existing water sources are adequate to meet existing and projected reasonable-beneficial needs of the local government while sustaining water resources and related natural systems. The local government shall submit such assessment, including the data and methodology used, to the district. The district shall consider the local government's assessment during the formation of the plan. A determination by the governing board that initiation of a regional water supply plan for a specific planning region is not needed pursuant to this section shall be subject to s. 120.569. The governing board shall reevaluate such a determination at least once every 5 years and shall initiate a regional water supply plan, if needed, pursuant to this subsection.

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

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

1. A quantification of the water supply needs for all existing and future reasonable-beneficial uses within the planning horizon. The level-of-certainty planning goal associated with identifying the water supply needs of existing and future reasonable-beneficial uses shall be based upon meeting those needs for a 1-in-10-year drought event.
a. Population projections used for determining public water supply needs must be based upon the best available data. In determining the best available data, the district shall consider the University of Florida's Bureau of Economic and Business Research (BEBR) medium population projections and any population projection data and analysis submitted by a local government pursuant to the public workshop described in subsection (1) if the data and analysis support the local government's comprehensive plan. Any adjustment of or deviation from the BEBR projections must be fully described, and the original BEBR data must be presented along with the adjusted data.

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

2. A list of water supply development project options, including traditional and alternative water supply project options, from which local government, government-owned and privately owned utilities, regional water supply authorities, multijurisdictional water supply entities, self-suppliers, and others may choose for water supply development. In addition to projects listed by the district, such users may propose specific projects for inclusion in the list of alternative water supply projects. If such users propose a project to be listed as an
alternative water supply project, the district shall determine
whether it meets the goals of the plan, and, if so, it shall be
included in the list. The total capacity of the projects
included in the plan shall exceed the needs identified in
subparagraph 1. and shall take into account water conservation
and other demand management measures, as well as water resources
constraints, including adopted minimum flows and levels and
water reservations. Where the district determines it is
appropriate, the plan should specifically identify the need for
multijurisdictional approaches to project options that, based on
planning level analysis, are appropriate to supply the intended
uses and that, based on such analysis, appear to be permissible
and financially and technically feasible. The list of water
supply development options must contain provisions that
recognize that alternative water supply options for agricultural
self-suppliers are limited.

3. For each project option identified in subparagraph 2.,
the following shall be provided:
   a. An estimate of the amount of water to become available
      through the project.
   b. The timeframe in which the project option should be
      implemented and the estimated planning-level costs for capital
      investment and operating and maintaining the project.
   c. An analysis of funding needs and sources of possible
      funding options. For alternative water supply projects the water
      management districts shall provide funding assistance in
      accordance with s. 373.707(8).
   d. Identification of the entity that should implement each
project option and the current status of project implementation.

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

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

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

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

403.021 Legislative declaration; public policy.—

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

CODING: Words stricken are deletions; words underlined are additions.
and testing procedures that are used to express water quality standards. The department shall also recognize that some deviations from water quality standards occur as the result of natural background conditions. The department shall not consider deviations from water quality standards to be violations when the discharger can demonstrate that the deviations would occur in the absence of any human-induced discharges or alterations to the water body. Testing, sampling, collection, or analysis may not be conducted or required unless such testing, sampling, collection, or analysis has been subjected to and validated through inter- and intra-laboratory testing, quality control, peer review, and adopted by rule. The validation shall be sufficient to ensure that variability inherent in such testing sampling, collection, or analysis has been specified and reduced to the minimum for comparable testing, sampling, collection, or analysis.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Annual operation license fees collected by the
department must be sufficient to cover all reasonable direct and
indirect costs required to develop and administer the major
stationary source air-operation permit program, which shall
consist of the following elements to the extent that they are
reasonably related to the regulation of major stationary air
pollution sources, in accordance with United States
Environmental Protection Agency regulations and guidelines:
1. Reviewing and acting upon any application for such a
permit.
2. Implementing and enforcing the terms and conditions of
any such permit, excluding court costs or other costs associated
with any enforcement action.
3. Emissions and ambient monitoring.
4. Preparing generally applicable regulations or guidance.
5. Modeling, analyses, and demonstrations.
6. Preparing inventories and tracking emissions.
7. Implementing the Small Business Stationary Source Technical and Environmental Compliance Assistance Program.

8. Any audits conducted under paragraph (c).

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

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

403.813 Permits issued at district centers; exceptions.—

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

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

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

403.814 General permits; delegation.—

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

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

570.076 Environmental Stewardship Certification Program.—
The department may, by rule, establish the Environmental
Stewardship Certification Program consistent with this section. A rule adopted under this section must be developed in consultation with state universities, agricultural organizations, and other interested parties.

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

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

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

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

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

570.085 Department of Agriculture and Consumer Services; agricultural water conservation and water supply planning.—

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

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

(b) The development and implementation of voluntary
interim measures or best management practices, adopted by rule, which provide for increased efficiencies in the use and management of water for agricultural production. In the process of developing and adopting rules for interim measures or best management practices, the department shall consult with the Department of Environmental Protection and the water management districts. Such rules may also include a system to assure the implementation of the practices, including recordkeeping requirements. As new information regarding efficient agricultural water use and management becomes available, the department shall reevaluate and revise as needed, the interim measures or best management practices. The interim measures or best management practices may include irrigation retrofit, implementation of mobile irrigation laboratory evaluations and recommendations, water resource augmentation, and integrated water management systems for drought management and flood control and should, to the maximum extent practicable, be designed to qualify for regulatory incentives and other incentives, as determined by the agency having applicable statutory authority.

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

(2)(a) The department shall establish an agricultural water supply planning program that includes the development of appropriate data indicative of future agricultural water needs. The data shall be based on at least a 20-year planning period.
and shall include, but is not limited to:

1. Applicable agricultural crop types or categories.

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

3. Crop type or category water use coefficients for both average year and 1-in-10 year drought years used in calculating historic and current water supply needs and projected future water supply needs, including data, methods, and assumptions used to generate the coefficients. Estimates of historic and current water supply needs shall take into account actual metered data where available.

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

(b) In developing the future agricultural water supply needs data, the department shall consult with the agricultural industry, the University of Florida Institute of Food and Agricultural Sciences, the Department of Environmental Protection, the water management districts, the United States Department of Agriculture National Agricultural Statistics Service, and the United States Geological Survey.

(c) The future agricultural water supply needs data shall be provided to each water management district for consideration pursuant to ss. 373.036(2) and 373.709(2)(a)1.b. The department
shall coordinate with each water management district to establish the schedule necessary for provision of agricultural water supply needs data in order to comply with water supply planning provisions of ss. 373.036(2) and 373.709(2)(a)1.b. Section 19. This act shall take effect July 1, 2013.